

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015/16**

**OVERVIEW & SCRUTINY  
COMMITTEE**

**27<sup>TH</sup> MAY 2015**

**REPORT OF THE DIRECTOR OF  
LEGAL AND DEMOCRATIC SERVICES**

**Agenda Item 2**

**Home to School Transport:  
Maintaining the Existing Service but  
Reducing the Subsidy for  
Discretionary Travel – a Public  
Consultation on a Proposed New  
Policy**

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**1. MEMBERS WILL FIND ENCLOSED:**

- A. Copy of the Cabinet Report **(Pages 3-246)**
- B. Copy Decision Notice of Cabinet **(Pages 247-252)**
- C. Copy Extract of Overview and Procedure Rules re: Call-in**(Pages 253-257)**
- D. Copy of Prescribed Call-in Form **(Page 259-260)**

**2. PROCEDURE**

- 2.1 Each case for Call-in must be considered on its merits and there is no set procedure.
- 2.2 On the 19<sup>th</sup> May 2015 a meeting of Cabinet was held to consider the report **'Home to School Transport: Maintaining the Existing Service but Reducing the Subsidy for Discretionary Travel – a Public Consultation on a Proposed New Policy'** (Copy of the report is attached as Appendix A)
- 2.3 The Cabinet decision in respect of the above was published on Tuesday 19<sup>th</sup> May, 2015. (Copy of the decision is attached as Appendix B.)
- 2.4 Rule 17 of the Overview and Scrutiny Procedure Rules dealing with call-in is reproduced as Appendix C of this report.
- 2.5 A call-in form was received on 20<sup>th</sup> May, 2015, which complied with the relevant criteria. (A copy of the Prescribed call in form is attached as Appendix D)

- 2.6 Members will note that the Call-In Provisions were changed at the Council's Annual General Meeting in May 2014, to enable any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group). **Of the three Members making the Call-in, two Members are members of the Committee and therefore will be able to vote on the matter.**
- 2.7 At the Council's Annual General Meeting held on the 20<sup>th</sup> May 2015 Members agreed the proposed changes to the Scrutiny structure to reflect that the 'Overview and Scrutiny Committee will deal with all Call-ins, and as and when appropriate to invite Scrutiny Chairs, Vice Chairs and Co-opted Members to such meetings'
- 2.8 The three Members who called in the decision will be invited to address the Committee, on a proposal that the decision relating to **Home to School Transport: Maintaining the Existing Service but Reducing the Subsidy for Discretionary Travel – a Public Consultation on a Proposed New Policy** be referred back to Cabinet for reconsideration with regard to the reasons set out in the Notice of the Call In form (as reproduced below)

*Reason for calling in decision: -*

*To refer the matter back to Cabinet so that they can consider recommending that the proposed new policy is subjected to a pre scrutiny process prior to public consultation.*

- 2.9 One of the three Members will be given the right to make a final address to the Committee membership immediately before a vote is taken on the proposal.
- 2.10 If the proposal to refer the matter to Cabinet for reconsideration is passed then the matter will be referred: If the proposal is lost then the decision will take effect from the conclusion of this meeting.
- 2.11 The relevant Cabinet portfolio holder(s) will be invited to the meeting to answer any questions Members of the Committee may have with regards to the subject matter of the call in.

### **3. RECOMMENDATION:**

It is recommended that the Committee adopt the procedure for the conduct of the meeting set out in paragraphs 2.7.and 2.8 above.

# Appendix A





**AGENDA ITEM 2**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**19<sup>TH</sup> MAY 2015**

**HOME TO SCHOOL TRANSPORT: MAINTAINING THE EXISTING SERVICE BUT REDUCING THE SUBSIDY FOR DISCRETIONARY TRAVEL - A PUBLIC CONSULTATION ON A PROPOSED NEW POLICY**

**REPORT OF THE DIRECTOR, EDUCATION & LIFELONG LEARNING AND GROUP DIRECTOR, CORPORATE AND FRONTLINE SERVICES**

**AUTHORS: Chris Lee, Group Director of Corporate & Frontline Services (01443 424026), Chris Bradshaw, Director, Education & Lifelong Learning (01443 744001) and Roger Waters, Service Director Highways & Streetcare (01443 494702)**

**1. PURPOSE OF THE REPORT**

- 1.1 To seek Cabinet's approval to initiate a consultation with interested parties and relevant stakeholders in respect of a proposed new Home to School Transport Policy which maintains the existing service provision, but reduces the subsidy provided, through introducing a new charge to protect the discretionary elements of the service.

**2. RECOMMENDATIONS**

It is recommended that Cabinet maintains the current level of Home to School Transport provision, but: -

- 2.1 considers whether it agrees with the introduction of a charge towards the discretionary elements of Home to School Transport provision, being the main amendment to the existing Home to School Transport Policy;
- 2.2 subject to paragraph 2.1 above, agree that the proposed charge in respect of the new Home to School Transport Policy be set at £1.75 per day;
- 2.3 agree the introduction of an assessment of a parent's ability to pay the proposed charge towards the discretionary elements of Home to School Transport provision, based on a child's receipt of Free School Meals and, if agreed, determine the proposed reduced level of charge;
- 2.4 considers whether as part of the proposed new Home to School Transport Policy the Council should introduce a cap on the proposed

- charges payable for families with more than two children using Home to School Transport;
- 2.5 notes that under the proposed Home to School Transport Policy the discretionary elements of Special Educational Needs transport would continue as an entirely subsidised, non-charged service;
- 2.6 considers whether or not it wishes to initiate a consultation with interested parties and relevant stakeholders in respect of the proposed new Home to School Transport Policy as outlined in the report; and
- 2.7 subject to paragraph 2.6 above, agree to receive a further report detailing the results and feedback from the consultation process, an Equality Impact Assessment and any necessary further information in order for Cabinet to determine whether and, if so, how it wishes to progress with the proposed new Home to School Transport Policy.

### **3. BACKGROUND**

- 3.1 On the 4<sup>th</sup> March 2015, Council agreed a budget strategy for 2015/16 which balanced an initial budget gap of £21.9M. The strategy included a number of budget reduction measures and used £4.4M of reserves (Medium Term Financial Planning and Service Transformation Reserve). The remaining budget gap projected to 2017/18 was £42.3M (£23.7M for 2016/17).
- 3.2 Given the size of the budget gap faced and the timescale requirements for any implementation of service changes, Cabinet has agreed to receive reports on potential service change/cut proposals as soon as these become available.
- 3.3 The Council operates a very generous Home to School Transport policy which means it is the largest operation of its kind in Wales. The Council currently provides Home to School transport for approximately 11,690 mainstream pupils each day through the provision of more than 230 routes and the issue of public transport season tickets. Approximately 7,000 learners are transported on a discretionary basis.
- 3.4 Many Council's have already modified their eligibility criteria. The Council now provides discretionary transport for more learners than almost every other Council's entire Home to School Transport operations. In addition the service provides transport for approximately 1,000 Special Educational Need ('SEN') pupils daily. The home to school transport budget for 2015/16 is £11.4m.
- 3.5 This report provides details of a service change proposal in this regard.

### **4. LEGISLATIVE FRAMEWORK**

- 4.1 The Council has a number of statutory duties which are relevant to this policy which Members must be 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.

### **THE COUNCIL'S DUTIES UNDER THE LEARNER TRAVEL (WALES) MEASURE 2008**

- 4.2 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'). Both the Measure and the Guidance are attached in full at Appendix 1A and 1B respectively.
- 4.3 Under the Measure the Council **must**:-
- Assess the travel needs of learners in its area
  - Provide free home to school transport for learners of compulsory school age attending primary school who live 2 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 3 miles or further from their nearest suitable school
  - Assess and meet the needs of "looked after" children in its area
  - Promote access to Welsh medium education
  - Promote sustainable modes of travel
- 4.4 The Council must therefore continue to meet these responsibilities in any future policy it adopts.
- 4.5 The Measure requires the Council to provide learners with free transport to their nearest suitable school if they ordinarily reside beyond a 'safe' walking distance to that school. The term "suitable school" applies to the catchment area English, Welsh or dual-language mainstream school or special school/class as appropriate. Where learners are not entitled to free transport the Council has the power to provide transport on a discretionary basis.
- 4.6 The definition of nearest "suitable school" is 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".
- 4.7 The walking distance is measured by the shortest available route. The Guidance states that, "a route is considered to be 'available' if it is safe (as far as reasonably practicable) for a learner without a disability or learning difficulty to walk the route alone or with an accompanying adult if the learner's age and levels of understanding requires this." If a route is not 'available' then a learner is entitled to free transport to their

nearest suitable school even though the distance from home to school is less than the distance limit that applies to his/her age.

- 4.8 Assessing the travel needs of learners does not mean providing free transport. Learners will only qualify for free transport provision if they meet the entitlement criteria. Whilst the Council is required to assess the travel needs of all learners under the age of 19 there is currently no legal duty to provide free or assisted transport arrangements for non-compulsory school age children (up to the term in which a child turns 5 or post 16 learners).
- 4.9 Parents and learners may express a preference for a particular school/ a particular type of language provision or Faith school, but the Measure does not confer on those parents and learners any rights to free transport to their preferred school and or location, unless that school is determined by the Council to be the learner's nearest suitable school and the learner meets the distance criteria. Members should note particularly however the position in relation to Welsh medium education as outlined in paragraphs 4.17 – 4.20 below.
- 4.10 The Council is also required to have regard to:-
  - The needs of disabled learners and learners with learning difficulties
  - Any particular needs of learners who are 'looked after' or formerly looked after by the Council
  - The age of a learner
  - The nature of the route that the learner is expected to take between home and the places where they receive education or training.
- 4.11 In assessing the travel needs of learners the Council must take into account the fact that the travel arrangements they make in light of the assessment must not cause unreasonable levels of stress, take an unreasonable amount of time or be unsafe.
- 4.12 When exercising functions under the Measure the Council is **not** required to take account of extra curricular activities, breakfast or after-school clubs when assessing learner travel needs.
- 4.13 If a learner cannot be admitted to their nearest suitable school which results in the learner having to attend the next available nearest suitable school, the Council has the same duty to provide free transport.
- 4.14 Free transport for learners who attend special schools, pupil referral units and learning support classes is provided in accordance with the Council's agreed policy on walking distance and safe routes (as set out above) and must be supported by appropriate evidence and be confirmed by the Council's Access and Inclusion SEN (Special Education Needs) Panel. Learners with disabilities (as defined by the Equality Act 2010) may be entitled to assistance with transport from

home to an appropriate school/college even though the Council's agreed criteria on safe walking distance (as set out above) are not met.

- 4.15 There is no statutory duty for the Council to provide free transport to post 16 learners who continue their studies in mainstream further education or training. There is no statutory duty to provide free transport to a learner with a disability or learning difficulty in post-16 further education or training. Although in assessing learner travel needs the Council "must have regard in particular" to the needs of learners who are disabled or with learning difficulties.

#### Power To Provide Discretionary Provision

- 4.16 The Measure provides the Council with the power to provide discretionary transport arrangements for non-compulsory school age children.
- 4.17 When deciding which schools are most suitable for learners in its area, the Council and Welsh Ministers have a duty under the Measure to 'promote access to education and training through the medium of Welsh'.
- 4.18 The Council has the power to provide discretionary transport arrangements for learners who are not attending their nearest suitable school because of language preference.
- 4.19 The Council has to make it clear in its Home to School Transport Policy (which is contained in the annual Starting School Booklet) its arrangements for providing free or assisted travel to schools teaching through the medium of Welsh or English.
- 4.20 Preference for either language should be treated equally. The Council must also take into account its Welsh Language Scheme and Welsh in Education Strategic Plan 2014 - 2017 (WESP). The School Standards and Organisation (Wales) Act 2013 places a duty on the Council to prepare a WESP for its area. The WESP, appended at Appendix 2 to this report, supports the aims and objectives of the Council's Welsh Language Scheme to ensure that the use of the Welsh language is safeguarded and promoted throughout Rhondda Cynon Taf. The WESP sets out the Council's proposals on how it will carry out its education functions to:
- improve the planning of the provision of education through the medium of Welsh in its area; and
  - improve the standards of Welsh medium education and of the teaching of Welsh in its area.
- 4.21 A learner is entitled to free transport to a denominational/Faith school if that school is considered by the Council to be the learner's nearest suitable school. However the Measure also provides the Council with

the power to provide discretionary transport arrangements for learners who are not attending their nearest suitable school because of denominational preference.

- 4.22 The Council is also required to make clear in its Home to School Transport Policy its arrangements for providing free or assisted travel to denominational schools.
- 4.23 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 relevant equality legislation to ensure it does not discriminate unlawfully between learners when using their discretionary powers.

#### Charging for Transport

- 4.24 The Council may not charge for transport arrangements that it is *required* to make for learners of compulsory school age (i.e. the statutory requirement to provide free home to school transport), except in relation to looked after children where the Council makes travel arrangements for a child who is looked after by another authority (where a charge may be made to another authority).
- 4.25 However when the Council uses its section 6 powers to provide discretionary travel arrangements for learners not entitled to free transport provision, a charge can be made for these arrangements.
- 4.26 For learners who are not of compulsory school age, there is no restriction on charging. With regard to learners of compulsory school age when transport is provided on a discretionary basis, charging must be made in accordance with Section 455 and 456 of the Education Act 1996 (as amended by Section 22 of the Learner Travel (Wales) Measure 2008).
- 4.27 Disabled learners may have specific transport requirements (or reasonable adjustments required for this) which may result in increased transport costs. The Equality Act 2010 prohibits the Council charging for any reasonable adjustments it has made for disabled learners.
- 4.28 If the cost of providing transport for the disabled learner is higher than it would if the Council were providing transport for a non disabled learner, for example, if the transport provided for the disabled learner includes the need for an escort or the use of a specialised vehicle the Council cannot charge a higher amount for the use of the specialised vehicle, and/or escort (or any other reasonable adjustment) even though the cost to the Council may be higher.
- 4.29 Legal advice received has indicated that should the Council introduce a charge as part of its discretionary travel arrangements, so as to ensure

any such charge is fair and reasonable, there should be an element of means testing built in.

### Active Travel

- 4.30 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. It is considered to be a world first. 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 Active Travel 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.

## **5. CURRENT POLICY**

- 5.1 The Council currently provides Home to School transport for approximately 11,690 mainstream pupils<sup>1</sup> each day through the provision of more than 230 routes and the issue of public transport season tickets. Approximately 7,000 learners are transported on a discretionary basis. In addition the service provides transport for approximately 1,000 Special Educational Need ('SEN') pupils daily. The home to school transport budget for 2015/16 is £11.4m.
- 5.2 The Council's Learner Travel Policy is currently contained in its annual Starting School Booklet.
- 5.3 The Council is currently exercising its discretionary powers (referred to in paragraphs 4.16 - 4.23 above) under the provisions of the Measure to make a more generous provision to learners. The comparison to the statutory requirements is shown below: -

Age during Academic Year	User	Statutory Requirement to Provide Free Transport	RCT Provision (as at May 2015)
3 – End of term in which child turns 5	Non-compulsory school age	No statutory provision (although duty to assess needs)	Free transport for pupils attending full time in line with the Council's admission arrangements if reside 1.5 miles or further safe walking distance to their catchment or nearest suitable school

<sup>1</sup> As at September 2014

Age during Academic Year	User	Statutory Requirement to Provide Free Transport	RCT Provision (as at May 2015)
Term following 5 <sup>th</sup> Birthday – 11	Learner receiving compulsory primary education (English or Welsh Medium & SEN)	Reside 2 miles or further safe walking distance to their nearest suitable school	Free transport if reside 1.5 miles or further safe walking distance to their catchment or nearest suitable school
12 – 16	Learner receiving compulsory secondary education (English or Welsh Medium & SEN)	Reside 3 miles or further safe walking distance to their nearest suitable school	Free transport if reside 2 miles or further safe walking distance to their catchment or nearest suitable school
16+	Post-16 learners	No statutory provision (although duty to assess needs)	Free transport if reside 2 miles or further safe walking distance 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).
3 – 19	Learners selecting a school in accordance with their preferred religious denomination	No statutory provision – Measure does not require provision where learner selects a school that is not the nearest 'suitable school' (as the definition does not include voluntary aided (Faith) mainstream schools).	Allows learner to select their nearest 'suitable school' in accordance with their preferred religious denomination  Therefore distance provisions above apply
3 – 19	Learners selecting a Welsh Medium School	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 above apply.



Age during Academic Year	User	Statutory Requirement to Provide Free Transport	RCT Provision (as at May 2015)
		However, WG interpretation is that transport should be provided in order to promote access to Welsh medium education.	

- 5.4 Based on a 'snapshot' review of other Welsh local authorities, the provision at Rhondda Cynon Taf compares favorably, and is in many cases, more generous than in other parts of Wales. The table below summarises an analysis of Home to School Transport provision using available information contained in each authority's starting school booklets for 2015/16 (note policies may have been subsequently updated and relevant information has been provided in this regard where possible):

<b>Analysis of Free Home to School Provision in Other Welsh Local Authorities</b>						
<b>Authority</b>	<b>Nursery/ Reception  (Age 3 - 5)</b>	<b>Primary Provision  (Age 5 – 11)</b>	<b>Secondary Provision  (Age 11–16)</b>	<b>Post-16  (Age 16+)</b>	<b>Faith School Provision (Age 3 – 19)</b>	<b>Welsh Medium Provision (Age 3 – 19)</b>
RCT – Current Provision	>1.5 miles	>1.5 miles	>2 miles	>2 miles	Same as Primary & Secondary	Same as Primary & Secondary
Blaenau Gwent	>1.5 miles No provision for Nursery	>1.5 miles for Infants  >2 miles for Primary	>2 miles	No direct provision but £150 grant provided. College subsidises local bus route for pupils at £2 per day (plus £150)	Same as Primary & Secondary. Post 16 allowed to travel at no cost if continuing education at same school	Same as Primary & Secondary. Post 16 allowed to travel at no cost if continuing education at same school
Bridgend - Current	>1.5 miles to local catchment area school.	>1.5 miles to local catchment area school.	>2 miles to local catchment area school.	>2 miles to local catchment area school.	Same distances as Primary & Secondary	Same distances as Primary & Secondary
Bridgend – Proposed Option Consulted Sep – Dec 2014	>2 miles to local catchment area school. Current pupils protected.	>2 miles to local catchment area school. Current pupils protected.	>3 miles to local catchment area school. Current pupils protected.	No free provision. £30k hardship fund set up.	Same distances as Primary & Secondary.	Same distances as Primary & Secondary.
Sale of surplus seats at full cost recovery. Estimated at £756.41 per primary school pupils and £646.98 per secondary school pupil.						
Caerphilly	No Provision	>1.5 miles to catchment area school or the nearest school.	>2 miles to catchment area school or the nearest school.	>2 Miles to catchment estab. / college or nearest place providing course.	Same distances as Primary & Secondary.	Same distances as Primary & Secondary.
Cardiff – Current	No Provision	>2 miles to nearest appropriate catchment area school.	>3 miles to nearest appropriate catchment area school.	>3 miles from nearest appropriate place of study and in receipt of full EMA.	Same distances as Primary & Secondary.	Same distances as Primary & Secondary.

Cardiff – Proposed Option to be consulted upon				Phased withdrawal of all free post-16 home to school transport with effect from 2016/17 academic year.		
Flintshire	>2 miles No provision for Nursery	>2 miles	>3 miles	>3 miles Only to nearest named place of education	Same as Primary & Secondary. Must prove faith to qualify	Same as Primary & Secondary
Merthyr Tydfil (revised policy with effect 1/09/15)	>2 miles to nearest or designated catchment area school.	>2 miles to nearest or designated catchment area school.	>3 miles to nearest or designated catchment area school.	>3 miles to nearest or designated catchment area school.	Same distances as Primary & Secondary	Same distances as Primary & Secondary
Monmouthshire	>1.5 miles No provision for Nursery	>1.5 miles	>2 miles	From September 2015 charge of £380. Means tested – could half	Same as Primary & Secondary	Same as Primary & Secondary
Neath Port Talbot	No Provision	>2 miles to nearest suitable or designated primary school.	>3 miles to nearest suitable or designated primary school.	Provided for students >3 miles at a charge of £100 pa.	No provision, unless school is nearest suitable school.	Same distances as Primary & Secondary.
Newport	No provision	>2 miles	>3 miles	No transport provided but £150 grant provided. Will sell seats on contracted bus for £497	Same as Primary & Secondary	Same as Primary & Secondary
Powys	>2 miles If in full time education	>2 miles	>3 miles	>3 miles	Same as Primary & Secondary	Same as Primary & Secondary
Swansea	No provision	>2 miles Escorts only provided where risk assessment requires	>3 miles	>3 miles	Phasing out from September 2015.	Same as Primary & Secondary

Torfaen – New policy introduced for all new applications from 2015/16 academic year. Pupils given entitlement under old policy are protected.	>1.5 miles to catchment school.  >2 miles from 2015/16.	> 1.5 miles (under 8) to catchment school >2 miles (8 and over).  >2 miles from 2015/16.	>2 miles to catchment school  >3 miles from 2015/16.	>2 miles and in receipt of certain benefits, else if >2 miles £146 grant is given.  >3 miles and in receipt of certain benefits, else if >3 miles £146 grant is given from 2015/16.	Same distances as Primary & Secondary if child adheres to faith of school in question.	Same distances as Primary & Secondary.
Vale of Glamorgan	No Provision.	>2 miles to nearest or designated catchment area school.	>3 miles to nearest or designated catchment area school.	>3 miles	Same distances as Primary & Secondary.	Same distances as Primary & Secondary.
Wrexham	No provision	>2 miles	>3 miles	No provision from September 2016	Same as Primary & Secondary	Same as Primary & Secondary
Current provision information taken from the 'Starting School Booklet' for each Authority for the 2015-16 academic year or their current Home to School Transport policies.						

## 6. **REVIEW OF SERVICE PROVISION - OPTIONS CONSIDERED**

6.1 A number of options have been considered as part of this review<sup>2</sup>.

- A. **Status Quo** i.e. Retain the current level of provision – savings £nil.
- B. **Provide mainstream English, Welsh and Faith primary school transport above statutory distance only (>2 miles)** – savings £0.2m

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 as a result of parental/carer/learner preference.

<sup>2</sup> Savings figures based on pupil numbers and service usage as at September 2014

- C. **Provide mainstream English, Welsh and Faith secondary school and college transport above statutory distance only (>3 miles) – savings £0.8m**

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 as a result of parental/carer/learner preference.

- D. **Removal of all pre-compulsory school age transport – savings £nil**

Transport would not be provided for any pupils younger than compulsory school age, regardless of distance travelled.

- E. **Removal of all mainstream English, Welsh and Faith school post-16 transport - savings £0.8m**

Transport would not be provided for any students older than compulsory school age, regardless of distance travelled.

- F. **Removal of all transport to primary Voluntary Aided (Faith) schools (where not closest suitable school) – savings £0.4m**

Transport would not be provided for any primary school pupils attending a Faith school as a result of parental/carer/learner choice, except where it is the nearest suitable school and is more than 2 miles safe walking distance away.

- G. **Removal of all transport to secondary Voluntary Aided (Faith) schools (where not closest suitable school) - savings £0.7m**

Transport would not be provided for any secondary school pupils attending a Faith school as a result of parental/carer/learner choice, except where it is the nearest suitable school and is more than 3 miles safe walking distance away.

- H. **Removal of all transport to primary Welsh medium schools (where not closest suitable school) - savings £0.8m**

Transport would not be provided for any primary school pupils attending a Welsh school as a result of parental/carer/learner choice, except where it is the nearest suitable school and is more than 2 miles safe walking distance away.

- I. **Removal of all transport to secondary Welsh medium schools (where not closest suitable school) – savings £1.0m**

Transport would not be provided for any secondary school pupils attending a Welsh school as a result of parental/carer/learner choice, except where it is the nearest suitable school and is more than 3 miles safe walking distance away.

**J. Removal of all discretionary provision – savings £4.2m**

In this option transport would no longer be provided for:

- i. Primary school pupils of compulsory school age attending an English medium school living between current discretionary distance of 1.5 miles and statutory distance of 2 miles;
- ii. Secondary school pupils of compulsory school age attending an English medium school living between current discretionary distance of 2 miles and statutory distance of 3 miles;
- iii. Pupils below compulsory school age;
- iv. Post 16 pupils;
- v. All Primary and Secondary school pupils attending a Welsh Medium or Faith school, except where it is the nearest suitable school and is more than the statutory safe walking distance away.

**K. Removal of all discretionary provision except to Welsh schools – savings £2.6m**

In this option transport would no longer be provided for:

- i. Primary school pupils of compulsory school age attending an English or Welsh medium school living between current discretionary distance of 1.5 miles and statutory distance of 2 miles;
- ii. Secondary school pupils of compulsory school age attending an English or Welsh medium school living between current discretionary distance of 2 miles and statutory distance of 3 miles;
- iii. Pupils below compulsory school age;
- iv. Post 16 pupils;
- v. All Primary and Secondary school pupils attending a Faith school, except where it is the nearest suitable school and is more than the statutory safe walking distance away.

- L. **Introduce a charge towards the discretionary elements of the Council's Home to School Transport provision** – savings £2.3m.

In this option, transport would continue to be provided at current levels, but a charge would be made towards the discretionary elements identified in option K.

Note: - Combining options will not necessarily deliver the sum of the individual savings due to the potential for double counting e.g. a Faith School Student, living 2-3 miles from school and undertaking post 16 studies may appear in three different options.

- 6.2 An analysis of the advantages and disadvantages of each option, including the impact on pupil numbers as at September 2014, is shown at Appendix 3 to this report.
- 6.3 The proposed preferred option is L – The introduction of a charge towards the discretionary elements of the Council's Home to School Transport provision. The proposed charge would be £1.75 per day. It is considered that this level of charge would be fair and reasonable for the reasons outlined below.
- 6.4 The proposed preferred option would deliver savings (income) to the Council relative to the level of charging. It is anticipated that a charge equivalent to £1.75 per day (£8.75 per week or £332.50 per year) would reduce the council's subsidy by £2.3m.
- 6.5 Option L would continue to offer transport in excess of the statutory minimum and would provide a continued service to pupils and students within the current discretionary limits. Whereas with removal of discretionary transport full annual savings would not be achievable until 2023/24, charging £1.75 per day towards discretionary provision would achieve a similar level of savings, and these would be realised in a much shorter timescale. The Council would still be subsidising the service at this level.
- 6.6 Furthermore, Option L meets the requirements of the Learner Travel (Wales) Measure 2008 including the promotion of access to Welsh medium education.
- 6.7 If implemented this option would deliver savings (income) of £2.3m per year, which would be fully realised by the 2017/18 financial year. The part-year savings for 2016/17 would be £1.4m.
- 6.8 **Implementation of Option L would mean there would not be any removal of the discretionary elements of the Council's current Home to School Transport provision. This would not be the case**

should any of the other options B – K above (or combination of them) be preferred.

## 7. **PROPOSED NEW HOME TO SCHOOL TRANSPORT POLICY**

- 7.1 Whilst the Council has chosen to make use of its powers to provide discretionary transport arrangements, it also has the power to remove or make a charge for this provision at a later date.
- 7.2 In doing so the Council should follow the correct procedures in line with its relevant policy protocols.
- 7.3 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.
- 7.4 Therefore, subject to the outcome of consultation and Cabinet approval, it is proposed that the new policy would be **implemented from the start of the 2016 - 2017 academic year** and published prior to 1<sup>st</sup> October 2015.

### **Proposed New Policy – Statutory Distances, Post 16 & Faith/Welsh Medium Education Schools**

- 7.5 The Council's **current distance eligibility criteria** for Home to School Transport as set out in the table at paragraph 5.3 above **would continue to apply** and the Council would therefore provide discretionary transport provision in excess of the current minimum statutory requirement. However **discretionary elements of provision would become a chargeable but still subsidised service** as set out in the table below:-

Age during Academic Year	User	Statutory Requirement to Provide Transport to Free	Proposed changes to RCT Mainstream Transport Provision from September 2016
3 – End of term in which child turns 5 <sup>1</sup>	Non-compulsory school age, learner selecting education through English or Welsh medium.	No statutory provision (although duty to assess needs)	Continue to provide transport at current discretionary distances for pupils at the beginning and end of the normal school day, and not at lunchtimes but introduce a charge for all pupils choosing to travel on Council funded school transport who reside 1.5 - 2 miles safe walking distance to their catchment or nearest suitable school.



<b>Age during Academic Year</b>	<b>User</b>	<b>Statutory Requirement to Provide Transport to Free</b>	<b>Proposed changes to RCT Mainstream Transport Provision from September 2016</b>
Term following 5 <sup>th</sup> Birthday – 11	Learner receiving compulsory primary education, learner selecting education through English or Welsh medium.	Reside 2 miles or further safe walking distance to their nearest suitable school	Continue to provide transport at current discretionary distances but introduce a charge for all pupils choosing to travel on Council funded school transport who reside 1.5 – 2 miles safe walking distance to their catchment or nearest suitable school.
12 – 16	Learner receiving compulsory secondary education, learner selecting education through English or Welsh medium.	Reside 3 miles or further safe walking distance to their nearest suitable school	Continue to provide transport at current discretionary distances but introduce a charge for all pupils choosing to travel on Council funded school transport who reside 2 - 3 miles safe walking distance to their catchment or nearest suitable school.
16+	Post-16 learners, learner selecting education through English or Welsh medium.	No statutory provision (although duty to assess needs)	Continue to provide transport at current discretionary distances but introduce a charge for all pupils choosing to travel on Council funded school transport who reside 2 miles or further safe walking distance to their catchment or nearest suitable school or college.
3 - 19 <sup>1</sup>	Learners selecting a school in accordance with their preferred religious denomination	No statutory provision – Measure does not require provision where learner selects a school that is not the nearest 'suitable school' (as the definition does not include voluntary aided (Faith) mainstream schools).	Continue to provide transport at current discretionary distances but introduce a charge for all pupils choosing to travel on Council funded school transport who reside beyond <sup>2</sup> ; <ul style="list-style-type: none"> <li>• 1.5 miles for 3-11 year olds (primary) attending full time in line with the Council's admission arrangements.</li> <li>• 2 miles for 11-19 year olds (secondary).</li> </ul>

<sup>1</sup> Members should note that the Cabinet decision of February 2015 to amend funding for nursery provision confirmed that eligible pupils would be transported in line with the Council's current Learner Travel Policy i.e. at the beginning and end of the school day and not at lunchtimes.

<sup>2</sup> Where the voluntary aided (Faith) school is the nearest suitable school then the Council's policy for non-denominational schools will apply.

- 7.6 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**. In respect of Welsh Medium education schools it is considered the Proposal would continue to assist the Council in achieving the outcomes set out in its WESP as appended at Appendix 2.
- 7.7 The same age and distance criteria apply to 'looked after' children as to children who are not looked after. If the Council determines that a looked after child 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.
- 7.8 Pupils of compulsory school age and living beyond statutory distances attending their nearest or catchment school by choice of language would continue to have the benefit of free transport.
- 7.9 Whilst pupils with statements of SEN are assessed by distance criteria, in practice SEN pupils would not be affected by this proposed policy change as their transport is based upon their individual need. The discretionary elements of SEN transport (pre-school, post 16, etc.) would continue as an entirely subsidised, non-charged service.
- 7.10 Pupils who do not qualify for free or subsidised transport would have the opportunity to purchase spare seats on school transport, **subject to availability**, charged at the equivalent rate to those having the benefit of discretionary transport provision.

### **DETAILS OF PROPOSED CHARGE**

- 7.11 It is proposed to introduce a **subsidised charge** towards the discretionary elements of Home to School transport provision as set out in paragraph 7.5 above. **This charge would be £1.75 per day per pupil, which equates to £8.75 per week** (approximately £111 per term and £332.50 per year).
- 7.12 The proposed £1.75 charge would be applied consistently across the County Borough, regardless of the distance travelled to school, and will ensure that pupils who are currently receiving discretionary transport and who are travelling longer distances are not treated differently from those who live just over the discretionary mileage threshold. Its level has been determined having taken into account the following:-
- The cost of the alternative, available, public transport service. Due to the range of distances travelled by pupils across the County Borough, particularly by pupils attending faith schools, the cost of alternative provision can vary significantly. An analysis of a number of possible routes has shown that ticket prices on public transport

could range from £1.20 to £5.00. Note – Public transport may not provide direct routes and may require pupils to walk for part of the journey and/or use more than one transport link. Weekly ticket prices, where available, would be lower.

- The cost of transporting pupils by car. The AA publish an annual estimate of the costs of owning a car. In 2014 the average running cost, excluding standing charges such as tax, insurance etc., was estimated to be around 21p per mile. For primary age pupils living just under the 2 mile statutory distance the daily running cost would be £1.67 (assuming 2 return journeys per day). For secondary school pupils living just under the 3 mile statutory distance it would be £2.52. Pupils not attending their nearest suitable school can travel far in excess of these distances, meaning that the daily cost would be much higher.
- The ongoing provision of a subsidy. The Council is not seeking to recover the full cost of the transport provided under the charging option. Based on estimates of the on-going costs, the discretionary service would continue to be operated with a subsidy of approximately £0.3m per year.

7.13 Some of the implementation issues associated with this proposal include:-

- Transport requirements would need to be determined in advance of the next academic year by parents. That is, parents would need to decide whether or not they wish to pay the required charge to enable their child to use Home to School Transport in advance of the relevant academic year;
- Payment would be monthly, termly or annually (no ability to pay on the day / on the bus / through the school);
- Subject to the above, transport would be guaranteed for all existing pupils and any of the new intake who wish to take advantage of the proposed discretionary chargeable provision;

7.14 Legal advice received has indicated that should the Council introduce a charge as part of its discretionary travel arrangements so as to ensure any such charge is fair and reasonable there should be an element of means testing built in.

7.15 Officers consider that the introduction of an assessment of a parent's ability to pay the proposed charge towards the discretionary elements of Home to School Transport provision should therefore be introduced and be based on Free School Meal entitlement and subsequent 'take up'.

7.16 In overall terms, 24% of primary and secondary school pupils receive Free School Meals which would equate to approximately 987 pupils up to Year 11 and 753 post 16 students travelling on discretionary transport as at September 2014. Allowing pupils in receipt of Free

School Meals (excluding post 16 pupils who receive assistance, where appropriate, through the Education Maintenance Allowance) to travel by way of a further subsidy would however reduce the savings (income) generated. Based on this assessment there are a number of charging options available if those children in receipt of Free School Meals were provided with free or reduced price travel. These options are detailed in the table set out in paragraph 7.17 below.

- 7.17 Set out below for Members consideration are two tables. The first showing a range of possible daily charges that could be introduced (assuming no allowance for Free School Meals) alongside annual income, and a second table showing the range of possible charges but including an adjustment for Free School Meals Pupils at various rates: -

Daily Charge	Annual Income £'000
1.00	1,289
1.25	1,611
1.50	1,933
<b>1.75</b>	<b>2,256</b>
2.00	2,578
2.25	2,900
2.50	3,223

Full Daily Charge	Total Income (£'000) at FSM Charge of:										
	£0.00	£0.25	£0.50	£0.75	£1.00	£1.25	£1.50	£1.75	£2.00	£2.25	£2.50
£1.00	1,111	1,155	1,200	1,244	1,289	-	-	-	-	-	-
£1.25	1,388	1,433	1,478	1,522	1,567	1,611	-	-	-	-	-
£1.50	1,666	1,711	1,755	1,800	1,844	1,889	1,933	-	-	-	-
<b>£1.75</b>	1,944	1,988	2,033	2,077	2,122	2,167	2,211	2,256	-	-	-
£2.00	2,221	2,266	2,311	2,355	2,400	2,444	2,489	2,533	2,578	-	-
£2.25	2,499	2,544	2,588	2,633	2,677	2,722	2,766	2,811	2,856	2,900	-
£2.50	2,777	2,821	2,866	2,910	2,955	3,000	3,044	3,089	3,133	3,178	3,223

- 7.18 A further concession could be made to cap the charges for families with more than one child travelling on school transport.

- 7.19 The table below sets out an estimate of the family sizes of pupils entitled to discretionary Home to School transport as at September 2014. It is based on the family size profile of all pupils transported (statutory and discretionary), and therefore does not reflect the actual number of families affected. A cap on charges would be granted to families following an application by the parent/guardian, and therefore the numbers eligible would only be known following implementation of the policy: -

Number of Children in Family	Number of Families
1	3,927
2	1,244
3	208
4	23
5	2

7.20 An estimate of the impact on income as a result of this concession is given below:

Max Children Charged	Income @ £1.75 Per Pupil £'000	Reduction to Uncapped Income £'000
No Cap	2,256	0
4	2,255	1
3	2,247	9
2	2,174	82
1	1,707	549

The table above assumes no reduction in the charge as a result of means-testing. The total income receivable will depend upon the level of concession given. For illustrative purposes, a standard charge of £1.75 per pupil per day and £1.25 per Free School Meal pupil with a cap of not charging families for more than 2 children travelling on a discretionary service would give total income of £2.09m.

### **ISSUES TO BE CONSIDERED PRIOR TO ANY FINAL DECISION BEING MADE IN RESPECT OF THE PROPOSAL**

7.21 Officers have identified the following, non-exhaustive, list of issues that could arise as a result of the proposal being implemented: -

- Drop off rates for transport; An allowance for a potential drop-off rate is included within the calculations for this proposal.
- Drop off in demand may enable alternate saving potential to be realised from reconfiguring existing contracts / routes.
- Staffing implications; 638 applications to purchase spare seats were administered from the middle of July 2014 to the middle of September 2014. Charging increases the potential number of applications by a further 7,141, as well as the number of challenges about the measurement and safety of the available walking routes. Additional finance support would also be required to set-up and monitor the charging and debt-management processes;
- Potential implications of accommodating pupils back into English medium schools (capacity) as a result of drop off rates for transport to Faith/Welsh medium schools;

- A possible affect on school attendance figures;
- Where the availability of home to school transport (and existing policy) has been used as a mitigating factor when Cabinet have taken previous decisions.
- This also has an impact on current proposals which have recently been consulted upon, regarding the proposed changes to re-organise school provision in the Rhondda Valleys and Tonyrefail. The results of that consultation are due to be reported to Cabinet in May 2015. Clearly any decision made in respect of those proposals may have an impact on an affected consultee's response to these Home to School Transport proposals. Specific feedback will therefore be requested as part of any Home to School Transport Policy consultation process (if initiated by Cabinet), to understand the impact of any decision made in respect of the re-organisation of school provision in the Rhondda Valleys and Tonyrefail; and
- any impact on breakfast clubs/ after school clubs (Although note para 4.12 above).

**Potential Issues – Faith/Welsh Medium Schools (where pupils live less than the statutory distance from their nearest suitable Faith/Welsh Medium school and face a charge to access school transport).**

- Drop out rates; the potential that parents/carers with a strong desire for a Faith based/Welsh medium education for their children will be unable to send their children to a Faith/Welsh medium based school because transport costs are considered to be prohibitive. As such the proposal would cut across the principle of parental preference.
- The potential for a reduction in the number of pupils attending Faith/Welsh Medium schools and a corresponding increase in numbers at English medium schools, providing there are sufficient places.
- Potential implications of continued viability of some Faith schools. The two faith secondary schools have excellent educational outcomes and are consistently in the higher quartiles when compared to similar schools across Wales. With the potential for falling school rolls, education standards could also decrease;
- Potential increase in transport costs for additional pupils attending English medium schools if numbers at Faith schools fall and consequently English medium capacity issues resulting in pupils being transported to their next nearest English medium school with available capacity.
- Increased numbers of pupils travelling by public transport may result in demand pressure on public transport at certain times. There may also be areas where there is no public transport available at all or none available at appropriate times.
- The potential for growth in Welsh Medium demand where pupils live over 2 miles (in the case of primary school pupils) or 3 miles (in the case of secondary school pupils) from their nearest suitable Welsh Medium school (and will therefore be entitled to free transport) but

face charges for transport to their nearest suitable English or Faith school.

### **Post-16 Transport**

- 7.22 The Council's current policy is that learners who meet the 2-mile distance eligibility criterion in respect of secondary education learners of statutory school age, and who enroll for approved study courses within the appropriate 14-19 area timetabled provision, are eligible for free transport. The area timetabled provision excludes higher education courses.
- 7.23 The policy covers school 6th form and college further education courses only and does not extend to higher education courses funded by the Higher Education Funding Council for Wales (HEFCW). (The one year Foundation Art & Design course at the University of South Wales is not funded by HEFCW and transport may be provided to learners pursuing this course subject to the age and distance criteria set out above).
- 7.24 Transport provision may be made for learners pursuing approved full time educational programmes out of county, primarily at Bridgend, Merthyr Tydfil, Neath Port Talbot and Caerphilly.
- 7.25 Learners within the 2-mile distance are expected to make their own travel arrangements.
- 7.26 Learners who wish to pursue a study course other than within their area timetabled provision are responsible for their own transport arrangements, except where the location at which the course is available is closer to the learner's home than the school or college offering the area timetabled provision.
- 7.27 No transport is provided for mainstream learners beyond the second academic year 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).
- 7.28 If the Council uses its discretionary travel arrangements for learners not entitled to free transport provision, a charge can be made towards these arrangements.
- 7.29 The proposed new Home to School Transport Policy introduces a charge for all post 16 students eligible through the existing distance eligibility criteria to the nearest appropriate school except for those students who still have a statement of special educational needs. This proposal will apply to English medium, Welsh medium and Voluntary Aided (Faith) provision.
- 7.30 **The proposed charge would be £1.75 per day per pupil.**

- 7.31 The proposal will help towards keeping post 16 students in education (as opposed to a removal of transport altogether).

### **Potential Issues – Post 16 Transport**

- 7.32 Officers have identified a number of potential issues that may arise as a consequence of making this change.
- Impact on the take-up of post 16 places and wider Council strategies for 14 to 19 and post 16 provision within RCT.
  - Those Not Engaged In Education, Employment or Training (NEETs) from low income families and the consequent risk to their staying on in post 16 education, however eligible students receive an Educational Maintenance Allowance – currently up to £30 per week for families in receipt of Income Support.
  - Those learners who are of low income or are from low income families.
  - Perception that the proposal is discriminatory against Welsh Medium post 16 provision (pupils generally travel further to Welsh Medium schools, although the proposed changes would impact upon English medium and denominational provision in exactly the same way and charges would be levied equally to all students and not charged on the basis of distance travelled).
  - There is an increasing national expectation of post 16/Further Education provision. This is reflected via support made available through benefit changes, for example, the Education Maintenance Allowance.
  - Many post 16 students are allocated bus passes for travel on public transport which assists in supporting operating costs for public transport bus services. Significant reductions in demand could impact on the viability of some bus services.
- 7.33 As has been noted in paragraph 7.21 above, Members will also be aware of the decision taken by Cabinet on 2<sup>nd</sup> October 2014 to consult on a proposed reorganisation of sixth form provision in the Rhondda Valleys and Tonyrefail. The consultation was completed on 27<sup>th</sup> February 2015 and the feedback on the consultation will be presented to the Council's Cabinet in May 2015.
- 7.34 Should Cabinet resolve to initiate a consultation in relation to the proposed policy the consultation process would be specifically tailored so that the Council can obtain relevant information in respect of the issues identified above, which would then be reported back to Cabinet in order to assist them with any decision they may subsequently take.



## **8. THE COUNCIL'S DUTY IN RESPECT OF CHILDREN IN NEED**

8.1 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.

8.2 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 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 of such services, or

(c) He/She is disabled."

8.3 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.

8.4 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 is taken.

## **9. CONSULTATION AND CONCLUSION**

9.1 Section 9 of the Education Act 1996 places a general 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'.

9.2 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. SEN pupils).
- 9.3 A proposed new Home to School Transport Policy has been developed and the proposed changes to existing policy are outlined in paragraph 7 of this report.
- 9.4 The proposed new policy has taken into account current budget pressures. The Council is not alone in facing these challenges, nor in having to consider such reviews of discretionary areas of current provision.
- 9.5 An equalities impact assessment 'pre-screening' exercise undertaken in respect of the proposed new Home to School Transport Policy has indicated that a full Equality Impact Assessment ('EIA') should be completed prior to any final decision being made in relation to the proposed new policy, alongside and supported by a consultation process.
- 9.6 Subject to Cabinet's decision, it is recommended that an eight (8) week consultation be initiated with interested parties and relevant stakeholders on a new Home to School Transport Policy, the results of which (together with an EIA and any necessary further information) would be reported back to Cabinet in order for it to determine whether, and if so, how it wishes to progress with implementation of the proposed new policy.
- 9.7 Cabinet Members will be fully aware and mindful of the general equality duty introduced by the Equality Act 2010 and the specific public sector equality duties applicable to the Council as a local Council in Wales.
- 9.8 Section 149 of the Equality Act 2010 (Public Sector Single Equality Duty) requires public authorities to demonstrate in decision making that they have paid 'due regard' to the need to:
- eliminate unlawful discrimination, harassment and victimisation
  - advance equality of opportunity between people who share a protected characteristic and people who do not share it
  - foster good relations between people who share a protected characteristic and those who do not

The relevant protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The Council must have due regard to the impact of any of the proposals on those with a protected characteristic. The Council has a specific duty to publish information to demonstrate how they have paid due regard to the aims above as part of their decision making. Undertaking an Equality Impact

Assessment would be evidence that the Council has considered its legal obligations in making the decision on the recommendations in this report.

- 9.9 Members will be aware that the Welsh language has official status in Wales which means that the Welsh language should not be treated less favourably than the English language in Wales.
- 9.10 If a consultation process is initiated on the proposal the EIA produced prior to Members taking any final decision would consider the potential impact of the new policy in respect of the designated protected groups and the Welsh language and identify any potential mitigation either in place or which can be put in place to limit any impact.
- 9.11 Under the Children and Families (Wales) Measure 2010 the Council must: -
- (a) prepare and publish a strategy for contributing to the eradication of child poverty which the Council has done through the adoption of the Single Integrated Plan. Cabinet Members will, of course, be familiar with the content of this plan and its predecessor, the Children and Young People's Plan 2011 - 2014; and
  - (b) take all reasonable steps to perform the actions and functions set out in the strategy for the eradication of child poverty. The actions and functions, and the steps the Council has taken and will take to perform them, are again set out in the Single Integrated Plan.
- 9.12 It is a priority of the Council, and its partner organisations of the Rhondda Cynon Taf Local Service Board, to engage with families who have any additional needs as early as possible to support them to make the most of family life and reach their full potential. If Cabinet decides to initiate a consultation on the proposal, further consideration of the effect of the proposal for issues of child poverty and social deprivation will be considered (whether as part of the Council's EIA, or otherwise).
- 9.13 The Council has also used as a basis for developing its priority of ensuring that the future generations of Rhondda Cynon Taf live in a safe, healthy and prosperous County Borough the shared set of rights for children and young people set out in the United Nations Convention on the Rights of a Child. A link to a summary of these rights is provided below: -

[Summary of United Nations Convention on the Rights of a Child](#)

- 9.14 Should Cabinet resolve to initiate a consultation in relation to this proposal the consultation process would be specifically tailored so that

the Council can obtain relevant information on the matters set out in this report, which would then be reported back to Members in order to assist them with any decision they may subsequently take.

## **APPENDIX 1A**

PLEASE NOTE THIS APPENDIX (pages 31 – 102) HAS BEEN REMOVED  
DUE TO COPYRIGHT RESTRICTIONS

A PUBLICLY ACCESSIBLE VERSION OF THE LEARNER TRAVEL (WALES)  
MEASURE 2008 IS AVAILABLE BY CLICKING ON THE FOLLOWING LINK: -

<http://www.legislation.gov.uk/mwa/2008/2/contents>



# **APPENDIX 1B**

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# Learner Travel

## Statutory Provision and Operational Guidance

June 2014





<b>CONTENTS</b>	<b>Page No</b>
<b>Section 1: Statutory Provisions.</b>	<b>1- 59</b>
Summary	1
<b>Chapter 1: The Learner Travel (Wales) Measure 2008</b>	<b>2</b>
Overview	2
Assessing Needs	4
Entitlement	6
Making Suitable Transport Arrangements	7
Making Other Travel Arrangements	8
Nearest Suitable School	9
Admission to School	10
Parental Preference	10
Children's Preference	11
Attendance of Pupils at School	11
Looked After Children	11
Ordinary Residence	12
Walking Distances and Available Walking Routes	13
Transport for Learner Not in Compulsory Education or Training	14
Welsh Medium / English Medium Education	15
Transport to Denominational Schools	16
Special Educational Needs, Disabilities and Learning Difficulties	16
Discretionary Transport Arrangements	19
The Disclosure and Barring Arrangements	20
Vehicle Standards	22
Licensing and Training of Bus Drivers	23
Charging for Transport	25
General Powers	26
Other Legal Considerations	26

<b>Chapter 2: The All-Wales Travel Behaviour Code</b>	<b>30</b>
Overview	30
Enforcement of the Travel Code – Sanctions	31
Publication of Local Authority Travel Codes	33
Raising Awareness of Issues	33
 <b>Chapter 3: The Learner Travel Information (Wales) Regulations 2009</b>	<b>34</b>
Publication of School Transport Policies and Information for Parents	34
 <b>Chapter 4: The Safety on Learner Transport (Wales) Measure 2011</b>	<b>36</b>
Overview	36
Seat Belt Provision	36
Legislation Governing Seat Belt Provision before 1 October 2014	37
Legislation Governing Seat Belt Provision after 1 October 2014	37
The Wearing of Seat Belts	37
EU Legislation	38
Criminal Sanctions	38
Liability of Those Who Provide or Secure Learner Transport	39
 <b>Chapter 5: Risk Assessment of Walked Routes to School</b>	<b>40</b>
Overview	40
Part 1: Risk Assessment Procedure in Relation to Physical/ Traffic Risks	40
Route Conditions	40
Traffic	41
Traffic Flow on Roads	41
Collision History	42
Footpaths	42
Crossing Points	43
Canals, Rivers, Ditches and Embankments	44
Lighting	45
Planned Changes in the Area	45
Level Crossings	45

Part 2: Risk Assessment Procedure in Relation to Social Dangers	45
The Nature of Social Dangers	45
Tackling Social Danger in Risk Assessments- Partnership working	45
Multi Agency Public Protection Arrangements (MAPPA)	47
Part 3: Seeking the Views of Learners	48
Part 4: Helping to Ensure Child Safety on the Home to School Route	49
Part 5: The Mechanics of the Risk Assessment Process	50
Part 6: Roles and Responsibilities	51
Parents	51
Head Teachers	51
Local Authorities	52
Health and Safety Responsibilities of Educational Institutes	52
Responsibility: Schools, LEAs and Governing Bodies	53
<b>Chapter 6: Parental Responsibilities</b>	<b>54</b>
Overview	54
Learners Entitlement to Free Transport Provision	54
Nearest Suitable School	54
Parental Preference	55
The Travel Behaviour Code	55
Dual Residency	56
Accompanied Children	56
<b>Chapter 7: Schools' Responsibilities</b>	<b>57</b>
Overview	57
Schools' Behaviour Policy and the Travel Behaviour Code	57
Incidents Investigated by Educational Institutes	58
School Admissions	58
Seat Belts on Dedicated Learner Transport	59
<b>Section 2: Glossary</b>	<b>60 – 65</b>

<b>Section 3: Advisory Guidance</b>	<b>66 – 88</b>
Frequently Asked Questions	66
 <b>Annex 1:</b> Risk Assessment Matrix (Walked Routes to School)	 89
<b>Annex 2:</b> Local Authorities' Risk Assessment Checklist	91
<b>Annex 3:</b> Related Web Links	92
Local Authority	92
Engagement with Children and Young People	94
Best Practice and Case Studies	95
School Travel Plans	96

# Section 1: Statutory Provisions.

## Summary

In 2004, the Welsh Government adopted the United Nations Convention on the Rights of the Child (UNCRC)<sup>1</sup> as a basis of all policy making for children and young people in Wales. In 2011 Welsh Ministers passed the Rights of Children and Young Persons (Wales) Measure 2011<sup>2</sup> which provides that Welsh Ministers must have due regard to the requirements of the Convention when exercising any of their functions.

The safety of children is of paramount importance and the Learner Travel (Wales) Measure 2008<sup>3</sup> (“the 2008 Measure”) requires local authorities to assess the suitability of travel for learners between home and places of education and training.

It is also important to secure the views of children and young people in accordance with the Rights of Children and Young Persons (Wales) Measure 2011. The views and perceptions of children can inform the local authority officers who have responsibility for assessing home to school travel provision. Working collaboratively with partners, such as governing bodies, head teachers, schools, Local Safeguarding Children’s Boards, operators, parents and other agencies to share information and best practice can assist safeguarding of children travelling to and from school.

The Welsh Government has adopted the social model of disability however, much of the legislation is not written to reflect this model. Consequently this document contains non social model terminology.

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<sup>1</sup> <https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/the-united-nations-convention-on-the-rights-of-the-child-uncrc>

<sup>2</sup> 2011 nawm 2. <http://www.legislation.gov.uk/mwa/2011/2/contents>

<sup>3</sup> 2008 nawm 2. <http://www.legislation.gov.uk/mwa/2008/2/contents>

# Section 1: Statutory Provisions.

## Chapter 1: The Learner Travel (Wales) Measure 2008.

### Overview

- 1.1 The Education Act 1996 (as amended) sets out the law in Wales and England for the **attendance** of pupils at school and the Learner Travel (Wales) Measure 2008 (as amended) ('the Measure') sets out the legal framework specifically related to **travel and transport** provisions for learners<sup>4</sup> travelling from home to school<sup>5</sup> in Wales.
- 1.2 This Statutory Guidance ("the Guidance") is published by Welsh Ministers under section 15 of the Learner Travel (Wales) Measure 2008.
- 1.3 Under section 15 of the Learner Travel (Wales) Measure 2008, Welsh Ministers have the power to issue statutory guidance. Where guidance is statutory, local authorities are required to have regard to the guidance and will only be able to depart from such guidance where they can provide justification for doing so.
- 1.4 The Guidance has no special authority in regards to matters of legal interpretation. Where there appear to be differences between the Measure and the Guidance, the Measure always takes precedence.
- 1.5 Where the Guidance says that something **must** be done, this means that it is a requirement in either primary or secondary legislation and a footnote gives the appropriate provision.
- 1.6 Section 1 of this guidance document outlines the statutory provisions, specific duties and key responsibilities for Welsh Ministers, local authorities, governing bodies of maintained schools, head teachers, learners, parents and any other relevant body as appropriate.
- 1.7 The Measure sets out specific requirements for home to school transport in Wales. Its main provisions are :-
- 1.8 Legal Duties of the Welsh Ministers.

The Welsh Ministers **must**:

- Make an All-Wales Travel Behaviour Code ('Travel Code'<sup>6</sup>)

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<sup>4</sup> Definition of 'learner' is provided in the glossary (Section 2).

<sup>5</sup> For the purposes of this document the term 'school' has the same meaning as the term "relevant places" defined in Section 1(4) of the Measure. For ease of reference, the definition of 'relevant places' is provided in the glossary (Section 2).

<sup>6</sup> Section 12 of the Measure



- Promote access to Welsh Medium education<sup>7</sup> and training
- Promote sustainable modes of travel<sup>8</sup>
- Welsh Ministers may also issue direction and/or make statutory guidance<sup>9</sup>.

#### 1.9 Legal Duties of the local authority.

Local authorities<sup>10</sup> **must:**

- Assess the travel needs of learners in their authority area<sup>11</sup>
- Provide free home to school transport for learners of compulsory school age attending primary school who live 2 miles or further from their nearest suitable school<sup>12</sup>
- Provide free home to school transport for learners of compulsory school age attending secondary school who live 3 miles or further from their nearest suitable school<sup>13</sup>
- Assess and meet the needs of “looked after”<sup>14</sup> children in their authority area<sup>15</sup>
- Promote access to Welsh medium education<sup>16</sup>
- Promote sustainable modes of travel<sup>17</sup>

Under section 32 of the Education Act 2002<sup>18</sup> (which was amended by section 21 of the Measure), local authorities have the power to change school session times<sup>19</sup>, **if the change is considered necessary or expedient to promote the use of sustainable modes of travel, or to make travel arrangements more effective or efficient<sup>20</sup>**. The Welsh Government has made regulations setting out the appropriate procedure.<sup>21</sup>

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<sup>7</sup> Section 10 of the Measure

<sup>8</sup> Section 11 of the Measure

<sup>9</sup> Section 15 of the Measure

<sup>10</sup> Local authority means all relevant departments within the authority and is not limited to learner travel teams

<sup>11</sup> Section 2 of the Measure

<sup>12</sup> Section 3 of the Measure

<sup>13</sup> Section 3 of the Measure

<sup>14</sup> Definition of ‘looked after’ children is provided in Chapter 1 paragraph 1.49

<sup>15</sup> Sections 2 and 3 of the Measure

<sup>16</sup> Section 10 of the Measure

<sup>17</sup> Section 11 of the Measure

<sup>18</sup> 2002 c.32. <http://www.legislation.gov.uk/ukpga/2002/32/section/32>

<sup>19</sup> This provision applies to community special schools, maintained nursery schools, foundation schools, voluntary aided schools and foundation special schools.

<sup>20</sup> Change can only be made if it meets these criteria

<sup>21</sup> The Changing of School Session Times (Wales) Regulations 2009 (S.I. 2009/572). <http://www.assemblywales.org/bus-home/bus-guide-docs-pub/bus-business-documents/bus-business-documents-doc-laid.htm?act=dis&id=119939&ds=4/2009>

Where learners are not entitled to free transport, local authorities have the power to provide transport on a discretionary basis<sup>22</sup>.

#### 1.10 Legal Duties of Head-teachers.

They **must**:

- Ensure compliance with the Travel Code<sup>23</sup>

Head Teachers should also:

- Promote knowledge and awareness of the Travel Code<sup>24</sup>
- Incorporate the Travel Code into the school's overarching school behaviour policy<sup>25</sup>

### Assessing Needs

1.11 Section 2 of the Measure places a duty on a local authority to assess the travel needs of learners under the age of 19. This includes those who have reached 19 but started a course when under 19 and continue to attend that course who receive education or training and who are ordinarily resident in the authority's area<sup>26</sup>.

1.12 Assessing the travel needs of learners does not mean providing free transport. Learners will only qualify for free transport provision if they meet the entitlement criteria outlined in Chapter 1 paragraphs 1.21 – 1.26 and 1.51 of this document.

1.13 Learner travel needs are the specific needs of learners in terms of the travel arrangements between home and school each day. Those learners whose travel needs are assessed by the local authority also include those whose nearest suitable schools are in other local authority areas.

1.14 It is recommended that in assessing the travel needs of learners, local authorities should consider:-

- Who the learners are in their area
- Where those learners currently attend or are due to attend school
- Which learners they are under a legal duty to provide with transport under Sections 3 and 4 of the Measure

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<sup>22</sup> Section 6 of the Measure

<sup>23</sup> Section 89(2A) of the Education and Inspections Act 2006 states that in determining a behaviour policy for a school the head teacher must require pupils to comply with the travel behaviour code. <http://www.legislation.gov.uk/ukpga/2006/40/section/89>

<sup>24</sup> <http://wales.gov.uk/topics/transport/integrated/learnertravel/travelcode/?lang=en>

<sup>25</sup> Section 89 Education and Inspections Act 2006  
<http://www.legislation.gov.uk/ukpga/2006/40/section/89>

<sup>26</sup> Local authorities are required to assess the travel needs of learners under the age of 5 (nursery age) and aged 16-19, but there is currently no legal duty to provide free or assisted transport arrangements for nursery or post-16 learners.

- Which learners they want to provide with travel on a discretionary basis under Section 6 of the Measure
- What other arrangements already exist / will exist for those for whom they do not provide transport (e.g. does the further education college provide transport for 16-18 year olds?)

1.15 The local authority is also required to have regard to:-

- The needs of disabled learners<sup>27</sup> and learners with learning difficulties<sup>28</sup>
- Any particular needs of learners who are 'looked after' or formerly looked after by a local authority<sup>29</sup>
- The age of a learner
- The nature of the route that the learner is expected to take between home and the places where they receive education or training.

1.16 In assessing the travel needs of learners, local authorities must<sup>30</sup> take into account the fact that the travel arrangements they make in light of the assessment must not cause unreasonable levels of stress; take an unreasonable amount of time or be unsafe.

1.17 The assessment will give a local authority an overview of the travel needs of learners in their area. This will allow them to make travel arrangements for learners in an efficient and effective manner and enable them to provide information to others about the travel arrangements available. Local authorities must also promote sustainable modes of travel<sup>31</sup> when exercising their functions under the Measure as far as reasonably practicable.

1.18 The assessment is only required to take into account travel to and from the learner's home to the nearest suitable school and not the learner's travel needs during the day between different places of education or training, including:

- residential trips or day trips organised by schools.
- travel between schools or between different sites of the same school (i.e. travel incurred by learners during the school day to access courses in relation to the learning pathways programme)

1.19 When exercising functions under the Measure the local authority is not required to take account of extra curricular activities, breakfast or after-school clubs when assessing learner travel needs.

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<sup>27</sup> Section 24(1) of the Measure. The definition of disability can be read as that from the Equality Act 2010, which is explained in the glossary (see Section 2)

<sup>28</sup> Section 24(1) of the Measure

<sup>29</sup> The statutory definition of 'looked after' children is defined in section 22(1) Children Act 1989 and is provided in Chapter 1 paragraph 1.49.

<sup>30</sup> Sections 3(5) (transport arrangements) and 4(6) of the Measure (travel arrangements)

<sup>31</sup> Definition of 'sustainable modes of travel' is outlined in Section 11 of the Measure and is provided in the glossary (Section 2)

- 1.20 In each academic year, the local authority must assess the learner travel needs for the following academic year<sup>32</sup>.

## Entitlement

- 1.21 Section 3 of the Measure places a duty on a local authority to make transport arrangements for learners of compulsory school age in specified circumstances and subject to specified conditions. The section makes provision for free transport defined by whether children receive primary or secondary education and whether they live further than set distances from the schools at which they receive education or training.
- 1.22 Learners receiving primary education will be entitled to free transport if they live two miles or more from their nearest suitable maintained school; pupil referral unit; or non-maintained special school. The exception is if the authority has arranged for the learner to board at or near the school.
- 1.23 Where a learner receiving primary education has a statement of special educational needs (SEN), which names an independent school, then should that school be two miles or more from the learner's home, a local authority will have to provide free transport. The exception is if the authority has arranged for the learner to board at or near the school.
- 1.24 A similar entitlement is provided for learners receiving secondary education, but in this case if they live three miles or more from their nearest suitable maintained school; pupil referral unit; non-maintained special school or independent school named in a statement of special educational needs. Where the local authority has arranged for the learner to board at or near the school, the duty to provide free transport does not apply.
- 1.25 The entitlement includes transport for any learners of compulsory school age who attend their nearest suitable further education institution as a full time student if it is three miles or more from the learner's home and the local authority has not arranged for the learner to attend a suitable institution closer than three miles from the learner's home.
- 1.26 The entitlement also includes travel between home and school, where a learner is registered at more than one school and needs to attend different schools on different days of the week. For example this would cover travel at the beginning and/or end of the day to a different school. Transition may include when a learner is moving from a special needs unit into mainstream education.

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<sup>32</sup> Section 2(2) of the Measure

## Making Suitable Transport Arrangements

1.27 The local authority must<sup>33</sup> make suitable transport arrangements to facilitate the attendance of the learner each day at their nearest suitable school where they receive education and training. Under Sections 3(5) and 4(6) of the Measure Transport arrangements are not suitable if:

- they cause unreasonable levels of stress for the learner
- they take an unreasonable amount of time
- they are unsafe

### 1.28 Unreasonable Levels of Stress

Local authorities must provide suitable transport arrangements to ensure that, as far as reasonably practicable they do not cause unreasonable levels of stress to the learner<sup>34</sup>. There is no legal definition of 'stress', nor is there a definitive list of what criteria local authorities should take into account to determine if the journey causes an unreasonable level of stress. It is for local authorities to determine how stress assessments are carried out, in accordance with their own learner travel policy.

### 1.29 Journey Times

The Measure does not specify a time limit for journeys, however, local authorities are required to assess the individual needs of learners when considering if a journey time is reasonable. An assessment should take into account the nature, purpose and circumstances of each journey. It is recommended that local authorities consider the following whilst assessing learner journey times<sup>35</sup> :-

- the learner's age
- whether the learner has any disability or learning difficulties that need to be accounted for<sup>36</sup>
- for the purposes of this document the locality of the learner's home in relation to available schools in the vicinity<sup>37</sup>

### 1.30 Safe Travel

For the purpose of this document 'safe travel' is defined as 'providing appropriate travel arrangements to ensure that as far as reasonably

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<sup>33</sup> Section 3 of the Measure.

<sup>34</sup> Section 3(5) of the Measure.

<sup>35</sup> Information on what might be considered suitable journey times is provided in Section 3 (Question 4)

<sup>36</sup> Both the journey time and the suitability of the school (which the learner may need access to) need to be accounted for – especially if a named specialist school is specified in the learner's statement of special education needs.

<sup>37</sup> 'Vicinity' refers to suitable schools both within and outside the authority's area.

practicable a learner is not placed at risk<sup>38</sup>, whether known or foreseen, which might result in them or other persons sustaining a trauma and or serious physical injury’.

- 1.31 Further information on safe travel with regards to available walking routes is provided in Chapter 1 paragraphs 1.60- 1.64 and Chapter 5 of this document..
- 1.32 It is recommended that local authorities ensure that appropriate health and safety checks and risk assessments on learner transport are carried out. The assessment should take into account stress factors; appropriate journey times and safe travel arrangements<sup>39</sup> when determining what transport provisions are suitable for learners.
- 1.33 Local authorities should satisfy themselves that contracted arrangements for learner transport are safe. This is an ongoing duty so local authorities should ensure that processes are in place to monitor contracts and that prompt action is taken to remedy problems. There is no legal specification of when assessments should be carried out therefore local authorities have discretion in deciding how to meet this requirement. Further information on risk assessment best practice is provided in Section 3 (Questions 1 and 2) of this document.

#### 1.34 Making Other Travel Arrangements

Section 3 of the Measure is about dedicated transport provision, where this provision does not apply or it is an inappropriate transport arrangement, local authorities are under a duty to make other travel arrangements.

- 1.35 Section 4 of the Measure places a duty on a local authority to make other travel arrangements for children of compulsory school age if the authority thinks that it is necessary to facilitate a child’s attendance at school. These travel arrangements only apply to travel to and from the learner’s nearest suitable school at the start and/ or finish of the school day and does not include travel during the day.
- 1.36 Section 4 provides the basis for local authorities to support travel for learners if they have specific needs whether arising from a learning difficulty, a disability or any other factor which makes particular travel arrangements necessary to facilitate the child’s attendance.
- 1.37 In considering whether travel arrangements are suitable, the local authority must<sup>40</sup> have regard to:

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<sup>38</sup> For the purposes of this document the definition of ‘risk’ is provided in the glossary (Section 2)

<sup>39</sup> Section 3(5) of the Measure

<sup>40</sup> Section 4(5) of the Measure.

- the needs assessment undertaken under Section 2 of the Measure (outlined in Chapter 1 paragraphs 1.11 -1.20 of this document)
- the transport arrangements it is duty bound to make under Section 3 of the Measure
- the age of the learner
- any disability or learning difficulty<sup>41</sup>
- the nature of the route a learner is expected to take.

## **Nearest Suitable School.**

- 1.38 The definition of nearest “suitable school” is 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<sup>42</sup>”.
- 1.39 Local authorities need to consider the suitability of the school when deciding if the placement is appropriate for the learner. Deciding which suitable school is the learners ‘nearest’ is a matter for the local authority to determine in accordance with their own learner travel and education policy. Local authorities need to set out how the nearest suitable school is identified and publish this information in their learner travel policy in accordance with provisions outlined in the Learner Travel Information (Wales) Regulations 2009<sup>43</sup>
- 1.40 Parents and learners may express a preference for a particular school, a particular type of language provision or faith school, but the Measure does not confer on those parents and learners any rights to free transport to their preferred school and or location, unless that school is determined by the local authority to be the learners nearest suitable school and the learner meets the distance criteria. Further information regarding parental and learner preference is provided in Chapter 1 paragraphs 1.44 – 1.47 and Chapter 6 paragraphs 6.6 – 6.9.
- 1.41 Transport must be provided free of charge<sup>44</sup> to a school outside a local authority’s area if that establishment is deemed (under provisions outlined in Chapter 1 paragraphs 1.38 and 1.41) to be the learner’s nearest suitable school and if the learner lives:
- further than the statutory distances specified for their age (see Chapter 1 paragraph 1.9 (bullet points 1 and 2); or
  - under the statutory distance specified for their age where the prescribed route the learner is expected to travel has been classified unavailable by the relevant authority

<sup>41</sup> This includes taking into account a learner’s disability and / or a learner’s parent’s disability. See Chapter 1 paragraphs 1.83- 1.97 for further information on this provision

<sup>42</sup> Section 4(9) of the Measure

<sup>43</sup> <http://www.legislation.gov.uk/wsi/2009/569/regulation/4/made>

<sup>44</sup> This relates to learners of compulsory school age only.

#### 1.42 Admission to School

If a learner cannot be admitted to their nearest suitable school which results in the learner having to attend the next available nearest suitable school, the local authority has the same duty to provide free transport.

- 1.43 The School Admissions Code 2013<sup>45</sup> (the '2013 Code') outlines in more detail the statutory requirements governing school admissions. The 2013 Code came into force on 8 July 2013 and applies to admission arrangements for intakes from September 2014/15 onwards. Paragraphs 2.48 – 2.55 of the 2013 Code outline how distance between home and school can be used as a determinant for entitlement to admission at a school where demand for places means that the oversubscription criteria applies<sup>46</sup>.

#### 1.44 Parental Preference

Section 86 of the School Standards and Framework Act 1998<sup>47</sup> requires a local authority to enable a parent to express a preference for the school they wish their child to attend. For the purpose of this document this is defined as 'enacting parental preference'.

- 1.45 Parental preference does not give a right to a place in their chosen school. If there are places available at the parents' preferred school, the admission authority's decision should usually be to accept an application for admission. This can mean that some learners do not attend their nearest suitable school and live some distance away from the school they attend.
- 1.46 If a parent exercises their parental preference when determining which school their child attends and the chosen school is not the nearest suitable school agreed by the local authority, the learner is not entitled to free transport provision – even if the learner meets the distance or age criteria usually entitling them to free transport provision. In these circumstances a local authority may provide discretionary transport provision under section 6 of the Measure. If the local authority decides to use this power in accordance with section 9 of the Measure, which outlines that transport arrangements must not favour certain types of education or training, they must ensure that they provide the same provision to all learners in the same circumstance within their authority. Further information regarding this provision is provided in Chapters 5 – Risk Assessing Walked Routes to School paragraph 5.54 and 5.56 and Chapter 6 – 'Parental Responsibilities' paragraphs 6.1 - 6.9 and 6.11 - 6.12.

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<sup>45</sup> 005/2013.

<http://wales.gov.uk/topics/educationandskills/publications/guidance/schooladmission/?lang=en>

<sup>46</sup> Further information regarding the oversubscription criteria is outlined in Section 3 (Question 44) of this document

<sup>47</sup> 1998 c. 31. <http://www.legislation.gov.uk/ukpga/1998/31/section/86>



## Children's Preference

Local authorities should also bear in mind the United Nations Convention on the Rights of the Child ("UNCRC")<sup>48</sup> and any commitments made in relation to it.

- 1.47 When a child exercises their preference for a school they would like to attend, if it is not their nearest suitable school the learner is not entitled to free transport provision. Even if they meet the distance and age criteria usually applied to receive free transport provision. Further information regarding this provision is provided in Chapter 6 – 'Parental Responsibilities' paragraphs 6.1– 6.9 and 6.11– 6.12.

## **Attendance of Pupils at School**

- 1.48 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<sup>49</sup> 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 this Measure to make travel arrangements to facilitate the attendance of their child at school.

## **Looked After Children**

- 1.49 The Definition of a 'looked after' child is the term used within the Children Act 1989 to describe a person (under the age of 18) who is in the care of the local authority, or who is provided with accommodation for more than 24 hours by a local authority<sup>50</sup> in the exercise of its social services functions<sup>51</sup>. This could be a placement with foster carers; in residential homes or with parents or other relatives ('kinship care').
- 1.50 A learner who is classified as a 'looked after child' is different to a child (learner) with dual residency<sup>52</sup>.

<sup>48</sup> <https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/the-united-nations-convention-on-the-rights-of-the-child-uncrc>

<sup>49</sup> <http://www.legislation.gov.uk/ukpga/1996/56/section/444>

<sup>50</sup> As defined by Section 22(1) of the Children Act 1989

<http://www.legislation.gov.uk/ukpga/1989/41/section/22>

<sup>51</sup> These are social service functions within the meaning of the Local Authority Social Services Act 1970 (apart from functions under Section 17, 23B and 24B of the Children Act 1989). From the commencement of the Social Services and Well-being (Wales) Act 2014, "looked after" child will be defined in the Act to refer to a child who is in the care of the local authority or who is provided with accommodation for more than 24 hours by a local authority in the exercise of its social services functions as described in Schedule 2 to the Act (apart from functions under section 15, Part 4 or section 109, 114 or 115 of the Act).

<http://www.legislation.gov.uk/ukpga/1989/41/part/III>

<sup>52</sup> Further information on looked after children is provided in Section 3 (Questions 5 and 6) of this document. Further information of what transport entitlement is given to learners in dual residency is outlined in Chapter 1 paragraphs 1.54 – 1.59

- 1.51 Under Section 3 and 4 of the Measure, the same age and distance criteria apply to 'looked after' children (learners) as to those who are not looked after. But the provision that the learner must attend their nearest suitable school to their home does not apply to 'looked after' learners (in the same way it applies to learners who are not looked after). Further information explaining the justification for this difference in provision is provided in Section 3 (Question 6) of this document.

## Ordinary Residence

- 1.52 Section 19 of the Measure sets out the provisions for determining a person's ordinary residence in particular circumstances. There is no statutory definition of the term 'ordinary residence'. However for the purposes of this document 'ordinary residence is defined as 'where a learner usually lives, or if under 16, where those with parental responsibility for the learner live.'
- 1.53 'Living' means more than occasionally visiting. If a learner has no ordinary residence they should be treated as being ordinarily resident at the place at which they are for the time being resident<sup>53</sup>.
- 1.54 Dual residency
- Dual residency means a learner who has more than one home (ordinary place of residence). This provision applies to learners whose parents are not living together with the learner living partly with each parent<sup>54</sup>, or with a parent and other carer, foster placement etc.
- 1.55 Where a learner has dual residence both places of residence should be regarded as the learner's ordinary residence. If a learner lives at more than two such places then only those two places nearest to their school will qualify<sup>55</sup>.
- 1.56 Sections 3 and 19 of the Measure place a duty on a local authority to provide free transport for learners (of dual residence) to their nearest suitable school if the learner is of compulsory school age and the residence(s) meet the statutory distance criteria (see paragraphs 1.21–1.26 and 1.51). If the statutory criteria is not met local authorities still have the option of providing discretionary transport under section 6 powers. Further advice regarding this provision is provided in Section 3 (Questions 7 and 8) of this document.

<sup>53</sup> Section 19(1) of the Measure.

<sup>54</sup> 'Parent' means a parent within the meaning of section 576(1) of the Education Act 1996 who is an individual and includes any person who is not a parent but who has parental responsibility, or who has care for the child.

<http://www.legislation.gov.uk/ukpga/1996/56/section/576>

<sup>55</sup> Section 19(6) of the Measure.

- 1.57 Section 9 of the Education Act 1996<sup>56</sup> states that local authorities must have regard to the general principle that learners are to be educated in accordance with the wishes of their parents so far as reasonably practicable. So far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.
- 1.58 Where a learner has two places of ordinary residence which are located in two different local authorities, each of those local authorities will be responsible for the learner's travel arrangements when the learner is residing in its area.
- 1.59 Further information regarding dual residency is provided in, Chapter 6 – 'Parental Responsibilities' – paragraph 6.11 and Section 3, Questions 7 and 8.

## **Walking Distances and Available Walking Routes**

- 1.60 Section 3 of the Measure sets out the distance criteria whereby learners are entitled to free transport to and from their nearest suitable school. Distances below these thresholds for the purpose of this document are referred to as 'walking distances'.
- 1.61 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 difficulty to walk the route alone or with an accompanying adult if the learners age and levels of understanding requires this.
- 1.62 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 suitable school. Even though the distance from home to school is less than the distance limit that applies to the learner's age.
- 1.63 In such cases the local authority has a duty to provide the learner with free transport to and from their nearest suitable school, but only if the learner is attending their nearest suitable school. If a learner does not attend their nearest suitable school and if the walking route is not 'available' the local authority is not required to provide free transport.
- 1.64 It is recommended that assessment of walking distances and routes to school be carried out by local authorities in accordance with:
- the risk assessment procedure outlined in Chapter 5 of this document

<sup>56</sup> <http://www.legislation.gov.uk/ukpga/1996/56/section/9>

- the Health and Safety Executive guidance and other relevant legislation governing health and safety provision<sup>57</sup>

Further advice on when risk assessments should be undertaken is provided in Section 3 (Question 2) of this document.

## **Transport for Learners Not in Compulsory Education or Training**

### Post-16 Learners

- 1.65 Section 2 of the Measure requires local authorities to assess, the travel needs of all learners under the age of 19 who receive education or training and who are ordinarily resident in the authority's area. This includes those who have reached 19 but started a course when under 19 and continue to attend that course.
- 1.66 There is no statutory duty for a local authority to provide free transport to post 16 learners who continue their studies in mainstream further education or training.
- 1.67 There is no statutory duty on a local authority to provide free transport to a learner with a disability or learning difficulty in post-16 further education or training. Although in assessing learner travel needs under section 2(4) of the Measure, a local authority "must have regard in particular" to the needs of learners who are disabled or with learning difficulties. Further information on transport costs for children with statements is provided at 8.87 to 8.90 of the SEN Code of Practice for Wales<sup>58</sup>.
- 1.68 Section 6 of the Measure provides local authorities with the power to provide discretionary transport arrangements for post-16 learners. Further information on discretionary transport provisions is provided in Chapter 1 paragraphs 1.98 – 1.105.
- 1.69 The Measure repeals Section 509AA of the Education Act 1996 so local authorities in Wales are no longer required to publish a separate transport policy statement for learners of sixth form age. However, under the Learner Travel Information (Wales) Regulations 2009<sup>59</sup>, local authorities are required to include information on post-16 learners' travel provisions within the information they publish about general arrangements and policies in respect of home to school learner travel. Further information on the Learner Travel Information (Wales) Regulations 2009 is provided in Chapter 3 paragraphs 3.1 -3.6.

<sup>57</sup> <http://www.hse.gov.uk/workplacetransport/separating.htm>

<sup>58</sup> <http://learning.wales.gov.uk/resources/special-education-needs-code-of-practice/?lang=en>

<sup>59</sup> <http://www.legislation.gov.uk/wsi/2009/569/contents/made>

## 1.70 Children Under 5 Years of Age (Nursery).

Section 2(1) of the Measure requires local authorities to assess the travel needs of learners who are under the compulsory school age (under five years of age), attending nursery education<sup>60</sup> and who are ordinarily resident in the authority's area.

- 1.71 There is no statutory duty for a local authority to provide free transport to any nursery learner who is under five years of age.
- 1.72 Section 6 of the Measure provides local authorities with the power to provide discretionary transport arrangements for learners under the age of five who attend nursery. Further information on discretionary transport provisions are provided in Chapter 1 paragraphs 1.98 – 1.105.
- 1.73 Under the Learner Travel Information (Wales) Regulations 2009, local authorities are required to include information about nursery learners' travel provisions within the information they publish on general arrangements and policies in respect of home to school learner travel. Further information on the Learner Travel Information (Wales) Regulations 2009 is provided in Chapter 3 paragraphs 3.1 -3.6)

## **Welsh Medium / English Medium Education**

- 1.74 When deciding which schools are most suitable for learners in their area, local authorities and Welsh Ministers have a duty under Section 10 of the Measure to 'promote access to education and training through the medium of Welsh'.
- 1.75 Section 6 of the Measure provides local authorities with the power to provide discretionary transport arrangements for learners who are not attending their nearest suitable school because of language preference. Further information regarding discretionary transport provision is provided in Chapter 1 paragraphs 1.98– 1.105.
- 1.76 Authorities should make clear in their school admissions documents their policy on providing free or assisted travel to schools teaching through the medium of Welsh or English. Preference for either language should be treated equally. Authorities should also take into

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<sup>60</sup> This provision covers all children aged under 5 (those aged 3 and 4) who receive education in any school or nursery setting whether the learning establishment is maintained or non-maintained.

account the authority's Welsh Language Scheme<sup>61</sup> and Welsh in Education Strategy Plan (WESP)<sup>62</sup>

- 1.77 Under the Learner Travel Information (Wales) Regulations 2009, local authorities are required to include information about learners' travel provisions with regard to accessing Welsh and English medium schools. This information must be included within the information they publish about general arrangements and policies in respect of home to school travel. Information on the Learner Travel Information (Wales) Regulations 2009 is provided in Chapter 3 paragraphs 3.1 -3.6.
- 1.78 The School Standards and Organisation (Wales) Act 2013 places a duty on local authorities in Wales<sup>63</sup> to prepare a Welsh in Education Strategic Plan (WESP) for their area. A WESP sets out a local authority's proposals on how it will carry out its education functions to:
- improve the planning of the provision of education through the medium of Welsh ("Welsh medium education") in its area
  - improve the standards of Welsh medium education and of the teaching of Welsh in its area
- 1.79 In setting out how this will be delivered travel of learners to access this provision may need to be taken into account and incorporated into the plan.

### Transport to Denominational Schools

- 1.80 Under current school transport legislation, a learner is entitled to free transport to a denominational school if that school is considered by the local authority to be the learner's nearest suitable school, Section 6 of the Measure provides local authorities with the power to provide discretionary transport arrangements for learners who are not attending their nearest suitable school because of denominational preference. Further information regarding discretionary transport provision is provided in Chapter 1 paragraphs 1.98 – 1.105.
- 1.81 Paragraph 1 of the Schedule to the Learner Travel Information (Wales) Regulations 2009 (SI 2009/569)<sup>64</sup> requires local authorities to make clear in their school admissions documents their policy on providing free or assisted travel to denominational schools.

<sup>61</sup> From November 2014 Welsh Language Schemes will be replaced by Welsh Language Standards. In accordance with the Welsh Language (Wales) Measure 2011.  
<http://wales.gov.uk/topics/educationandskills/publications/guidance/welshmededstrat/?lang=en>

<sup>62</sup>

<http://wales.gov.uk/topics/educationandskills/publications/guidance/welshmededstrat/?lang=en>

<sup>63</sup>

Section 84 of the School Standards and Organisation (Wales) Act 2013

<http://www.legislation.gov.uk/anaw/2013/1/section/84/enacted>

<sup>64</sup>

<http://www.legislation.gov.uk/wsi/2009/569/contents/made>

- 1.82 Under the Learner Travel Information (Wales) Regulations 2009, local authorities are required to include information about learners' travel provisions to denominational schools. This information should be included within the information they publish about general arrangements and policies in respect of home to school travel. Information on the Learner Travel Information (Wales) Regulations 2009 is provided in Chapter 3 paragraphs 3.1 -3.6.

## **Special Educational Needs (SEN), Disabilities and Learning Difficulties**

- 1.83 Under Sections 2 (4) (a) and (4) (b) of the Measure a local authority must consider a learner's disabilities and learning difficulties when assessing the travel needs of learners in their area.
- 1.84 With regard to the provision of learner transport, when determining whether a child is attending their nearest suitable school, a local authority must take into account the suitability of that school by having regard to (amongst other things) any learning difficulties the learner may have, irrespective of whether the learner has a SEN statement<sup>65</sup>. The definition of "learning difficulty" within the Measure<sup>66</sup> includes reference to any disability the learner may have which either prevents or hinders that person from using facilities provided at a school or other educational establishment.
- 1.85 Under Section 3 of the Measure if an independent school named in a statement for a child<sup>67</sup> or a non-maintained special school is determined to be a learner's nearest suitable school and the learner meets the eligibility criteria for free transport a local authority is required to provide free home to school transport provision for the learner.
- 1.86 The transport arrangements for a learner with SEN will depend on their individual circumstances and the route they must travel. Under Section 4 of the Measure, if a learner of compulsory school age cannot walk (accompanied or unaccompanied) to their nearest suitable school, because of a disability or learning difficulty which they have, even if the distance to their nearest suitable school is less than the statutory limit for their age group, section 4 of the Measure places a duty on local authorities to make suitable travel arrangements for that child. The local authority will need to consider what arrangements are appropriate to facilitate the learners attendance at school in accordance with their learner travel policy.

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<sup>65</sup> Section 3(6) of the Measure

<sup>66</sup> Section 24(1) of the Measure

<sup>67</sup> Under section 324 of the Education Act 1996.

<http://www.legislation.gov.uk/ukpga/1996/56/section/324>

- 1.87 The Equality Act 2010<sup>68</sup> contains a number of duties which are relevant when local authorities are complying with their duties under the Measure.
- 1.88 The Public Sector Equality Duty (PSED) in section 149 of the Equality Act 2010<sup>69</sup> places a duty on local authorities, when carrying out their powers and duties, *to have due regard* to the need to promote equality and opportunity for people with protected characteristics and to eliminate unlawful discrimination. The Measure specifically requires local authorities to have regard to any disability or learning difficulty of learners in making various assessments and decisions under it. However, this does not replace the need to also comply with the PSED in making assessments and decisions under the Measure. Therefore, local authorities should always consider whether there are any wider adverse impacts on protected groups of the assessments and decisions which they make under the Measure and, if there are, whether it would be appropriate to take steps to mitigate the effects of those.
- 1.89 Separately from the PSED, section 29(7) of the Equality Act 2010<sup>70</sup> places a duty on local authorities to make certain reasonable adjustments in relation to disability when providing services or carrying out public functions. An authority cannot charge for any reasonable adjustments it makes under this duty.
- 1.90 Section 4 of the Measure in effect creates a specific requirement for local authorities to adjust their travel arrangement provision so that if a child with a disability or learning difficulty lives closer to their nearest suitable school than the distances specified in section 3, but travel arrangements are necessary to facilitate the child's attendance at that school, the authority has a duty to make those arrangements.
- 1.91 However, the reasonable adjustments duty is still relevant to the nature of transport or travel arrangements which the local authority make under the Measure. The local authority should ensure that the arrangements they make allow disabled learners to benefit in the same way as those who are not disabled – for example, by ensuring that the transport provided is accessible and safe for the particular disabled learner.
- 1.92 Local Authorities have a duty to assess the travel needs of all learners under the age of 19 who receive education or training within their area<sup>71</sup>. Local authorities do not have a duty to provide free or subsidised school transport arrangements for learners over the age of 16, regardless of any additional learning needs they may have. Local authorities may use their discretionary powers in section 6 of the Measure to provide assistance if they wish. Section 9 of the Measure

<sup>68</sup> <http://www.legislation.gov.uk/ukpga/2010/15/contents>

<sup>69</sup> <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

<sup>70</sup> <http://www.legislation.gov.uk/ukpga/2010/15/section/29>

<sup>71</sup> Section 2(2) of the Measure.



places a duty on local authorities to ensure that transport arrangements must not favour certain types of education or training. Therefore if a local authority provides discretionary transport this provision should apply to all learners in similar circumstances within their authority area.

- 1.93 'The Special Educational Needs Code of Practice for Wales'<sup>72</sup> sets out the issues to be considered by authorities when providing transport for learners with a SEN statement. An authority should review a learner's entitlement and transport needs on a regular basis, irrespective of whether or not the statement specifically includes transport provision.
- 1.94 It is recommended that local authorities have a clear and consistent policy on transport provision for pupils with SEN. Further information on this provision is provided in Section 3 (Questions 14 to 16).
- 1.95 As part of the procurement procedures for tendering, including where they are procuring transport which may be used for disabled learners, local authorities need to bear in mind their duties under the Data Protection Act 1998<sup>73</sup> in relation to personal data, including sensitive personal data<sup>74</sup>. Tender documents should not identify learners to be transported or information that could be used to identify the learner.
- 1.96 It is recommended that local authorities work with schools and operators appropriately to ensure that the only information which is made available to operators about learners is that which it is necessary for the operators to have to ensure that appropriate transport provision for the learner can be made.
- 1.97 Further information on the provision of disclosure and barring of information is provided in Chapter 1 paragraphs 1.106 – 1.116 and Section 3 (Questions 19 – 22).

## Discretionary Transport Arrangements

- 1.98 Section 6 of the Measure gives local authorities the power to make any arrangement they think fit to facilitate the travel of learners to and from a place where they receive education or training. The power applies in relation to a learner living or studying in the authority's area.
- 1.99 Discretionary travel provisions are not the same as statutory transport provisions<sup>75</sup>. A local authority does not have to use their discretionary powers to provide free or assisted travel, if they do not think the provision is appropriate to facilitate the transport of learners within their authority.

<sup>72</sup> Reprinted in January 2004 (ISBN 0 7504 2757 4) (paragraphs 8:87 to 8:90) [SEN code of practice].

<sup>73</sup> <http://www.legislation.gov.uk/ukpga/1998/29/contents>

<sup>74</sup> [http://www.ico.gov.uk/upload/documents/library/data\\_protection/practical\\_application/guidance\\_on\\_data\\_security\\_breach\\_management.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/guidance_on_data_security_breach_management.pdf)

<sup>75</sup> Statutory provisions are those which a local authority must provide to specific learners who meet the eligibility criteria entitling those learners to free transport.

1.100 Examples of when discretionary transport provision might be used include:

- Transport for learners who are not of compulsory school age (i.e. under the age of five attending nursery school or in post 16 education or training)
- Transport for learners who are not attending their nearest suitable school
- Transport for learners who live below the statutory distance limit relevant to the learner's age

1.101 If a local authority does make use of their Section 6 powers, in accordance with section 9 of the Measure, the authority must ensure that the policy applies to all learners in similar circumstances living in that authority's area. The local authority should ensure that any policy is fair, reasonable and complies with relevant equality legislation to ensure that they do not discriminate unlawfully between learners when using their section 6 powers.

1.102 Travel arrangements made by a local authority cannot discriminate between different categories of learners. Learners of compulsory school age, at establishments that are not maintained schools but do fall within Section 1(4) of the Measure as "other relevant places", must not be treated less favourably than learners of the same age at maintained schools<sup>76</sup>. Other learners receiving full-time education or training at establishments which are not maintained schools (but do fall within Section 1(4) of the Measure) must not be treated less favourably than learners of the same age at maintained schools. Likewise there should be no discrimination between learners attending maintained schools and those of the same age with learning difficulties, a disability or who are 'looked after' by a local authority attending learning establishments other than maintained schools.

1.103 In accordance with the Learner Travel Information (Wales) Regulations 2009, local authorities must<sup>77</sup> publish information about their policies for providing discretionary travel within their learner travel policy. Further information on these Regulations is provided in Chapter 3 paragraphs 3.1 -3.6.

1.104 If a local authority chooses to make use of the Section 6 power to provide discretionary transport arrangements, the local authority also has the power to remove this provision at a later date. In doing this the authority should follow the correct procedures for withdrawal of transport provision in line with their relevant policy protocols, for instance, public consultation.

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<sup>76</sup> Section 9 of the Measure

<sup>77</sup> Regulation 4 of the Learner Travel Information (Wales) Regulations 2009

- 1.105 If a local authority decides to change or remove the discretionary transport provision it provides, it must publish<sup>78</sup> the information before 1 October of the year preceding the academic year in which the changes will come into force in accordance with the Learner Travel Information Regulations 2009.

## **The Disclosure and Barring Arrangements.**

- 1.106 The Protection of Freedoms Act 2012<sup>79</sup> (the '2012 Act') sets out the new pre-employment vetting processes that must be followed by local authorities and education providers when checking the records of people who want to work with vulnerable groups this includes children, to ensure they are suitable and do not pose a risk.
- 1.107 The new disclosure and barring arrangements came into force on 10 September 2012. For individuals who do not work in regulated activity, but work (paid or unpaid) with children and vulnerable people, employers can, but are not required to, obtain criminal records checks.
- 1.108 In December 2012, the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) merged and are now called the Disclosure and Barring Service (DBS)<sup>80</sup>. CRB checks are now called DBS checks.
- 1.109 The DBS helps employers make safer recruitment decisions and prevent unsuitable people from working with children and vulnerable groups, through its criminal record checking and barring functions:
- 1.110 The checking service allows employers to access the criminal record history of people working, or seeking to work with children or adults. The DBS issues three types of disclosure, each representing a different level of check. The level of check is determined by the duties of the particular position or job involved. Jobs that involve caring for, supervising or being in sole charge of children or adults require an enhanced DBS check.
- 1.111 The barring side of the DBS provides expert caseworkers who process referrals about individuals who have harmed or pose a risk of harm to children and/or vulnerable groups. They make decisions about who should be placed on the children's barred list and/or adults barred list and prevented them by law from working with children or vulnerable groups. It is against the law for employers to employ someone or allow them to volunteer in this kind of work if they are on one of the barred lists.

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<sup>78</sup> In accordance with regulation 4 of the Learner Travel Information (Wales) Regulations 2009 (SI 2009/569) <http://www.assemblywales.org/sub-ld8637-e.pdf>

<sup>79</sup> <http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>

<sup>80</sup> <https://www.gov.uk/disclosure-barring-service-check/overview>

- 1.112 The DBS will only issue certificates to applicants. Employers will need to ask applicants for sight of their DBS Certificate. Someone who is aged under 16 cannot apply for a DBS check.

### New definition of 'Regulated Activity'

- 1.113 The DBS only covers those who may have regular or close contact with children and vulnerable adults, defined as 'Regulated Activity' in legislation. Importantly for schools and FE colleges, the definition and scope of Regulated Activity with children has changed. Being clear about the definition of Regulated Activity is important because:
- Roles that fall within the new definition of Regulated Activity will require an enhanced DBS check and the appropriate barred list check (for children, adults or both)
  - An organisation which knowingly allows a barred person to work in regulated activity will be breaking the law
  - If you dismiss or remove someone from regulated activity (or you would have done had they not already left) because they harmed or posed a risk of harm to vulnerable groups including children, you are legally required to forward information about that person to the DBS (known as the 'duty to refer'). It is a criminal offence not to do so. If you believe that the person has committed a criminal offence, you are also strongly advised to pass the information to the police.
- 1.114 Regulated Activity<sup>81</sup> (i.e. work that a barred person must not do) in relation to children can be summarised as unsupervised activity in a limited range of establishments with the opportunity for contact with children. These specified establishments include schools, children's homes, childcare premises and pre-school establishments.
- 1.115 Under the new disclosure and barring arrangements the scope of Regulated Activity includes unsupervised activities such as driving a vehicle only for children (dedicated learner transport).
- 1.116 In addition, in order to be regarded as Regulated Activity such unsupervised activity performed must be done frequently. 'Frequently' means carried out by the same person frequently (once a week or more often), or on more than three<sup>82</sup> days in a 30 day period (or in some cases, between the hours of 2am and 6am)

## **Vehicle Standards**

- 1.117 Vehicles used for learner transport are required to comply with UK road safety and transport legislation requirements. Local authorities and

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<sup>81</sup> Section 5 and Schedule 4, Part 1 of the Safeguarding Vulnerable Groups Act 2006  
<http://www.legislation.gov.uk/ukpga/2006/47/schedule/4>

<sup>82</sup> Amended by SI 2010/1154 The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution, Miscellaneous Provisions) Order 2010.  
<http://www.legislation.gov.uk/uksi/2010/1154/contents/made>

Governing Bodies of Maintained schools should liaise with the Driver and Vehicle Standards Agency (DVSA) (Formerly the Vehicle and Operator Services Agency (VOSA))<sup>83</sup>, the Health and Safety Executive (HSE)<sup>84</sup> and the Traffic Commissioner<sup>85</sup> about any concerns they have about suspected breaches of legal standards.

- 1.118 Local authorities should put in place robust monitoring and evaluation procedures to ensure that current legislation requirements are clearly set out in their contracts and are met. This includes the provision that by 1 October 2014, seat belts must be fitted to every seat on dedicated buses used to transport learners to and from school (Safety on Learner Transport (Wales) Measure 2011). Further information on the Safety on Learner Transport (Wales) Measure 2011 and seat belt provision is provided in Chapter 4 paragraphs 4.6 – .4.22.

## Licensing and Training of Bus Drivers

- 1.119 In 2008 under the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007<sup>86</sup> the Driving Standards Association (DSA) required that by 10 September 2013 all coach and bus drivers in the UK must have a 'Driver Certificate of Professional Competence' (CPC)<sup>87</sup>. To obtain a CPC, a driver must complete a minimum of 35 hours periodic driver training within a 5 year period<sup>88</sup>. Once a driver has successfully completed the CPC training, they will be issued with a 'Driver Qualification Card' (DQC), which they will need to keep with them when driving professionally. The CPC and DQC will need to be renewed every 5 years, therefore a bus or coach driver will need to undertake 35 hours (minimum) of driver training over the next 5 year time period (2013-2018) to qualify for renewal. The DSA has agreed a 'one off arrangement' that dual category drivers (meaning drivers of both bus and coaches and lorries) once having completed their initial September 2013 training deadline, will have 6 years to undertake their next block of training – meaning this training session will need to be completed between September 2013 and September 2019.
- 1.120 There is currently no legal requirement that the bus and coach or dual category CPC training has to include a specific learner transport training module for drivers who work on buses or coaches used for learner travel. Further guidance on driver training is provided in Section 3 (Question 3)

<sup>83</sup> Further information about the DVSA and VOSA are provided in the glossary (Section 2) and Section 3 (Question 23)

<sup>84</sup> <http://www.hse.gov.uk/>

<sup>85</sup> <https://www.gov.uk/government/organisations/traffic-commissioners>

<sup>86</sup> derived from EU Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods and passengers.

<http://www.legislation.gov.uk/ukxi/2007/605/contents/made>

<sup>87</sup> <https://www.gov.uk/driver-certificate-of-professional-competence-cpc>

<sup>88</sup> In 2009, CPC for lorry drivers was also introduced, with a requirement that by 10 September 2014 a lorry driver will be required to have completed a minimum of 35 hours driver training to obtain a CPC certificate.

## Change in School Session Times

- 1.121 Section 11 of the Measure requires local authorities and the Welsh Ministers to promote the use of sustainable modes of travel when exercising their functions under the Measure. This means that a local authority should consider sustainability when assessing needs and making travel arrangements.
- 1.122 Section 21 of the Measure amends Section 32 of the Education Act 2002 to allow local authorities to issue a notice to governing bodies of certain schools to change school session times where it would promote sustainable modes of travel or improve the effectiveness or efficiency of travel arrangements. The Changing of School Session Times (Wales) Regulations 2009<sup>89</sup> set out the procedures to follow when the local authority intends to change school session times.
- 1.123 Section 32 of the Education Act 2002<sup>90</sup>, as amended by the Learner Travel (Wales) Measure 2008, sets out who is responsible for determining:
- the dates of school terms
  - school holidays
  - the times of school sessions
- 1.124 For foundation, voluntary aided and foundation special schools, the governing body determines the above<sup>91</sup>. For community, voluntary controlled, community special schools and maintained nursery schools, the governing body determines the times of school sessions and the local education authority determines the dates of the school terms and holidays<sup>92</sup>.
- 1.125 Where a local authority considers that a change in a school's session times is necessary or expedient in order to promote the use of sustainable modes of travel, or improve the effectiveness or efficiency of travel arrangements made or to be made, it can give written notice to the governing body that they will determine the time the school's first session begins and its second session ends (or if there is only one session, its start and end<sup>93</sup>).
- 1.126 Regulation 3 of the Changing of School Session Times (Wales) Regulations 2009 sets out the procedures to be taken by the local education authority when it proposes to change the session times of a community school, voluntary controlled school, community special

<sup>89</sup> <http://www.assemblywales.org/bus-home/bus-guide-docs-pub/bus-business-documents/bus-business-documents-doc-laid.htm?act=dis&id=119939&ds=4/2009>

<sup>90</sup> <http://www.legislation.gov.uk/ukpga/2002/32/section/32>

<sup>91</sup> Section 32(2) Education Act 2002

<sup>92</sup> section 32(1) Education Act 2002

<sup>93</sup> section 32(5) to (9) Education Act 2002

school, maintained nursery school, foundation school, voluntary aided school or foundation special school.

These procedures include:

- Consulting with the governing body; head teacher and other staff at the school
- Holding a meeting with the parents and pupils at the school
- Giving at least three months notice of the change and when it is to take effect.

1.127 In accordance with the Learner Travel Information (Wales) Regulations 2009, any changes to learner travel arrangements, which occur as a result of amendments to school session times must<sup>94</sup> be made available and published by 1 October preceding the academic year to which the information relates.

1.128 Regulation 4 of the Changing of School Session Times (Wales) Regulations 2009 sets out the procedures to be taken by a governing body of a community, voluntary controlled, community special school or maintained nursery school when it proposes to make changes to school session times.

1.129 Governing bodies must<sup>95</sup> consult with the local authority and school staff, prepare a statement outlining the changes and hold a meeting with the parents of pupils at the school before making a change. This regulation does not apply to foundation, voluntary aided and foundation special schools. If the change is to the time that a school session begins in the morning or ends in the afternoon, the governing body must give at least three months' notice of the change and the change must only take effect at the beginning of a school year. Otherwise it must give at least six weeks' notice, and the change can only take effect at the beginning of a school term.

## Charging for Transport

1.130 Local authorities may not charge for transport arrangements that it is required to make for learners of compulsory school age under Section 3 and 4 of the Measure, except in relation to looked after children where the authority making the travel arrangements for a child who is looked after by another authority. In these cases it can recoup costs from the placing local authority (under section 18 of the Measure).

1.131 When a local authority uses its section 6 powers to provide discretionary travel arrangements for learners not entitled to free transport provision, a charge can be made for these arrangements.

<sup>94</sup> Regulation 4 of the Learner Travel Information (Wales) Regulations 2009.

<http://www.legislation.gov.uk/wsi/2009/569/contents/made>

<sup>95</sup> Regulation 4 of the Changing of School Session Times (Wales) Regulations 2009.

<http://www.assemblywales.org/sub-ld7424-e.pdf>

- 1.132 For learners who are not of compulsory school age, there is no restriction on charging. With regard to learners of compulsory school age, charging must be in accordance with Section 455 and 456 of the Education Act 1996<sup>96</sup> (as amended by Section 22 of the Measure<sup>97</sup>). Further information on this provision is provided in Section 3 (Question 26).
- 1.133 Section 6 of the Transport Act 1985<sup>98</sup> provides for the compulsory registration of local bus services with the Traffic Commissioner. Local Education Authorities must register all services carrying fare paying passengers under section 6 of the 1985 Act. Under Section 46 of the Public Passenger Vehicles Act 1981<sup>99</sup>, a local authority can use a school bus to carry fare paying passengers when it is (or is not) being used to carry children entitled to free school transport. Contracted operators must register any services where learners not entitled to free learner transport are carried on payment of a fare.

## General Powers

- 1.134 Under Section 15 of the Measure Welsh Ministers have the power to give guidance and directions. When exercising any of their functions under the Measure, local authorities and governing bodies of maintained schools and further education institutions must have regard to guidance issued by the Welsh Ministers.
- 1.135 Welsh Ministers may also issue a direction under section 15 to require authorities to make learner travel arrangements under sections 3, 4 or 6 of the Measure. Such directions can be given to one or more local authorities or local authorities generally. It allows Welsh Ministers to direct on individual cases or on general policy matters. The power may be exercised irrespective of whether a local authority is in default of its duties. It does not take the place of, or affect, the more general powers of direction that Welsh Ministers have under sections 496-497A of the Education Act 1996<sup>100</sup>.
- 1.136 The Welsh Government has no functions in relation to vehicle standards, inspection, enforcement or licensing of vehicles or drivers. These matters are the responsibility of the UK Government.

## Other Legal Considerations.

- 1.137 Local authorities and governing bodies of maintained schools are also required to take the following into account:

<sup>96</sup> <http://www.legislation.gov.uk/ukpga/1996/56/section/455>

<sup>97</sup> <http://www.legislation.gov.uk/mwa/2008/2>

<sup>98</sup> <http://www.legislation.gov.uk/ukpga/1985/67/section/6>

<sup>99</sup> <http://www.legislation.gov.uk/ukpga/1981/14>

<sup>100</sup> <http://www.legislation.gov.uk/ukpga/1996/56/part/IX/chapter/II/crossheading/general-functions>



Equality and human rights legislation and policy such as:

- Equality Act 2010 -  
<http://www.legislation.gov.uk/ukpga/2010/15/contents>
- Welsh Language Act 1993 -  
<http://www.legislation.gov.uk/ukpga/1993/38/contents>
- Human Rights Act 1998. -  
<http://www.legislation.gov.uk/ukpga/1998/42/contents>
- Welsh Language (Wales) Measure 2011 -  
<http://www.legislation.gov.uk/mwa/2011/1/contents>
- Data Protection Act 1998 -  
<http://www.legislation.gov.uk/ukpga/1998/29/contents>
- Protections of Freedom Act 2012 -  
<http://www.legislation.gov.uk/ukpga/2012/9/contents>
- Children Act 1989 -  
<http://www.legislation.gov.uk/ukpga/1989/41/contents>
- Children Act 2004 -  
<http://www.legislation.gov.uk/ukpga/2004/31/contents>
- United Nations Convention of the Rights of the Child (UNCRC) -  
<https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/the-united-nations-convention-on-the-rights-of-the-child-uncrc>
- Rights of Children and Young People (Wales) Measure 2011 -  
<http://www.legislation.gov.uk/mwa/2011/2/contents>
- Children's Rights Scheme 2014  
<http://wales.gov.uk/topics/childrenyoungpeople/rights/uncrc/?lang=en>
- Children and Young Persons Plan (Wales) Measure 2007 -  
<http://www.legislation.gov.uk/wsi/2007/2316/contents/made>
- Criminal Justice Act 2003 -  
<http://www.legislation.gov.uk/ukpga/2003/44/contents>

Health and safety legislation, policy and guidance such as:

- Health and Safety at Work etc Act 1974 -  
<http://www.legislation.gov.uk/ukpga/1974/37/contents>
- Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) -  
<http://www.legislation.gov.uk/uksi/1999/3242/contents/made>
- Workplace Health, Safety and Welfare Regulations 1992 (SI 1992/3004) =  
<http://www.legislation.gov.uk/uksi/1992/3004/contents/made>
- Guidance in 'Workplace Transport Safety' (HSG 136), published by the Health and Safety Executive in 2005 -  
<http://www.hse.gov.uk/pubns/books/hsg136.htm>
- Safeguarding Vulnerable Group Act 2006 -  
<http://www.legislation.gov.uk/ukpga/2006/47/contents>
- Safeguarding Vulnerable Groups Act (Regulated Activity, Devolution, Miscellaneous Provisions) Order 2010 -  
<http://www.legislation.gov.uk/uksi/2010/1154/contents/made>

Social Service legislation, policy and guidance such as:

- Local Authority Social Service Act 1970 -  
<http://www.legislation.gov.uk/ukpga/1970/42/contents>
- Shared Planning for Better Outcomes Guidance 2007  
<http://wales.gov.uk/topics/educationandskills/publications/guidance/sharedplanningforbetteroutcomes?lang=en#>
- Stronger Partnerships for Better Outcomes Guidance 2006 -  
<http://wales.gov.uk/topics/childrenyoungpeople/publications/strongerpartnerships/?lang=en>
- Social Service and Wellbeing (Wales) Act 2014 -  
<http://www.legislation.gov.uk/anaw/2014/4/enacted>

Education legislation, policy and guidance such as:

- Education Acts (1996 and 2002) -  
<http://www.legislation.gov.uk/ukpga/1996/56/contents>  
<http://www.legislation.gov.uk/ukpga/2002/32/contents>
- Education and Inspections Act 2006 -  
<http://www.legislation.gov.uk/ukpga/2006/40/contents>
- Learning and Skills Act 2000 -  
<http://www.legislation.gov.uk/ukpga/2000/21/contents>
- School Standards and Framework Act 1998 -  
<http://www.legislation.gov.uk/ukpga/1998/31/contents>
- School Standards and Organisation (Wales) Act 2013 -  
<http://www.legislation.gov.uk/anaw/2013/1/contents/enacted>
- Special Educational Needs Code of Practice for Wales 2004 (reprint) -  
[http://www.ipsea.org.uk/AssetLibrary/Downloadable%20documents/specialeducationneedse\[1\].pdf](http://www.ipsea.org.uk/AssetLibrary/Downloadable%20documents/specialeducationneedse[1].pdf)
- Statutory School Organisation Code 2013 -  
<http://wales.gov.uk/topics/educationandskills/publications/guidance/school-organisation-code/?lang=en>
- Statutory School Admissions Code 2013 -  
<http://wales.gov.uk/topics/educationandskills/publications/guidance/schooladmission/?lang=en>
- Statutory School Admissions Appeals Code 2013 -  
<http://wales.gov.uk/topics/educationandskills/publications/guidance/schooladmission/?lang=en>
- Welsh in Education Strategy Plan and Assessing Demand for Welsh-medium Education (Wales) Regulations 2013 -  
<http://www.assemblywales.org/sub-ld9585-e.pdf>
- Social Inclusion (Inclusion and Pupil Support) Guidance 2006 -  
<http://wales.gov.uk/topics/educationandskills/publications/circulars/2463797/?lang=en>
- Changing of School Session Times (Wales) Regulations 2009 -  
<http://www.legislation.gov.uk/wsi/2009/572/contents/made>
- Education (Start of Compulsory School Age) Order 1998 -  
<http://www.legislation.gov.uk/uksi/1998/1607/contents/made>
- The Education (school leaving date) Order 1997 -  
<http://www.legislation.gov.uk/uksi/1997/1970/contents/made>

Transport legislation, policy and guidance such as:

- Transport Act 1985 -  
<http://www.legislation.gov.uk/ukpga/1985/67/contents>
- Public Passenger Vehicles Act 1981 -  
<http://www.legislation.gov.uk/ukpga/1981/14/contents>
- Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078) -  
<http://www.legislation.gov.uk/uksi/1986/1078/contents/made>
- Motor Vehicles (Wearing of Seat Belts) Regulations 1993/176 -  
<http://www.legislation.gov.uk/uksi/1993/176/contents/made>
- Road Traffic Reduction (National Targets) Act 1998 -  
<http://www.legislation.gov.uk/ukpga/1998/24/contents>
- The Learner Travel (Wales) Measure 2008 -  
<http://www.legislation.gov.uk/mwa/2008/2/contents>
- The Learner Travel Information (Wales) Regulations 2009 -  
<http://www.legislation.gov.uk/wsi/2009/569/contents/made>
- Travel Behaviour Code Statutory Guidance 2009 -  
<http://wales.gov.uk/topics/transport/integrated/learnertravel/travelcode/tbcstatutoryguidance/?lang=en>
- The Travel Code - <http://wales.gov.uk/travelcode>
- Active Travel (Wales) Act 2014 -  
<http://www.legislation.gov.uk/anaw/2013/7/contents/enacted>
- Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 <http://www.legislation.gov.uk/uksi/2007/605/contents/made>
- Safety on Learner Transport (Wales) Measure 2011 -  
<http://www.legislation.gov.uk/mwa/2011/6/contents>
- Guidance on Home to School Transport Risk Assessment 2009 (Welsh Government publication) -  
<http://wales.gov.uk/topics/transport/integrated/learnertravel/hometoschooltransport/?lang=en>

# Section 1: Statutory Provisions.

## Chapter 2: The All-Wales Travel Behaviour Code.

### Overview

- 2.1. The Learner Travel (Wales) Measure 2008 (“the Measure”) places a legal duty<sup>101</sup> on the Welsh Ministers to make a Travel Behaviour Code and to publish it. The statutory All Wales Travel Behaviour Code (the “Travel Code”<sup>102</sup>) was introduced by section 12 of the Measure and has been in operation since January 2010.
- 2.2. The Travel Code sets out learners’ responsibilities when travelling. It is accompanied by statutory guidance issued under section 15 of the 2008 Measure, which provides advice on how to ensure, as far as reasonably practicable, a safe journey and describes the rights of learners when travelling.
- 2.3. The purpose of the Travel Code and associated Guidance is to promote safety when travelling, by laying down a set of behavioural standards across Wales, for all learners. The Guidance outlines the procedures local authorities, governing bodies and head teachers must adhere to under the Travel Code.
- 2.4. The Travel Code is divided into two Sections. Section one applies to behaviour when travelling on all modes of transport (i.e. buses, trains, cycling, walking, passengers in a parent’s or other person’s car or any other mode of travel). Section two covers behaviour specific to bus travel and is known as the “Bus Travel Code”. The latter provides additional instruction on behavioural requirements for learners travelling on buses to and from school.
- 2.5. The Travel Code supersedes all other learner travel codes of conduct used by local authorities prior to the Travel Code’s introduction. However local authorities may wish to publish supplementary travel information and policies in accordance with the Travel Code provided that they do not contradict the statutory provisions outlined within the Travel Code.
- 2.6. The Travel Code sets out specific requirements regarding the behavioural conduct of learners. It outlines a set of common behaviour standards which apply to all modes of travel by learners irrespective of whether the travel is provided by a local authority, governing body or other modes of travel or transport used by learners (such as taxis, public buses, trains, bicycles, walking, parents’ cars or any other modes of travel).

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<sup>101</sup> Section 12 of the Measure

<sup>102</sup> <http://wales.gov.uk/topic/transport/publications/travelbehaviourcode/?lang=en>

- 2.7. It is a compulsory code of conduct for all learners under the age of 19 years (or who have reached 19 but started a course when under 19 and continue to attend that course)<sup>103</sup>.
- 2.8. It is recommended that local authorities, education institutions, parents, train and bus service operators, taxi and other contracted operators in Wales promote awareness and understanding of and compliance with the Travel Code. (Further information regarding parents' and schools' responsibilities in relation to the Travel Code are provided in Chapter 6 paragraph 6.10 and Chapter 7 paragraphs 7.2 – 7.5 (respectively) and Section 3 Questions 13, 29 and 31).
- 2.9. Section 12 of the Measure states that the Travel Code applies to home to school journeys and journeys undertaken between places of learning during the day<sup>104</sup>.
- 2.10. The Travel Code statutory guidance<sup>105</sup> sets out a framework for the sanctions regime within the Travel Code and provides for the removal of free or subsidised transport for set periods of time if a learner misbehaves on learner transport.
- 2.11. Welsh Ministers have a statutory duty to review the Travel Code from time to time<sup>106</sup>. Prior to reviewing the Travel Code, Welsh Ministers must consult such persons as they consider appropriate, for example, local authorities, schools and learners<sup>107</sup>.

## **Enforcement of the Travel Code - Sanctions<sup>108</sup>**

- 2.12. Where a local authority is under a duty (under Section 3 and 4 of the Measure) to provide transport, it must follow the requirements set out in Section 14 of the Measure, before withdrawing transport provision, namely:
- Be satisfied that the learner has failed to comply with the travel behaviour code (table below)

<sup>103</sup> Section 89(2A) of the Education and Inspections Act 2006 provides that head teachers must include the Travel Code within their behaviour policy and ensure compliance with the Travel Code. <http://www.legislation.gov.uk/ukpga/2006/40/section/89>

<sup>104</sup> Such as travel to attend courses in line with the Learning and Skills (Wales) Measure 2009 (14-19 Pathways) - Further information on the Learning and Skills (Wales) Measure 2009 is provided in Section 3 (Question 28).

<sup>105</sup> <http://wales.gov.uk/topics/transport/integrated/learnertravel/travelcode/tbcstatutoryguidance/?lang=en>

<sup>106</sup> This duty is set out in Section 12(4) of the Measure.

<sup>107</sup> Section 12(6) of the Measure.

<sup>108</sup> Guidance about the recommended procedures for enforcing sanctions with relation to the Travel Code are provided in Section 3 (Question 29).

<b>Your Responsibility</b>	<b>Your Safety</b>	<b>Your Rights</b>
<ul style="list-style-type: none"> <li>• Always respect others including other learners, drivers and the public</li> <li>• Always respect vehicles and property</li> <li>• Always be polite</li> <li>• Never drop litter</li> <li>• Always obey the law</li> </ul>	<ul style="list-style-type: none"> <li>• Always behave well when travelling</li> <li>• Always follow the driver's instructions when travelling</li> <li>• You must not distract the drivers</li> <li>• Always cross the road safely and sensibly</li> <li>• Always travel by a safe route</li> </ul>	<ul style="list-style-type: none"> <li>• To be safe when travelling</li> <li>• To be treated fairly and with respect</li> <li>• To tell someone if somebody is causing you problems</li> <li>• Not to be bullied or picked on</li> </ul>

**and** that the following conditions applicable to the learner are met:

- 1. Provide the learner and the parent of the learner with an opportunity to make representations and take those representations into account
- 2. Consult with the head teacher of the school or relevant place of learning at which the learner is a registered pupil, and give the head teacher notice of the decision at least 24 hours before the withdrawal takes place.
- 3. Ensure that the decision to withdraw transport arrangements is reasonable in the circumstances. In determining whether this is the case, the local authority must take the following matters into account:
  - whether the period of withdrawal of transport is proportionate in the circumstances of the case
  - whether there are any special circumstances relevant to the withdrawal of travel arrangements which are known to the local authority (or of which the authority ought to be aware of) including:
    - the learner's age
    - any special educational needs the learner may have;
    - any disability the learner may have
    - whether the learner would lose an opportunity to take a public examination and
    - whether suitable alternative arrangements can be reasonably made by the learner's parents.
- 4. Give the learner's parents at least 24 hours notice before the withdrawal of transport provision takes place (Chapter 6 – 'Parental Responsibilities' paragraph 6.10 explains the parental obligations regarding what provisions must be put in place where transport is removed)
- 5. Ensure the period of withdrawal of transport provision does not exceed 10 consecutive schools days.

- 6. Ensure that the period of withdrawal would not result in the learner having travel arrangements withdrawn for more than 30 school days in the school year in which the withdrawal takes effect.

2.13. The Measure provides Welsh Ministers with the power to make regulations to<sup>109</sup>:

- Change the number of days for which transport can be withdrawn
- Specify the categories of person who may appeal
- Specify the circumstances in which appeals can be made
- Specify the constitution of appeal panels
- Specify the appeals procedures
- Make provisions for appeals against withdrawal of transport
- Make provisions for reviews of the decision to withdraw transport
- Make provision about the effect of appeal decisions
- Provide for payment of allowances to members of appeal panels
- Require information about appeals to be made available.

2.14. Where a learner has special educational needs, local authorities should consider what constitutes reasonable steps, as detailed in this document. The Special Educational Needs Code of Practice for Wales<sup>110</sup> and sections 2 and 3 of the National Assembly for Wales Circular 47/2009 – Inclusion and Pupil Support<sup>111</sup> guidance provide further guidance on dealing with misbehaviour for disabled learners and those with learning difficulties.

## Publication of Local Authority Travel Codes

2.15. Local authorities are under a duty to publish the Travel Code in accordance with section 12(5) of the Measure and the requirements within the Learner Travel Information (Wales) Regulations 2009<sup>112</sup>. Chapter 3 paragraphs 3.1 -3.6 provide further information on what provisions needs to be covered by these Regulations.

## Raising Awareness of Issues

2.16. School Councils have a key role to play and in particular could usefully raise the issue of bullying each year and discuss the progress that has been made in taking forward action to address the issue. In doing so, this would be in accordance with article 12 of the UNCRC which states children should have their opinions taken into account when adults make decisions that affect them<sup>113</sup>

<sup>109</sup> Section 14(15) of the Measure.

<sup>110</sup>

<http://wales.gov.uk/topics/educationandskills/publications/guidance/specialedneedsco/?lang=en>

<sup>111</sup> <http://wales.gov.uk/topics/educationandskills/publications/circulars/2463797/?lang=en>

<sup>112</sup> Paragraph 4, Schedule 1 to the 2009 Regulations

<sup>113</sup> <http://wales.gov.uk/topics/childreneyoungpeople/rights/uncrc/?lang=en>

# Section 1: Statutory Provisions.

## Chapter 3: The Learner Travel Information (Wales) Regulations 2009

### Publication of School Transport Policies and Information for Parents

- 3.1. The Learner Travel Information (Wales) Regulations 2009<sup>114</sup> ("the 2009 Regulations") replace paragraphs 8, 19 and 20 of Schedule 1 to the Education (School Information)(Wales) Regulations 1997<sup>115</sup>. The Regulations require local authorities to publish and make available information on travel arrangements made under the Measure. They set out not only what information local authorities are required to publish but also when and how the information should be published and made available to parents, learners, governing bodies, head teachers and/or other persons.
- 3.2. Travel arrangements for learners during the school day (e.g. travel to attend courses at other places of learning such as those as a consequence of the (14-19) Learning Pathways Programme) are not covered by the Regulations and are not subject to these provisions.
- 3.3. In addition to the Travel Behaviour Code, local authorities are required under the 2009 Regulations to publish the following information:-
- the general policy on providing free transport
  - the general policy on any travel arrangements made for learners for whom free transport is not provided
  - the circumstances that payment of reasonable travelling expenses will be made
  - arrangements and policies in relation to learners with learning difficulties/disabilities
  - information on how to make enquiries/complaints about travel arrangements, and any local authority appeals procedure
  - any other information that the local authority considers would be useful for learners in its area about travel arrangements made by other organisations.
- 3.4. The information must be made available by the 1 October preceding the academic year to which the information relates<sup>116</sup>. The information must be made available<sup>117</sup>:-
- on the local authority website

<sup>114</sup> <http://www.legislation.gov.uk/wsi/2009/569/contents/made>

<sup>115</sup> S.I. 1997/1832.

<sup>116</sup> Regulation 4(2) of the 2009 Regulations.

<sup>117</sup> Regulation 4(3) of the 2009 Regulations.



- to parents without charge on request and made available for reference by parents and other persons at:
  - the local authority's offices; and
  - every school maintained by the local authority
- public libraries
- any other relevant place which learners in the area may consider attending
- distributed to parents of pupils who are in the final year of school and may transfer to another school maintained by that authority. (The local authority only needs to give the information that is relevant to the school to which the pupil may transfer)

3.5. Local authorities must also provide free of charge<sup>118</sup> and on request from a governing body, a head teacher, a parent of a child or any other learner in the local authority area the following information:-

- information relating to the assessment of learner travel needs under section 2 of the Measure
- information relating to decisions as to the suitability of transport or travel arrangements where the local authority has a duty to make travel arrangement
- information relating to decisions as to whether a route is 'available'
- information relating to decisions as to whether travel arrangements are necessary to facilitate the attendance of the child each day at the relevant place where the child receives education or training (section 4(1) of the Measure)
- information relating to decisions to make travel arrangements using their discretionary powers (section 6 of the Measure).

3.6. Parents should be able to understand their options and any cost implications of the choice of school they make for their child. Accordingly it is recommended that local authorities provide parents with information about transport arrangements alongside, or as part of, the information made available about school admissions. (Further information on school admission criteria and publication of admission arrangements is provided in section 2.2, 2.11 and 2.12 of the Statutory School Admissions Code 2013<sup>119</sup>)

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<sup>118</sup> Regulation 5 of the 2009 Regulations.

<sup>119</sup>

<http://wales.gov.uk/topics/educationandskills/publications/guidance/schooladmission/?lang=en>

# Section 1: Statutory Provisions.

## Chapter 4: The Safety on Learner Transport (Wales) Measure 2011

### Overview

- 4.1. The Safety on Learner Transport (Wales) Measure 2011<sup>120</sup> (“the 2011 Measure”) makes amendments to the Learner Travel (Wales) Measure 2008. The purpose of those amendments is to enhance the safety of all learners, as far as reasonably practicable, on dedicated transport used for learner travel.
- 4.2. The 2011 Measure incorporates into the Measure a number of provisions about vehicle specification used for dedicated learner transport.
- 4.3. The 2011 Measure also introduces criminal offences and penalties to be used for breaches of requirements imposed under the Measure<sup>121</sup>.
- 4.4. To date the only provision introduced by the 2011 Measure to have been enacted is the requirement that every bus used for dedicated learner transport to and from school, which has been secured by a local authority or governing body of a maintained school must have seat belts fitted to every passenger seat by 1 October 2014.
- 4.5. Other provisions introduced by the 2011 Measure which have not been enacted to date include:
- the recording of visual images or sound on dedicated learner transport;
  - safety risk assessments of dedicated learner transport;
  - driver training (specific for dedicated learner transport);
  - Supervisors on dedicated learner transport;
  - powers of entry and inspection of vehicles or premises owned or controlled by relevant bodies for the use of dedicated learner transport.

### Seat Belt Provision.

- 4.6. This section describes the statutory requirements in relation to seat belt provision for learner transport, which is governed by Welsh, UK and EU legislation.

#### Legislation Governing Seat Belt Provision before 1 October 2014

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<sup>120</sup> <http://www.legislation.gov.uk/mwa/2011/6/contents/enacted>

<sup>121</sup> This provision includes the use of criminal and civil sanctions.

- 4.7. The requirements for the installation of seat belts are set by the Road Vehicles (Construction and Use) Regulations 1986<sup>122</sup> (as amended). Seat belts must be fitted in all minibuses<sup>123</sup>. Seat belts must also be fitted in coaches (defined as a large bus with a maximum gross weight of more than 7.5 tonnes and with a maximum speed exceeding 60 mph first used on or after 1 October 1988<sup>124</sup>). Buses with a gross vehicle weight exceeding 3500kg and first used on or after 1 October 2001 must have seatbelts fitted to every forward and rearward facing seat<sup>125</sup>.

#### Legislation Governing Seat Belt Provision after 1 October 2014

- 4.8. The 2011 Measure requires relevant bodies<sup>126</sup> to ensure that every bus used for dedicated learner transport<sup>127</sup> has a seat belt fitted to every passenger seat used on or after 1 October 2014.
- 4.9. Buses not procured by a local authority or governing body for the purpose of home to school transport will be exempt from this requirement, even where learners use these vehicles in travelling to and from home and school.
- 4.10. The seat belt provision applies to all buses used for dedicated learner transport between home and school, including public service buses<sup>128</sup> if they are used for any dedicated learner transport services, even if the majority of their journeys are non dedicated learner transport service routes.
- 4.11. Passenger seats of double deck buses used for dedicated learner transport on or after 1 October 2014 must also be fitted with seat belts in the same way as single deck vehicles.

#### The Wearing of Seat Belts

- 4.12. The wearing of seat belts is governed by the Road Traffic Act 1988 (as amended) ("the 1988 Act"). The 1988 Act requires seated passengers aged 14 years or older in a bus or coach to use a seat belt if one is installed.
- 4.13. In relation to passengers under the age of 14, the driver of a vehicle is responsible for making sure that those passengers are wearing seat belts<sup>129</sup>.

<sup>122</sup> <http://www.legislation.gov.uk/ukxi/1986/1078/made>

<sup>123</sup> Regulation 3 of the 1986 regulations defines a minibus as a vehicle adapted to carry more than 8 but not more than 16 passengers in addition to the driver.

<sup>124</sup> Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

<sup>125</sup> Regulation 47 of the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

<sup>126</sup> Statutory definition of 'relevant body' are each of the following 'a local authority' and or 'a governing body of a maintained school' as stated in section 14N of the 2011 Measure.

<sup>127</sup> Section 3 (Questions 35 and 36) sets out which vehicles are not covered by the 2011 Measure seat belt provision.

<sup>128</sup> Statutory definition of 'public service buses' is provided in the glossary (Section 2)

<sup>129</sup> section 15(3) Road Traffic Act 1988

<http://www.legislation.gov.uk/ukpga/1988/52/section/15>

However, the drivers of the following types of vehicles are not bound by this requirement<sup>130</sup>:

- Large buses – with 8 seats in addition to the driver
- Small buses – with fewer than 8 seats in addition to the driver and where seat belts are not available and
- Small buses – with fewer than 8 seats in addition to the driver and where the vehicle is being used for a local service within the meaning of the Transport Act 1985 (that is a public service vehicle carrying passengers by road at separate fares) or the vehicle is designed or adapted for standing passengers

4.14. Section 15B of the Road Traffic Act 1988 sets out that where a bus is fitted with seat belts, a bus operator must take all reasonable steps to ensure that all passengers are notified of the fact that it is a legal requirement to wear a fitted seat belt. Passengers may be notified that they must wear seat belts through any of the following ways:

- An official announcement by the bus driver, escort(s) or pupil;
- An audio visual presentation (made when pupils join the bus or within a reasonable time of doing so);
- A pictorial sign or text prominently displayed at each passenger seat equipped with a seat belt.

4.15. Those passengers with medical conditions may be exempt from wearing a seat belt, but must<sup>131</sup> carry their certificate of exemption with them while travelling.

4.16. Bus operators who fail to provide the required notification face a fine of up to £2,500.

### EU Legislation

4.17. EU Directive 2003/20/EC<sup>132</sup> requires learners aged 3 to 13 to wear seat belts whilst on a bus or a coach. The UK Government's Department for Transport is currently consulting on how to transpose and enforce this legal requirement in the UK.

## **Criminal Sanctions**

4.18. The 2011 Measure introduced a criminal sanctions regime to the 2008 Measure<sup>133</sup> where:

- A relevant body fails to ensure that the buses it provides or secures for learner transport have seat belts fitted to each seat

<sup>130</sup> Section 3 (Question 37) provides advice on how to persuade young children and learners how to wear seatbelts.

<sup>131</sup> Motor Vehicles (Wearing of Seat Belts) Regulations 1993/176

<http://www.legislation.gov.uk/uksi/1993/176/regulation/2/made>

<sup>132</sup> Information on the EU Directive is provided in the Glossary (Section 2).

<sup>133</sup> section 14A 2008 Measure

- Where a 'person' (for example, a bus operator) providing the bus for learner transport fails to ensure that it has seat belts fitted to each passenger seat

4.19. Section 14H of the 2008 Measure provides Welsh Ministers with the power to appoint an enforcement body should they wish to do so. The Welsh Ministers have not established a specific enforcement body and have determined that the police would be best suited to fulfil the role of the enforcement authority for ensuring the seat belt provision of the 2008 Measure is enforced in Wales.

4.20. The police have the power to carry out spot checks, carried out by the roadside during the school journey or at the school premises before or after a journey to verify that seat belts are fitted to each passenger seat on dedicated learner transport.

4.21. When available, vehicle examiners of the Driver and Vehicle Standards Agency (DVSA) (formerly VOSA) assist the police whenever and wherever they run school transport checks or operations in Wales. (Further information on the DVSA and VOSA is provided in Section 3 Question 23)

### **Liability of those who provide or secure learner transport – who will face prosecution?**

4.22. Where a prosecution for an offence is carried out under the provisions of the 2008 Measure, it would be the local authority or governing body of a maintained school as a whole who would be responsible and there would be no individual liability. However, in some cases it would be possible for an individual to be prosecuted separately alongside the company/ local authority. For instance in the case of a bus company (or a local authority), where it could be proved that the offence was the result of individual negligence or that the offence was committed with the consent of the individual within the company (or local authority)<sup>134</sup>.

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<sup>134</sup> Section 14L of the 2008 Measure (as amended)

# Section 1: Statutory Provisions.

## Chapter 5: Risk Assessment of Walked Routes to School

### Overview

5.1 Local authorities are under a legal duty to assess the travel needs of learner who walk to school<sup>135</sup>. In making an assessment local authorities are recommended to take into account the following provisions.

### **Part 1: Risk Assessment Procedure In Relation To Physical/Traffic Risks**

5.2 The scope of this section covers the relationship between learners and traffic. As pedestrians, learners face a number of hazards which are identified below. Walking the route will enable risk assessors to identify hazards.

### **Route Conditions**

5.3 For a route to be classed as available Welsh Ministers recommend that the route needs to be:

- A continuous adequate footway on roads which carry medium to heavy traffic flow<sup>136</sup> **or**
- “Step offs”<sup>137</sup> on roads which have low traffic flow but adequate sight lines to provide sufficient advance warning to drivers and pedestrians **or**
- On roads with very low traffic flow, no “step offs”, but sufficiently good sight lines to provide adequate advance warning

5.4 If there is a need to cross roads Welsh Ministers recommend that there should be one of the following safety measures:

- Pedestrian refuges **or**
- Visibility – it should be good enough to allow vehicles to stop given the 85<sup>th</sup> percentile speed rule (or the speed at which no more than 15% of the traffic is exceeding) – vehicle stopping distances are set out in the Highway Code<sup>138</sup> **or**
- Sufficient gaps<sup>139</sup> in the traffic flow and sight lines to allow enough opportunities to cross safely **or**
- Sufficient crossing facilities (for example, zebra, pelican crossings) **or**
- Sufficient pedestrian phases at traffic lights (including necessary refuges) **or**

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<sup>135</sup> Section 2 of the Measure

<sup>136</sup> Traffic flows are defined in Chapter 5 paragraphs 5.8 – 5.12

<sup>137</sup> For the purposes of this document the definition of “Step-offs” is provided in the glossary (Section 2).

<sup>138</sup> <https://www.gov.uk/browse/driving/highway-code>

<sup>139</sup> Sufficient gaps in traffic flow are outlined in more detail in Chapter 5 paragraphs 5.8 – 5.12

- Sufficient school Crossing Patrols (lollipop people)

5.5 Risk assessments of walked routes enable local authorities to determine whether a route to school is 'available' (safe) to walk. Further in cases where a route is deemed to be 'unavailable' (unsafe) the assessment process can determine what safeguards could be put in place to ensure that the route is or can become 'available' (safe) to walk. In deciding whether to undertake a risk assessment exercise the local authority will need to take into account whether the route has previously been assessed. If it has been assessed previously what has changed that would mean that a further assessment is required. For example:

- An accident or similar incident
- High accident statistics
- The opening or closure of schools
- Changes made to a route – road works, infrastructure changes
- Changes to traffic composition and volumes, including cyclists
- Changes affecting the route – new builds/housing developments, large scale construction projects

Changes to the characteristics of the people walking the route – such as a wheelchair user using the route

## **Traffic**

- 5.6 It is recommended that assessments take place at the usual time learners travel to and from school, namely in the morning at the time before schools starts, when traffic flow is generally heaviest (unless it can be shown that the afternoon flow is heavier); at the end of the normal school day finishing time a minimum of three surveys should be taken.
- 5.7 Speed limits on roads around or near schools should also be taken into account in relation to traffic flow to determine what safety measures are necessary.

## **Traffic Flow on Roads**

- 5.8 The flow of traffic along roads is a significant factor in determining the safety<sup>140</sup> of a walked route.
- 5.9 Low traffic flow occurs on roads that have a traffic flow below 400 vehicles in a 1 hour period; medium traffic flow occurs on roads with a traffic flow between 400 to 840 vehicles per hour; and heavy traffic flow occurs on roads with a traffic flow of over 840 vehicles per hour.
- 5.10 It is recommended that risk assessors undertake a gap analysis. This records the number of gaps in traffic flow and should record data in five minute consecutive intervals. Four such gaps within a 5 minute period are considered acceptable.

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<sup>140</sup> For the purposes of this document the definition of 'Safety' is provided in the glossary (Section 2)

- 5.11 It is recommended that traffic counts are recorded as “passenger car” equivalent values (Passenger Car Units - PCUs), by using the following factors:

3 pedal cycles	1 PCU
2 motorcycles	1 PCU
1 Car	1 PCU
1 light goods vehicle (up to 3.5 tonnes gross weight)	1 PCU
1 Bus/Coach (over 3.5 tonnes)	2 PCUs
Goods Vehicles (over 3.5 tonnes)	2 PCUs
Goods Vehicles (over 7.5 tonnes/multi-axle lorries)	3 PCUs

- 5.12 All vehicle counts are two-way except on one-way systems. Dual carriageways are counted as one-way on each side. Where the two-way (one-way of a dual carriageway) traffic flow is below 240 vehicles per hour the road is assessed as safe to cross. This is equivalent to 1 vehicle every 15 seconds, allowing a reasonable gap time to cross a 7m wide road at a walking speed of 0.92 m per second.

### Collision History

- 5.13 It is recommended that the road casualty record along the route is noted with special attention to accident danger spots. If the route is also used for public transport a note should be made of stopping places and the level of increased pedestrian use that could impact on foot path availability. Risk assessors could, for example, incorporate a 3 year collision history into the assessment of the whole route.
- 5.14 If a risk<sup>141</sup> is identified, it is recommended that suitable measures are considered – for example the introduction of speed humps or speed cameras<sup>142</sup>.

### Footpaths

- 5.15 Welsh Ministers consider that a footway, roadside strip of reasonable width and condition, a public footpath or bridleway will all normally be assumed to provide an available route. The footway will need to be wide enough to allow passage and, in the case of young children or those that should be accompanied, it should be wide enough to allow supervision to be carried out safely. The condition of the path should be examined to ensure it is clear of obstacles underfoot and from excessive foliage.

<sup>141</sup> For the purposes of this document the definition of ‘Risk’ is provided in the glossary (Section 2).

<sup>142</sup> Speed humps and speed cameras are normally only put in place in response to Road Traffic Collision statistics.



- 5.16 On a road with low traffic flow, a verge that can be stepped on by a child and accompanying parent when traffic is passing can normally be assumed to provide an available route. Many available routes may lie along roads that have neither a footway nor verge. On these roads, it is recommended that the width of the carriageway, traffic speed and type of traffic (e.g. frequent long or heavy goods vehicles) as well as visibility/sight lines that may be affected by sharp bends, high hedgerows or other obstructions ought to be considered.
- 5.17 Where a route is found to be lacking in 'step offs' there may also be issues with adequate visibility– the features that affect the availability of 'step offs' often impact on visibility – hedges, gradients etc. In such cases, it is recommended that these be considered within the assessment criteria carried out by the local authority.
- 5.18 If a risk is identified the following may provide a solution:
- removing vegetation **or**
  - resurfacing or widening the available foot path **or**
  - providing a new foot path **or**
  - providing lighting.

### **Crossing points**

- 5.19 Where roads need to be crossed, it is recommended that the availability of crossing facilities such as central refuges, pedestrian crossings or traffic signals be taken into consideration. Where there are no crossing facilities, the route's risk assessment ought to consider each required road crossing, bearing in mind traffic speed and flows, sight lines etc.
- 5.20 If there is a need to cross roads there ought to be:
- Sufficient gaps in the traffic flow and sight lines to allow enough opportunities to cross safely. The gap time analysis should be used where necessary **or**
  - Pedestrian refuges **or**
  - Crossing facilities (e.g., zebra, pelican, puffin crossing etc.) **or**
  - Pedestrian phase at traffic lights **or**
  - School Crossing Patrol.
- 5.21 If a road needs to be crossed the visibility at the location should allow a vehicle to stop, given the 85<sup>th</sup> percentile speed (the speed at which 85% of the vehicles travel below) of the traffic flow. Vehicle stopping distances should be taken as those given in the Highway Code. In many rural areas, the exercise of continuous judgement is likely to be required. No criteria can provide all the guidance or answers to every situation that may be encountered.

- 5.22 If roads have to be crossed to use a footway or to improve sight lines it may be necessary to advise on safe crossing places. On some country roads the footway may not be continuous. Informed judgement will have to be made about the availability of “step off” points.
- 5.23 The difficulty of crossing at a site can be assessed by considering the number of gaps in the traffic flow that are acceptable to pedestrians. Free flowing traffic may provide gaps randomly and fairly frequently but speeds tend to be higher and gaps would need to be longer in order to cross the road safely. An acceptable gap to cross from kerb to kerb varies with each person. Most people will be able to cross two lanes of normal urban traffic in 4 to 6 seconds. Others may need larger gaps of around 10 to 12 seconds.
- 5.24 It is recommended that the survey records the number of gaps in each 5 minute period that are longer than the road crossing time, using one metre per second as the walking speed. Four gaps in each 5 minute period indicate a road that can be crossed without too much delay. Longer gaps could be classified as multiple gaps rather than as just one gap.
- 5.25 In the case of a rail crossing, particular attention needs to be paid to the type of crossing and incidents that have been recorded to assess the safety of the crossing.

### **Canals, Rivers, Ditches and Embankments**

- 5.26 It is Welsh Ministers view that where appropriate, it is important to ensure that adequate barriers and safety features are included and that these are of the appropriate height to take into account the age groups of learners that may use the route. Safety features include improved barriers, better signage, more lighting or alternative available routes.
- 5.27 It will also be important to establish:
- if the route has been subject to severe flooding<sup>143</sup>
  - if this is a regular occurrence and
  - when severe flooding occurs, is there a suitable detour available?
- 5.28 Information on flood management procedures can be acquired from Natural Resources Wales<sup>144</sup>.

### **Lighting**

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<sup>143</sup> For the purposes of this document the definition of ‘Flooding’ is provided in the glossary (Section 2)

<sup>144</sup> <http://naturalresourceswales.gov.uk/alerts/?lang=en>

- 5.29 The level of natural lighting will differ over the year. Seasonal change may require that a review of the route assessment may be appropriate (if reported conditions present difficulties for the learner and / or companion).
- 5.30 It is recommended that street lighting is also taken into account.

### **Planned Changes in the Area**

- 5.31 The assessment ought to consider any proposals that might impact on safety. Much of this information is likely to be held by the local authority and therefore the following checks will inform the risk assessment:
- Highways departments for proposed road works that would have a short-term impact on traffic conditions (e.g. road widening schemes)
  - Planning departments for developments that may have a long-term impact on traffic (e.g. housing or retail developments)
  - Education departments to check any proposed school reorganisations and/or mergers
- 5.32 Where proposed changes are developed and may impact on walked routes to school, it is recommended that the relevant local authority department lead consult with learner travel teams as appropriate.

### **Level Crossings**

- 5.33 There are more than 6,500 level crossings in Britain with 1,167 (or 18% of them) within the Network Rail Wales Route.
- 5.34 It is recommended that risk assessors, where applicable, include level crossing risk consideration within the risk assessment. Network Rail have produced educational material for schools which can be accessed by clicking <http://www.networkrail.co.uk/level-crossing/>
- 5.35 Where appropriate, risk assessors should consider contacting Network Rail's team of Level Crossing Managers who can provide advice and guidance on level crossing risk assessment control measures, such as level crossing risk awareness events. Contact details are available at <http://safety.networkrail.co.uk/Services/Contacts>

## **Part 2: Risk Assessment Procedure in relation to Social Danger**

### **The nature of Social Danger**

- 5.36 'Social Danger' is open to different interpretations and is subjective. In this context, the commonest interpretations provided by children and young people are as follows: stranger danger; danger(s) posed by paedophiles; danger(s) posed by criminals (muggers, thieves, murderers, kidnappers); anti-social behaviour (the presence of bullies or of alcoholics or drug

addicts on walked routes to school); and physical manifestations, such as discarded needles or places where drug abuse/misuse take place.

- 5.37 Children experience real dangers when walking to and from school. Like adults, children can also perceive dangers even if none exists, and that too will understandably influence their behaviour and needs to be taken into account. A perceived danger may feel no less real than an actual danger. It will be important that before undertaking risk assessments, local authorities determine whether the perceived danger is supported by any evidence.
- 5.38 Where appropriate, Welsh Ministers recommend that other local authority services work to alleviate some fears, for example street cleaning or dog warden services.
- 5.39 There may also be a need to work with the teachers and parents of children who are concerned about stranger danger so that the child can be reassured though still aware of risk averse behaviours; travelling with friends, not speaking to strangers, etc. Consequently it is recommended that the local authority transport officials refer those cases not substantiated by evidence to the relevant school.

### **Tackling Social Danger in Risk Assessments – Working with Partners**

- 5.40 In the conduct of risk assessments, it is recommended that local authorities work in partnership with organisations/agencies which have expertise in, including responsibility for, tackling and quantifying social danger. The Police or Police Community Support Officers have responsibility for crime, disorder and anti-social behaviour whilst the Local Safeguarding Children Boards have responsibility for safeguarding/child protection matters.
- 5.41 Section 25 of the Children Act 2004<sup>145</sup> places a duty on local authorities to promote co-operation between the authority and 'relevant partners' to improve the wellbeing of children and young people. The 'relevant partners' comprise the Local Safeguarding Children Boards (LSCBs). Usually, these bodies include the Police Authority; the Chief Officer of Police; the local probation board; the youth offending team; the NHS Trust; the Local Health Board; and the relevant local authority (particularly senior Directors of Education and Social Services). The Welsh Government recommends that local authority transport officials should be invited to and regularly attend these meetings of the LSCBs to cover the safety of walked routes. Alternatively it is recommended that transport issues are included as an agenda item at each meeting and where appropriate further engagement with transport officials should be made.
- 5.42 The Children and Young People's Plan (Wales) Regulations 2007<sup>146</sup> require that each local authority, following consultation with partners,

<sup>145</sup> <http://www.legislation.gov.uk/ukpga/2004/31/section/25>

<sup>146</sup> S.I. 2007/2316. - <http://www.legislation.gov.uk/wsi/2007/2316/contents/made>

should publish a Children and Young People's Plan setting out how they will improve the well being of children and young people in their authority. The Welsh Government recommends that information about how walked routes have been risk-assessed and made safer should feature in these Plans.

- 5.43 The Welsh Government published Statutory guidance<sup>147</sup>, namely 'Stronger Partnerships for Better Outcomes' 2006 (National Assembly for Wales Circular 35/2006)<sup>148</sup> and 'Shared Planning for Better Outcomes' 2007 (Welsh Assembly Government Circular 31/2007)<sup>149</sup> which outlines local authorities requirement to prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and relevant young people. Further Information about these documents is provided in Section 3 (Question 18).

### **Multi Agency Public Protection Arrangements (MAPPA)<sup>150</sup>**

- 5.44 Under sections 325-327 of the Criminal Justice Act 2003<sup>151</sup>, there is a statutory duty on the "Responsible Authorities" (the Police, Probation and Prison Services) to establish arrangements to assess, manage and reduce the risk presented by relevant sexual and violent offenders to reduce re-offending and protect the public. This includes those who are considered to pose a risk to, or potential risk of harm to, children.
- 5.45 Partner organisations, which include local authorities, health boards, youth offending teams and social housing providers have a statutory duty to cooperate with the Responsible Authorities<sup>152</sup>. The Welsh Government expects local authority risk assessors to work within the legal framework described above to obtain the relevant expertise in terms of managing the risks posed to children using walked routes to school.
- 5.46 In terms of quantifying social danger, the existence of any such dangers should be supported by evidence (either qualitative or quantitative).
- 5.47 When cooperating with other agencies, local authorities will need to put in place information-sharing protocols which comply with the Data Protection Act 1998<sup>153</sup> (particularly as information relating to children is sensitive)<sup>154</sup>.

### **Part 3: Seeking the Views of Learners**

<sup>147</sup> Under sections 25(B) 26 and 27(4) of the Children Act 2004

<sup>148</sup> <http://wales.gov.uk/topics/childrenyoungpeople/publications/strongerpartnerships/?lang=en>

<sup>149</sup> <http://wales.gov.uk/topics/educationandskills/publications/guidance/sharedplanningforbetteroutcomes?lang=en>

<sup>150</sup> <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa-2>

<sup>151</sup> <http://www.legislation.gov.uk/ukpga/2003/44/section/325>

<sup>152</sup> Section 325(3) Criminal Justice Act 2003.

<sup>153</sup> <http://www.legislation.gov.uk/ukpga/1998/29/contents>

<sup>154</sup> Further information regarding this provision is outlined in Section 3 (Question 22 of this document),

## Why is it important to seek the views of children?

### 5.48 It is important for the following reasons:

- Section 1 of The Rights of Children and Young Persons (Wales) Measure 2011<sup>155</sup> places a duty on Welsh Ministers to have due regard to Part 1 of, and the Protocols to, the United Nations Convention on the Rights of the Child when exercising any of their functions. In particular, Article 12 Specifies that children have the right to say what they think should happen when adults are making decisions that affect them, and to have their opinions taken into account. The Welsh Government therefore attaches paramount importance to enabling the voice of children and young people to inform its policy development, particularly in relation to the matters which affect children and young people.
- Children are the users of the walked routes to school

### 5.49 Local authorities can secure the views of children in a variety of ways:

- Children and Young People's Partnerships (CYPP) – these exist in each local authority area with the purpose of bringing together all services working for children and young people aged 0-25. Each partnership provides a voice for children's services and takes a lead in driving forward partnership working
- Funky Dragon – this is the children's and young people's assembly where they can debate topical issues and express their views
- Walked routes forms for parents and children – these can be filled-in to allow views to be expressed about the safety of walked routes
- School Councils – these are a group of pupils elected by their fellow pupils to represent their opinions and raise issues with head teachers or school governors
- Road Safety Officers – children and young people can feed their views to them when they visit schools
- School lessons – these can collect data to feed into School Councils, for example geography lessons that include a survey or risk audit of the local area
- Police and Communities Together (PACT) assemblies – these exist in each ward as a forum in which the Police and members of the public, including children, discuss topical issues/matters of local concern
- The All Wales Schools Core Liaison Programme – within this programme uniformed police officers deliver formal lessons in the classroom to reduce crime and disorder and to promote positive citizenship amongst children and young people
- School Travel Plans – these can be approved by a Local Authority Safety Group who would examine the Plans containing the children's views on the safety of walked home to school routes
- The use of drop-in boxes which enable teachers, parents and learners to raise concerns

<sup>155</sup> <http://www.legislation.gov.uk/mwa/2011/2/contents>

Views and Information collected from these engagement exercises could be taken into account and given due regard when assessments are carried out.

5.50 The frequency with which local authorities seek the views of children and young people is a matter for them. Welsh Ministers recommend that local authorities consider the following factors to help them decide when and how often to conduct the risk assessment process:

- An accident, incident or increase in personal injury
- High accident statistics
- The opening of new schools and / or mergers of existing schools (which involves the use of new routes)
- Changes made to a route – road works, infrastructure changes, temporary road closures
- Traffic – changes to traffic composition and volumes
- Changes affecting the route – cyclists, new builds/housing developments, large scale construction projects
- Bullying/anti-social behaviour – these could be addressed by Police Community Support Officers or School Community Police Officers

#### **Part 4: Helping to Ensure the Safety of Children on the Home to School Route**

5.51 There are a variety of ways in which local authorities can help ensure, as far as is reasonably practicable, the safety of children and young people on the walked route between home and school:

- The provision of more lollipop people
- Putting traffic calming measures in place
- Encouraging children to walk with adults, friends or groups (in walking buses)
- Encouraging parents to accompany their children to school
- Encouraging parents to share the school run – such a practice could be coordinated by Parent Teacher Associations or community groups)
- Providing kerb craft training for children and young people – this would be a good way of teaching children how to be safer pedestrians by taking them on to roads and showing them how the right decision-making and behaviour can help them to keep safe
- Making wider provision of travel training – this is particularly useful for those learners with additional learning needs who can be taught how to walk independently between home and school. Such training has been proven to be beneficial for recipients (who develop a greater sense of independence and confidence) and cost-effective for local authorities
- School lessons or assemblies to discuss safe behaviour
- Encouraging School Police Liaison Officers, including Police Community Support Officers, to walk the walked routes to ensure, as far as is practicable, they are safe

- Reducing speed limits around schools to 20 mph and tackle pavement parking
- Encouraging the practitioners involved in the planning, provision and approval of new residential streets or the modification of existing streets to refer to and use the Department for Transport's Manual for Streets <https://www.gov.uk/government/publications/manual-for-streets>. This document explains how the relationship between buildings and the street is essential for creating places that are good for people
- Promoting awareness, understanding and implementation of the statutory Learner Travel Code

## **Part 5: The Mechanics of the Risk Assessment Process**

- 5.52 The Risk Assessment matrix is at Annex 1<sup>156</sup>.
- 5.53 Welsh Ministers are of the view that the various criteria used for assessing risk should be weighted equally regardless of whether they are physical, topographical, social, environmental or geographic.
- 5.54 Parents can request to accompany the Risk Assessor during the risk assessment.
- 5.55 In the event of disputes between local authorities and parents, it is recommended that the existing dispute resolution mechanisms should be used:
- Step 1 - complaints are referred to the relevant local authority Transport Department
  - Step 2 – if unresolved, disputes are referred to the local authority's Complaints Officer or Monitoring Officer
  - Step 3 – if still unresolved, complainants should take their case to the Public Services Ombudsman for Wales. Where cases are referred to the Ombudsman, the issue must comply with the specific eligibility criteria enabling referral, this can be found at <http://www.ombudsman-wales.org.uk/Contact%20us.aspx>

## **Part 6: Roles and Responsibilities**

It is Welsh Ministers view that:

### **Parents<sup>157</sup>**

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<sup>156</sup> It is recommended that this matrix be taken as a basis from which a local authority can develop a more detailed risk analysis assessment form as appropriate and in accordance with this statutory guidance.

<sup>157</sup> The Definition of 'parent' is outlined in section 576 of the Education Act 1996. For ease of reference the definitions of 'parent' and 'parental responsibility' are provided in the glossary (Section 2)



## 5.56 Parents have the following responsibilities:

- It is for parents to decide at what age it would be appropriate for their child to walk unaccompanied to school
- In the event of a child not being eligible to receive free transport and having to walk to school, it will be for parents to make suitable travel arrangements for their children between home and school. Within the community, parents have the option of sharing the school run. The Welsh Government recommends that parents investigate whether community groups can coordinate this activity
- Parents are advised to ensure that their children are aware of the All-Wales Travel Behaviour Code ('the Travel Code') – the Travel Code sets out the standards of behaviour learners should adhere to when travelling between home and school, regardless of the mode of travel

### Head teachers

## 5.57 Head teachers have a statutory responsibility to:

- Require pupils to comply with the Travel Code<sup>158</sup>; and
- Determine the standard of behaviour considered acceptable (where it is not determined by the governing body or the Welsh Ministers)<sup>159</sup>

It is recommended that head teachers:

- Incorporate the Travel Code into the School Behaviour Policy and ensure it is complied with
- Cooperate with the local authority, including other relevant agencies (such as the Police), should there be any breach of the Code or incidents concerning child protection issues

Under section 89(5A) of the Education and Inspections Act 2006<sup>160</sup>, head teachers have the power to impose penalties on learners who have breached the Travel Code outside of school premises – for example, when learners are out of school premises and unsupervised by teaching staff (such as on the walk between home and school).

### Local Authorities<sup>161</sup>

## 5.58 Local authorities' responsibilities include:

- Identify whether a walked route is available
- Identifying risks and putting in place mitigation where appropriate

<sup>158</sup> See section 89(2A) Education and Inspections Act 2006.

<sup>159</sup> See section 89(3A) Education and Inspections Act 2006.

<sup>160</sup> <http://www.legislation.gov.uk/ukpga/2006/40/section/89>

<sup>161</sup> Local authority means all relevant departments within the authority and is not limited to learner travel teams

- Working in partnership with partner organisations/agencies to complete risk assessments which address identified problems
- Consulting children and young people (including via other organisations/bodies)

A suggested Risk Assessment Checklist for local authorities is at Annex 2.

## **Health and Safety Responsibilities of Educational Institutions**

The Welsh Government would expect the collection of children at the school gates to be included in the health and safety policy which all education employers must have. The Governors Guide to the Law which includes a chapter on health and safety provides further guidance, which can be found at the link below:

<http://wales.gov.uk/topics/educationandskills/schoolshome/schoolfundingandplanning/schoolgov/schoolgovguide/?lang=en>

5.59 The Health and Safety at Work etc Act 1974<sup>162</sup> and associated regulations place overall responsibility for health and safety with the employer. The person or body that is considered to be the employer varies depending on the type of school :

- For community schools, community special schools, voluntary controlled schools, maintained schools, maintained nursery schools and pupils referral units the employer is the local authority. The Local Education Authority must provide health and safety guidance to those schools and ensure that staff who are delegated Health and Safety tasks such as risk assessment are trained and competent to carry out those tasks
- For foundation schools, foundation special schools and voluntary aided schools, the employer is usually the governing body

For independent schools the employer is usually the governing body or proprietor

## **Responsibility – Schools, Local Education Authorities (LEAs), Governing Bodies**

5.60 The employer must have a health and safety policy and arrangements to implement it. The Health and Safety at Work Act 1974<sup>163</sup> applies.

5.61 Employers must assess the risk of all activities, introduce measures to manage those risks, and tell their employees about the measures. The Management of Health and Safety at Work Regulations 1999<sup>164</sup> apply

<sup>162</sup> 1974 c.37 <http://www.hse.gov.uk/legislation/hswa.htm>

<sup>163</sup> See section 2 of the 1974 Act

<sup>164</sup> S.I. 1999/32425. See regulation 3.

- 5.62 In practice, employers may delegate specific health and safety tasks to individuals (local authorities may delegate them to schools). But the employer retains the ultimate responsibility no matter who carries out the tasks. The employer should therefore maintain an audit track, making clear who is doing what and confirming that those tasks are being carried out
- 5.63 Education employers have health and safety responsibilities towards teachers, staff, pupils, visitors and volunteers including ensuring, so far as it reasonably practicable the health, safety and welfare of pupils in school and on off site visits.
- 5.64 Employees have responsibilities too. It should also be borne in mind that under the general law of negligence school teachers are required to treat and take care of a pupil under the age of 18 as a careful parent would (Williams v Eady [1893] 10 TLR 41, CA).

# Section 1: Statutory Provisions.

## Chapter 6: Parental Responsibilities.

### Overview

- 6.1. This section outlines the responsibilities of parents and guardians to ensure that travel provision for learners is in accordance with Welsh, UK and EU legislation.

### Learners Entitlement to Free Transport Provision.

- 6.2. Learners are only entitled to free transport provision if they live 2 miles or further from their nearest suitable primary school or 3 miles or further from their nearest suitable secondary school and the learner is of compulsory school age (i.e. 5-16 years of age). If a learner does not meet the eligibility criteria outlined in sections 3 and 4 of the Measure the relevant local authority is not required to provide free transport for the learner. Ultimately, the legal duty to ensure attendance of a child at school rests with the parent or legal guardian of that child.<sup>165</sup>

### Nearest Suitable School

- 6.3. The Welsh Government issued the School Admissions Code in July 2013 ("2013 Code") under section 84 of the School Standards and Framework Act 1998<sup>166</sup> ("the 1998 Act"). The 2013 Code is statutory and requires local authorities to publish a list of maintained schools within their authority's area from 2014/15 onwards. This information can be accessed via the local authority's individual website or on request. It is the responsibility of the parent to request this information as it may not necessarily be issued to parents automatically. Links to each local authority website are provided in Annex 3
- 6.4. Under the 1998 Act and the 2013 Code, parents are entitled to state a preference for the school they would like their child to attend. Where possible parental preference will be accepted by the relevant admissions authority and the child will be admitted to the preferred school. It is important to note that a parent's preferred school is not necessarily considered to be the nearest suitable school for that child. The entitlement to free transport provision in accordance with the Learner Travel (Wales) Measure 2008 only relates to learners who are attending their nearest suitable school. Learners who by

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<sup>165</sup> Section 7 Education Act 1996.- <http://www.legislation.gov.uk/ukpga/1996/56/section/7>

<sup>166</sup> As amended by section 40 of the Education and Inspections Act 2006 - <http://www.legislation.gov.uk/ukpga/2006/40/section/40>

choice (either parental or learner choice) are not attending their nearest suitable school are not entitled to free transport provision<sup>167</sup>.

- 6.5. Parents need to contact the relevant local authority to clarify which school is classified as their child's 'nearest suitable school' to inform their decision about school preference on their child's school admissions form<sup>168</sup>. It is the responsibility of the parent to request this information when determining whether their child is entitled to free transport provision to access education and training. Under the 2013 Code local authorities should provide parents or carers, on request, easy access to admissions information. This needs to be clear and easily understood so parents can make an informed choice for their children.

### Parental preference

- 6.6. The 2008 Measure only applies to travel arrangements to a learner's nearest suitable school and not to a school chosen because of parental preference where these provisions differ.
- 6.7. If parents enact their parental preference and choose a learning establishment which is not the nearest suitable school or relevant place of learning for their child(ren), local authorities are not legally bound to provide transport although they do have power to make provision on a discretionary basis under section 6 of the Measure<sup>169</sup>.
- 6.8. If a parent chooses a school for their child on grounds of language or denominational preference and that school is not the nearest suitable school as agreed by the relevant local authority, then this constitutes the exercise of parental preference.
- 6.9. Likewise, if a parent chooses to transfer their child from one learning establishment to another without the agreement of the relevant local authority, this also constitutes the exercise of parental preference. This means entitlement to free transport is forfeited (even if their child received free transport to and from the school they previously attended).

## **The Travel Behaviour Code.**

- 6.10. The Travel Behaviour Code requires learners to comply with the terms and conditions as detailed in Chapter 2 paragraph 2.12 of this document. Under the Travel Behaviour Code Statutory Guidance<sup>170</sup> 2009, parents have the following responsibilities relating to their child(ren)s behaviour:

<sup>167</sup> Learners may qualify for entitlement to free or subsidised discretionary transport provision, but this is subject to the relevant local authority making use of their section 6 powers of the 2008 Measure.

<sup>168</sup> Contact details for each local authority website are provided in Annex 3

<sup>169</sup> Further information regarding Discretionary Transport provision is provided in Section 1, Chapter 1 Paragraphs 1.98 – 1.105

<sup>170</sup> Issued by the Welsh Government 2009 -

<http://wales.gov.uk/topics/transport/integrated/learnertravel/travelcode/tbcstatutoryguidance/?lang=en>

- Ensure that their child(ren) are aware of and understand the Code;
- Accept responsibility for encouraging good behaviour and ensuring their child(ren) are compliant with the Code
- Be aware of the implications of breaches of the Code and the effect this can have on their child's right to the provision of transport to and from their place of education
- Be responsible for their child's continued attendance at their place of learning if transport is withdrawn
- Co-operate with education institutions, transport operators and local authorities to enforce the Code

## **Dual Residency.**

- 6.11. Where a child has dual residency local authorities may need to undertake a review to determine whether the learner continues to qualify for transport provision under sections 3 or 4 of the Measure. It is recommended that the review take into account the parents' views and adheres to the authority's consultation procedures. If it is determined that the learner no longer attends their nearest suitable school, the learner may no longer qualify for free statutory transport provision from that authority. It is then open to the local authority to consider whether the learner could benefit from discretionary transport provision under section 6 of the Measure. Further information on dual residency provisions is provided in Chapter 1 paragraphs 1.54 – 1.59 of this document.

## **Accompanied Children**

- 6.12. Section 3 (8b) of the 2008 Measure states that a walked route to school or relevant place of learning is 'available' if – "it is safe for a child to walk the route with an escort, if the age of the child would call for the provision of an escort". Parents have a duty to ensure their child receives suitable full time education when the child reaches 5 years of age. There is no statutory requirement on local authorities to provide an escort, unless specifically stated in a learners SEN statement. Further information on the assessment of walked routes is provided in Chapter 4 of this document.

# Section 1: Statutory Provisions.

## Chapter 7: Schools' Responsibilities.

### Overview

7.1. This section outlines the responsibilities of schools and other relevant education establishments in relation to ensuring that learner travel provisions are in accordance with Welsh, UK and EU legislation.

### Schools' Behaviour Policy and the Travel Behaviour Code

Responsibilities under the Travel Behaviour Code, as outlined in the Travel Behaviour Code Statutory Guidance.<sup>171</sup>

7.2. The Travel Code requires education institutions to:

- Publicise and raise awareness of the importance of good behaviour and the consequences of failing to comply with the Code
- Enforce the Code where appropriate
- Incorporate the Code into the school's existing behaviour policy
- Train relevant staff in the content and application of the Code
- Engage with the relevant local authority, providing information and assistance accordingly to ensure the Code is complied with
- Make learners aware of an appropriate person to talk to within the institution about incidents of bad behaviour whilst travelling to and from home to school
- If the local authority is responsible for providing transport, co-operate with them in handling disciplinary action for breaches of the Code, including involvement in the interviewing of learners as part of any investigation
- Ensure that designated persons maintain records of all reported incidents that they are responsible for investigating. If the local authority is responsible for investigating an incident they must pass them this information immediately
- If contractual arrangements organised by the school have been entered into with transport operators, the school should ensure that they are aware of the Code and their responsibilities
- Ensure that contact details of designated staff responsible for handling all matters relating to the Code are made available to transport operators, learners and the local authority

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<sup>171</sup> Statutory Guidance issued by the Welsh Government in 2009 under section 15 of the 2008 Measure.

<http://wales.gov.uk/topics/transport/integrated/learnertravel/travelcode/tbcstatutoryguidance/?lang=en>

There is also a duty under Section 89 of the Education and Inspections Act 2006 for head teachers to incorporate the travel code into the school behaviour policy.

<http://www.legislation.gov.uk/ukpga/2006/40/section/89>

- Report suspected criminal offences or child protection matters to the relevant parties.

### Incidents Investigated by Educational Institutions

- 7.3. Section 89(2A) of the Education and Inspections Act 2006 (as amended by the Measure) places a duty on head teachers of relevant schools to ensure that pupils comply with the Travel Code as part of their school's overall behaviour policy.
- 7.4. Section 89(5A) of the 2006 Act provides head teachers with a statutory power to regulate learners' behaviour and conduct outside of school 'to such an extent as is reasonable' and which is not already covered by the Travel Code.
- 7.5. Schools are able to introduce measures to regulate conduct of learners when they are off school premises and not under the supervision of a member of staff<sup>172</sup>. Disciplinary penalties<sup>173</sup> may be imposed as a result of such conduct, including breaches of the Travel Code, but a penalty will only be imposed when the learner is under the lawful control or charge of a staff member. Therefore a sanction could be imposed immediately for unacceptable conduct on a school trip, where the learner is under the direct supervision of a member of staff, but not where, for example, a learner engages in unacceptable conduct on their journey between home and school where no such supervision exists. Any penalty for such conduct will be imposed retrospectively when the learner next attends school or when they are next under the control of a member of staff.

## **School Admissions**

- 7.6. Paragraph 2.2 of the 2013 School Admissions Code<sup>174</sup> requires admissions authorities to 'provide parents or carers with easy access to helpful admissions information'. Schools who administer their own admissions arrangements for post-16 learners entering sixth form at that school should notify the local authority as soon as possible of the learners who will be attending the schools sixth form. Local authorities are best placed to provide advice to parents on school transport matters.

## **Seat Belts on Dedicated Learner Transport**

- 7.7. Governing Bodies of maintained schools have a duty under the Measure (as amended) to ensure that any bus the school procures and uses for dedicated learner travel between home and school must have seat belts fitted to every

<sup>172</sup> Section 89(5A) Education and Inspections Act 2006.

<http://www.legislation.gov.uk/ukpga/2006/40/section/89>

<sup>173</sup> Section 90 Education and Inspections Act 2006.

<http://www.legislation.gov.uk/ukpga/2006/40/section/90>

<sup>174</sup>

<http://wales.gov.uk/topics/educationandskills/publications/guidance/schooladmission/?lang=en>



seat from 1 October 2014. Further information on this provision is provided in Chapter 4 - paragraphs 4.1- 4.22.

## Section 2: Glossary

**Admission arrangements** - The overall procedure, practices and oversubscription criteria used in deciding the allocation of school places.

**Admission authority** - The body responsible for setting and applying a school's admission arrangements. For community or voluntary controlled schools, the LA is the admission authority unless under section 88 (1)(a)(ii) of the School Standards and Framework Act 1998 the function has been delegated in full to the governing body; and for foundation or voluntary aided schools, the governing body of the school is the admission authority.

**Admission forum** - A statutory local body charged with co-ordinating the effectiveness and equity of local admission arrangements, and monitoring compliance with the School Admissions Code<sup>175</sup>. The Forum comprises representatives of admission authorities and schools, dioceses, the local community and parent governors. Their role is set out in the Education (Admissions Forum) (Wales) Regulations 2003.

**Admission number** - The number of pupils that can be admitted in a year group. Admission authorities are required to have regard to the 'indicated admission number' for each year group. The indicated admission number is calculated in accordance with the capacity assessment method set out in the guidance document "Measuring the capacity of schools in Wales".<sup>176</sup> Admission numbers are part of a school's admission arrangements, and must be consulted upon with the rest of a school's admission arrangements and be published with those arrangements in the school's prospectus and the local authority composite prospectus.

**Available Routes** – Section 3(8) of the Learner Travel (Wales) Measure 2008 defines that a route is an available route if it is safe for a child without a disability or learning difficulty to walk the route alone, or with an escort if the age of the child would call for the provision of an escort.

**Bus** - A motor vehicle which is constructed or adapted to carry more than 8 seated passengers in addition to the driver<sup>177</sup>.

**Catchment area** - A geographical area, from which children may be afforded priority for admission to a school. A catchment area is part of a school's admission arrangements and must therefore be consulted upon, determined and published in the same way as other admission arrangements. Voluntary aided schools may choose to define their catchment area as their parish boundary, this must be made clear.

<sup>175</sup> Issued by the Welsh Government July 2013-005/2013

<sup>176</sup> School Admissions Code,  
<http://wales.gov.uk/topics/educationandskills/publications/circulars/0906measuringcapacity/?lang=en>

<sup>177</sup> As defined in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986

**Coach** - A large bus with a maximum gross weight of more than 7.5 tonnes and a maximum speed exceeding 60mph<sup>178</sup>.

**Compulsory School Age** - Section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998 explain that a child reaches compulsory school age in the term following their fifth birthday. The term dates being prescribed as 31 August, 31 December and 31 March. A child ceases to be of compulsory school age if they have attained the age of 16 on the prescribed school leaving date, or before the next school year, which is the last Friday in June.

**Disability and disabled person** – has the same meaning as in section 6 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents> . (which repealed the Disability Discrimination Act 1995, but has maintained the same definition of disability) “A person has a disability if (s)he has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his/ her ability to carry out normal day-to-day activities”.

**Driver Vehicle Standards Agency (DVSA)** – replaced VOSA as an executive agency of the Department for Transport. The agency provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles.

**EU Directive/2003/20/EC** - Under the Directive, the obligation to use a seat belt when a vehicle is in motion is extended to all categories of vehicles and to all seats fitted with a seatbelt (apart from certain exceptions). The use of restraint systems specially adapted to the size and weight of children also becomes compulsory. There is a remaining part of the Directive which will need to be transposed into UK Legislation, concerning a requirement for children aged 3 to 13 to wear seat belts on buses and coaches where seat belts are provided.

**Education and Inspections Act 2006** - The Act is designed to give greater freedoms to schools, including the possibility of owning their own assets; employing their own staff; and setting their own admissions arrangements, but effectively this now only applies to schools in England. The School Standards and Organisation (Wales) Act 2013 prohibited the establishment of further foundation schools in Wales. Other important provisions include the creation of a local authority duty to promote fair access to educational opportunities; giving school staff a clear statutory right to discipline students; provisions relating to nutritional standards of school food; and the reform of the school inspectorates.

**Flooding** – is an overflow of a large amount of water, beyond its normal limits especially over what is normally dry land

**Governing bodies** - School governing bodies are bodies corporate responsible for the management of a school with a view to promoting high standards of educational achievement. Governing bodies have three key

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<sup>178</sup> As defined in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986

roles: setting strategic direction, ensuring accountability and monitoring and evaluation. Governing bodies of voluntary aided and foundation schools are admission authorities for their schools.

**Hazard** – is any source of potential damage, harm or adverse health effects

**Learner** – A person receiving education or training<sup>179</sup>.

**Learning and Skills Measure 2009** - The Measure provides a statutory basis for the 14-19 Learning Pathways. The Measure provides for the creation of local curricula which contain a wide range of academic and vocational courses and opportunities for learners.

**Learning difficulty** – Section 24(1) of the Learner Travel Wales Measure defines learning difficulty as a significantly greater difficulty in learning than the majority of persons of the same age, or a disability which either prevents or hinders that person from using facilities of a kind provided at relevant places, but a person is not to be taken as having a learning difficulty solely because the language (or form of language) in which the person is taught or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.

**Learner Travel Information (Wales) Regulations 2009** - The Regulations require local authorities to publish and make available information on travel arrangements made under the Learner Travel (Wales) Measure 2008. They set out not only what information local authorities will be required to publish but also when and how the information should be published and made available to parents/guardians, learners, governing bodies, head teachers and/or other persons.

**Learner Travel Needs** – Section 2 of the Learner Travel (Wales) Measure 2008 defines 'learner travel needs' as the needs of learners who are ordinarily resident in the authority's area for suitable travel arrangements each day to and from the relevant places where they receive education or training.

**Looked After Children** – same meaning as section 22(1) of the Children Act 1989, i.e. a child in the care of the local authority, or who is provided with accommodation by a local authority in the exercise of any functions which are social services functions within the meaning of the Local Authority Social Services Act 1970 (apart from functions under section 17, 23B and 24B).

**Maintained school** – means a community, a voluntary school, a community school or a maintained nursery school<sup>180</sup>.

**Minibus** - A motor vehicle which is constructed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver

<sup>179</sup> Section 1(3) Learner Travel (Wales) Measure 2008

<sup>180</sup> Under the School Standards and Organisation (Wales) Act 2013 (Schedule 5, Part 2 paragraph 25) the Learner Travel (Wales) Measure 2008 has been amended in relation to the definition of maintained school by omitting "or foundation" schools.

**Non-Maintained Special School** – Approved under section 342 of the Education Act 1996 as any school which is specially organized to make special educational provision for pupils with special educational needs and is not a community or foundation special school..

**Nursery class** - Part of a primary school that is used by pre-school pupils – those under compulsory school age – and which provides a range of structured educational experiences suitable for children of that age.

**Nursery school** - A primary school is a nursery school if it is used wholly or mainly for the purpose of providing education for children who have attained the age of two but are under compulsory school age (see section 6 of the Education Act 1996).

**Oversubscription criterion** – the principle that stipulates conditions that affect the priority given to an application, for example taking account of other preferences or giving priority to families who include in their other preferences a particular type of schools (e.g. where other schools are of the same religious denomination).

**Oversubscription criteria** - The list of criteria an admission authority must adopt for its school(s) which are used only when the school is oversubscribed to assess which children will be offered a place. Once determined, admissions criteria, including the admission number, must be published by the school and in the local authority composite prospectus at least 6 weeks before parents express their preferences. All criteria must be objective and transparent. Guidelines for adopting appropriate criteria are outlined in the School Admissions Code.

**Parent** - The definition of “parent” in section 576 of the Education Act 1996 includes any person who is not a parent but who has parental responsibility for the child or young person, or who has care of him/her. Parental responsibility is defined as in the Children Act 1989(3) (see definition below) Any reference to a “parent” for the purpose of this document should be interpreted as the above definition of “parent” under the Education Act 1996. This will include: all natural parents, whether married or not; any person who, although not a natural parent, has parental responsibility for a child or young person; and any person who, although neither a natural parent nor a person with parental responsibility, has care of a child or young person.

**Parental responsibility** - “Parental responsibility” is defined in section 3 of the Children Act 1989 and means assuming all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his/ her property. The Children Act 1989 states that if a child’s natural parents were not married when the child was born the mother automatically has parental responsibility. The father can, however, acquire parental responsibility by various legal means. It is now the case (following the enactment of the Adoption and Children Act 2002) that a father who is registered as such in the register of births and deaths also automatically attains parental responsibility. In addition, it is now the case that step parents (which includes civil partners) can acquire parental responsibility, for example by entering into an agreement with a parent with parental responsibility.

**Primary school** - Section 5 of the Education Act 1996 defines “primary school” as a school for providing primary education, whether or not it also provides further education.

**Public Service Bus** – has the same definition as section 1 of the Public Passenger Vehicles Act 1981 which states “a motor vehicle (other than a tramcar) which—

- (a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or
- (b) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers

**Pupil Referral Units** - A school established and maintained by the local authority, for children who are not able to attend a mainstream or special school (for example due to emotional or behavioural difficulties) approved under Section 19(2) Education Act 1996..

**Relevant Body** - A relevant body refers to a local authority or the Governing Body of a maintained school as defined in section 14N (2) of the Learner Travel (Wales) Measure 2008 (as amended)

**Relevant Places**<sup>181</sup> – maintained schools; institutions in the further education sector; independent schools named in statements of special educational needs; non-maintained special schools; pupil referral units; places other than pupil referral units where education is arranged under section 19(1) of the Education Act 1996; places where education or training funded by the Welsh Ministers under section 34(1) of the Learning and Skills Act 2000 is provided; institutions where education and training and boarding accommodation have been secured by the Welsh Ministers under section 41 of the Learning and Skills Act 2000; places where nursery education is provided by a local authority or by any other person who is in receipt of financial assistance given by a local authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998, places where work experience is undertaken.

**Risk** – is the chance or probability that a person will be harmed, or experience an adverse effect, if exposed to a hazard.

**Safety** – is the condition of being protected from or unlikely to cause danger, risk or injury

**Safety on Learner Travel (Wales) Measure 2011** - A Welsh law passed by the National Assembly for Wales which made amendments to the Learner Travel (Wales) Measure 2008<sup>182</sup> for the purpose of improving safety on dedicated learner transport. Measures of the National Assembly for Wales have been superseded by Acts of the Assembly as a result of the “yes” vote in

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<sup>181</sup> Section 1 (4) Learner Travel (Wales) Measure 2008

<sup>182</sup> The Learner Travel Wales Measure 2008 (as amended)

the referendum of 2011 on primary powers for the Assembly (in relation to devolved policy areas). The above Measure sets out that all contracted school buses used for dedicated learner transport must have seat belts fitted to each passenger seat by 1 October 2014.

**School day** - School day is defined in section 579 of the Education Act 1996 as follows: “school day’, in relation to a school, means any day on which at that school there is a school session”. A school session can be a morning session or an afternoon session, so a school day is any day when the school meets for all or part of the day.

**School year** In relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July

**Secondary school** - Section 5 of the Education Act 1996 defines “secondary school” as a school for providing secondary education, whether or not it also provides further education.

**Special Educational Needs Code of Practice for Wales** - The Code provides practical advice to local authorities, maintained schools, early years settings and others. The Code of Practice helps them to carry out their statutory duties, identify, assess and make provision for children’s special educational needs.

**Step-offs** – is a term which refers to the facility for pedestrians to easily be able to step off the roadway on to reasonably even and firm surfaces.

**Sustainable Modes of Travel** – Section 11 of the Learner Travel (Wales) Measure defines sustainable modes of travel as modes of travel which may improve the physical well-being of those who use them; and / or the environmental well being of the relevant area.

**Travel arrangements** – travel arrangements of any description and include – the provision of transport; the provision of one or more persons to escort a child when travelling; the payment of the whole or any part of a person’s reasonable travelling expenses; the payment of allowances in respect of the use of particular modes of travel<sup>183</sup>.

**Urban bus** - Buses designed for use on local bus service/rural and urban routes with standing passengers.

**Vehicle Operating Services Agency (VOSA)** – the now defunct executive agency of the Department for Transport, which has been replaced by the Driving Vehicle Standards Agency (DVSA) (see glossary for further information on DVSA).

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<sup>183</sup> Section 1(2) Learner Travel (Wales) Measure 2008

## Section 3: Advisory Guidance.

### Frequently Asked Questions:

#### 1. In relation to dedicated learner transport, what should be included in a transport risk assessment?

It is best practice when undertaking home to school transport risk assessments that they should cover the following:

- The route
- Identified Pick-up and drop-off points
- Identified School Drop-off and Pick-up Points
- Driver and Passenger Assistant
- Vehicle

Further information can be found by clicking the following link  
<http://wales.gov.uk/topics/transport/publications/hometoschooltransport/?lang=en>

Since September 2013, bus and coach drivers are required by law to complete 37 hours of driver training after which they are awarded a Certificate of Professional Competence - Driver Qualification Card (CPC-DQC). Drivers must<sup>184</sup> by law carry their CPC-DQC cards with them at all times while they are operating a bus or coach and must be able to present the cards to the Police or VOSA upon request.

From 1 October 2014, all buses used for dedicated learner transport must have seatbelts fitted to every passenger seat<sup>185</sup>.

Transport risk assessments must take account of new legal requirements as and when they come into effect.

#### 2. How often should risk assessments be carried out?

The frequency of risk assessments is currently a matter which is at the discretion of each local authority.

#### 3. Do bus drivers, who transport learners, have to undertake any mandatory training (such as a dedicated learner transport CPC module) to carry out their duties?

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<sup>184</sup> EU Directive 2003/59

<sup>185</sup> The Vehicle Drivers (Certificate of Professional Competence) Regulations 2007 – derived from EU Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods and passengers.



The Safety on Learner Transport (Wales) Measure 2011 allows Welsh Ministers to make regulations introducing the requirement for drivers of dedicated learner transport buses to undertake specific learner transport training, however, to date these powers have not been commenced. The Welsh Government does however recommend that local authorities and transport operators work collaboratively to ensure drivers of learner transport and transport services carrying children and young people (whether: dedicated learner buses, service buses or taxi) undertake training in relation to customer service of children and young people.

This could be achieved by local authorities and bus operators requiring (in accordance with their service contracts) that drivers undertake a certain amount of training to cater for the customer service needs of children / young people/ learners (such as within their CPC modules) or through in house training. This could include:

- Customer care – engaging with children and young people
- Equality training
- Dealing with SEN

#### **4. What is considered a suitable journey time for travel to primary or secondary school?**

The Learner Travel (Wales) Measure 2008 ('the Measure') does not specify a time limit for journeys. However, section 2(5)(b) states that transport arrangements are not suitable if they take an unreasonable amount of time. Local authorities are required to assess the individual needs of learners when considering if a journey time is reasonable. An assessment should take into account the nature, purpose and circumstances of each journey to ascertain if the timeframe is suitable. Considerations that should be included in this assessment are:-

- the learner's age
- whether the learner has any disability or learning difficulties that need to be taken into account
- the location of the learner's home in relation to available schools in the vicinity( i.e. whether the nearest suitable school is located in the local authority's area or a neighbouring authority area, in accordance with the authorities transport and education policies)

#### **5. What is meant by the term "looked after children"?**

The term "looked after children" has the same meaning as in section 22(1) of the Children Act 1989, that is, a child under the age of 18 in the care of the local authority or who is provided with accommodation by a local authority in the exercise of any functions which are social services functions within the meaning of the Local Authority Social Services Act 1970 (with the exception of functions under section 17, 23B and 24B).

**6. Why do 'looked after' children receive free transport to schools which are not the nearest suitable schools to their homes?**

Under Section 3 and 4 of the Measure, the same age and distance criteria apply to 'looked after' children (learners) as to those who are not looked after, but the provision that the learner must attend their nearest suitable school to their home does not apply to 'looked after' learners (in the same way it applies to learners who are not looked after). It will be for the local authority looking after a child to determine where he or she should go to school. The school decided upon might be a school other than the nearest suitable school due to the need to maintain continuity in education or contact with siblings or friends to promote wellbeing. If that is the case, transport will be provided.

**7. If a learner becomes a 'dual resident', living with 2 parents (people with parental responsibility) at separate addresses, why is it that the school they currently attend may not be deemed their nearest suitable school anymore?**

Any changes to a learner's ordinary place of residence needs to be taken into account when determining if the school the learner attended before the change of address is still their nearest suitable school.

Parents should be advised that if one or both move to a new address, a different school may then become their child's nearest suitable school. Consequently, the entitlement to free transport (if previously applicable) could be removed. Transport may still be provided on a discretionary basis under section 6 of the Measure in accordance with the relevant local authority's transport and education policy governing learner travel.

Local authorities are required to publish their general arrangements and policies in relation to learner travel, to include the provision of free transport<sup>186</sup>. It is recommended that this information include the provision that any changes to a learner's residence (including dual residence) may affect a learner's eligibility for free transport.

**8. What constitutes 'Permanent Living arrangements' in relation to Dual resident learners?**

Only permanent established living arrangements should be considered. These would include, for example, a child who stays 2 nights of every school week with one 'parent' (person with parental responsibility) and three nights of every school week with the other, or alternate weeks with each parent. The provision is concerned only with periods during which the child/young person receives education or training i.e. the school week. It does not apply where a child spends weekends with a different parent from where the child lives during the school week.

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<sup>186</sup> Regulation 4 of the 2009 Regulations.

In some cases each parent's home may be closer than the 2 or 3 mile walking distance, so a local authority would not generally be under a duty under section 3 to provide free transport. In other cases, one parent's house may be further than the walking distance and one may be closer so generally the duty under section 3 will be engaged in relation to the further away home.

The Welsh Government would not expect a learner to travel an unreasonable distance to attend school. Proper consideration should be given by all involved as to the choice of the nearest suitable school to both parents' homes

**9. Do parents have the right to see / request a copy of a risk assessment and, if yes, how do they go about doing this?**

Under the Learner Travel Information (Wales) Regulations 2009, where a risk assessment of a route to school has been carried out, a parent is entitled to request a copy of the risk assessment from the local authority who conducted the assessment under Part 2 of Schedule 1.

In order to do so, parents should contact the School Transport team within their local authority.

**10. What is the difference between 'travel' and 'transport'?**

Travel (i.e. the Learner Travel (Wales) Measure 2008) refers to all modes of travel, which includes walking. Transport (i.e. the Safety on Learner Transport (Wales) Measure 2011) only relates to vehicle transportation and therefore excludes walking.

**11. Why does the Active Travel Act 2013 refer to 'accessible' routes whereas the Learner Travel (Wales) Measure 2008 refers to 'available' routes. Are these terms different in meaning?**

The purpose of the Active Travel Act 2013 is to require local authorities to continuously improve facilities and routes for pedestrians and cyclists, identifying current and potential future routes for use, thereby promoting access. The 2013 Act refers to 'accessible' routes because the planned improvements are not tailored to meet the needs of a specific group of users but to the needs of the public in general.

The Learner Travel (Wales) Measure 2008 specifies that a route must<sup>187</sup> be 'available' because the target users are learners (namely children and young people). The available (or safe) route is used by learners travelling between home and school.

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<sup>187</sup> Section 3(8) Learner Travel (Wales) Measure 2008.

## **12. Is it a legal requirement for local authorities to provide free transport to Welsh medium primary and secondary schools?**

Under current school transport legislation, a learner is entitled to free transport to a Welsh Medium school if that school is considered by the local authority to be the learner's nearest suitable school and the learner meets the distance criteria specific to their age. Primary pupils are entitled to free transport if they live 2 miles or further from the nearest suitable school whilst secondary pupils are entitled to free transport if they live 3 miles or further from the nearest suitable school.

In cases where learners do not attend the nearest suitable school, local authorities use their discretion to provide free transport<sup>188</sup> to Welsh Medium schools regardless of the distance criteria in order to promote access to education and training through the medium of Welsh. Local authorities also operate bilingual policies in schools in order to promote<sup>189</sup> access to education and training through the medium of Welsh. Local authorities have a general duty to promote access to education and training through the medium of the Welsh language when exercising functions under the 2008 Measure, which should be outlined in their Welsh Education Strategy Plan (WESP).

## **13. Does the Travel Behaviour Code apply to Learners with SEN?**

The Travel Behaviour Code does apply to learners with SEN.

However, if a learner has special educational needs it is especially important to give consideration to the nature of the learner's individual circumstances and to discuss the application of any potential sanctions with the learner's place of learning. When considering any special educational needs a learner may have, regard should be given to the Special Educational Needs Code of Practice and the National Assembly for Wales Circular 47/2006 – Inclusion and Pupil Support Guidance to determine what sanctions should be used to deal with issues of misbehaviour.

## **14. Should each learner with SEN be given one-to-one transport?**

Not necessarily. Local authorities have options available to them to promote the interests of learners and save money (but still provide appropriate transport provision for learners with SEN). These include:

Assessing the needs of the learner to determine whether specialist transport is required. If it is required, it is advisable for the local authority to ask questions, such as:

- Is it possible and practical for a SEN learner to travel with other SEN learners? Is the provision of one-to-one transport strictly necessary?

<sup>188</sup> Section 6 Learner Travel (Wales) Measure 2008

<sup>189</sup> section 10 Learner Travel (Wales) Measure 2008

What would be the benefits to the SEN learner of travelling with peers? Local authorities should take into account whether the learner could, with or without reasonable adjustments, travel on mainstream transport. Reasonable adjustments may involve travelling with an escort, using wheel chairs to access buses, ensuring the learner is seated with or apart from other learners as appropriate etc.

- Travel Training – this programme provides learners with the support, assistance and skills to enable them to access mainstream transport with the confidence to travel independently.

## **15. What is Travel Training?**

Travel Training Schemes are aimed at providing SEN pupils with the key skills and confidence to travel independently on public transport.

In Wales, for example, Cardiff Council operates a Travel Training Scheme. The scheme is funded by the Welsh Government and focuses on providing free, intensive one to one training to teach SEN pupils to use public transport between home and school.

Working one to one with a travel trainer, learners are accompanied to and from school over an extended period of time until they are ready to make the journey independently. Once a learner has completed the training, they are given an annual bus pass which they can use for school routes and journeys outside of school.

## **16. What are the travel arrangements for a post 16 learner with an SEN statement?**

The Special Educational Needs Code of Practice states that transport provision should be in Part 6 (which is not legally binding on a local authority). If the local authority deems such transport to be necessary in exceptional circumstances because a child has particular transport needs, this should be incorporated into the statement. Local education authorities remain responsible for pupils with special educational needs statements in school until they are 19

## **17. What is the Social Service and Wellbeing (Wales) Act 2014 and what does it mean in practical terms?**

The Social Services and Well-being (Wales) Act 2014 for the first time provides a coherent Welsh legal framework for social services.

The Act will:

- Strengthen powers for the safeguarding of children and adults, so that vulnerable people at risk can be protected more effectively;
- Ensure people are assessed on what they need, rather than just on what services are available locally;

- Introduce portable assessments, which means if people move from one part of Wales to another they will continue to be entitled to have their needs met in the new area on the basis of their original assessment until a new assessment is carried out;
- Facilitate an increased take up of direct payments to meet people's care and support needs, meaning people will have more control over how these needs are met;
- Introduce a National Outcomes Framework to set out very clearly what children and adults can expect from social services, to measure achievements and see where improvements are needed;
- Introduce equivalent rights of assessments for carers so that people who care for someone such as an elderly or disabled relative or friend will have the same rights to the people they care for; and
- Establish a National Adoption Service to improve the outcomes of children in need of a permanent family.

### **18. How does 'Stronger Partnerships for Better Outcomes' and 'Shared Planning for Better Outcomes' statutory guidance impact on Learner Travel?**

Sections 25 and 26 of the Children Act 2004, place a duty of local co-operation on local authorities in Wales and a range of partner's to improve the wellbeing of children and young people in each local authority area. It also requires local authorities to prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and young people. Section 27 of the 2004 Act requires local authorities' to appoint lead directors and lead members to be responsible for their function under 25 and 26.

In 2006 and 2007 the Welsh Government issued statutory guidance under 25(8), 26(5) and 27(4) of the 2004 Act, namely 'Stronger Partnerships for Better Outcomes' and 'Shared Planning for Better Outcomes'. These guidance documents should be read in conjunction with each other. The guidance sets out local authorities' duties to co-operate through partnerships to improve the well being of children and young people in each local authority area.

Local partners, led by the local authority (in the context of its community leadership role) are expected to work together to implement the necessary changes in organisational culture and practice. The responsibility of partnerships in joint strategic planning driven by shared profiling of service provision and identification of need, to support integrated provision of service.

Partnerships have responsibility for developing and agreeing the Children and Young People's Plan (CYPP). The plan should be a strategic document of manageable length. It should set out how the well-being of children and young people in the area will be improved. This is intended to:

- Provide strategic vision and state the agreed priorities that will direct the work of all partners

- Describe how requirements of national and local strategies policies and priorities will be tackled locally
- Set out agreed objectives for services that can act as milestones to enable progress in improving outcomes to be measured over the planning timescale
- Identify the contribution made by individual partners towards meeting joint objectives, ensuring that they are consistent and mutually supportive
- Provide a basis for the joint commissioning of services and sharing of available funding, including core budgets of statutory partners and resource or financial contributions from the voluntary sector.

Plans should be reviewed annually and could enable risk assessment of walked routes to be undertaken and mitigation of risks made as appropriate.

## **19.What does Disclosure and Barring of information mean?**

The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged and are now called the Disclosure and Barring Service (DBS). CRB checks are now called DBS checks. The DBS has two functions:

- Disclosure which searches police records and, in relevant cases, information held by the DBS barring function and issues a DBS certificate to the applicant.
- Barring to help safeguard vulnerable groups including children from those people who work or volunteer with them who pose a risk of harm. The DBS may use any information on a certificate or otherwise held by the DBS to inform any of its barring decisions made under its powers within the Safeguarding Vulnerable Groups Act 2006.<sup>190</sup>

## **20.What information can the DBS share/not share under the current Disclosure and Barring of information requirements and how does the DBS process personal data?**

The DBS is legally bound by the Data Protection Act 1998, and they outline their data standards in a personal information charter. When the DBS processes personal data, according to their privacy policy the following principles apply:

- Only the data the DBS needs is collected and processed
- The data is only seen by those who need it to do their jobs
- Data is retained for only as long as it is required
- The data held on people is accurate and is only used as part of the DBS process

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<sup>190</sup> DBS Privacy Policy

- Decisions affecting people are made on the basis of reliable and up to date data
- Data is protected from unauthorised or accidental disclosure
- On request, people are provided with a copy of the data held on them
- Data in relation to the disclosure service is only processed with people's knowledge and consent
- A full complaints procedure is in place

Personal data is only held by the DBS if a person has applied for a disclosure check, applied to be a counter signatory for a disclosure check, or has been referred to the barring service. The DBS has access to the Police National Computer ("PNC"), which provides the disclosure function with basic identifying details such as name and date of birth of persons included on the PNC. For the barring function access is granted to personal details and conviction information. Further information on data sharing procedures is included in the Wales Accord on the sharing of Personal Information (WASPI) at the following link: <http://www.waspi.org/>

**21. Who are the people who are subject to DBS checks and what are the procedures for DBS checks?**

Please refer to, paragraphs 1.106 – 1.116 of this document for information on the Disclosure and Barring Arrangements.

**22. Can information be shared between different local authority departments or different local authorities under the Disclosure and Barring of Information requirements?**

In each local authority, different departments will have ownership of safeguarding policy in relation to different groups – for example, the Education Department will have ownership of safeguarding policy relating to children in schools; the Health or Social Services Department will have ownership of safeguarding policy in relation to vulnerable groups, including vulnerable children; and the Transport Department will have ownership of safeguarding policy in relation to learner travel arrangements.

Given the potential for overlapping responsibilities, there will be occasions when staff in different departments will need to see the same data to do their jobs.

The legal constraint on sharing personal data is the Data Protection Act (DPA). Any processing or sharing of information has to comply with the DPA. The DPA contains 8 data protection principles which must be adhered to.

In this scenario, the onus of compliance with the DPA is on both the DBS and the local authority as they are the data controllers. They determine



both the purpose for which, and the manner in which, any personal data is being or is to be processed.

The sharing of personal data has to be fair, lawful and needs to meet at least one condition set out in Schedule 2 and, in the case of sensitive personal data, at least one condition set out in Schedule 3 to the DPA.

The individual who is the subject of the personal data must be made aware of the use of that personal data. This is usually done by providing fair processing information to the individual which confirms the identity of the data controller, outlines the personal data being processed, what it is being used for, explains any sharing and outlines an individual's rights in respect of that personal data.

Further information on the DPA is available at  
<http://www.legislation.gov.uk/ukpga/1998/29/contents>

### **23. What is the Vehicle Operating Services Agency (VOSA) and the Driver Vehicle Standards Agency (DVSA) and what do they do?**

VOSA was an executive agency of the UK Government's Department for Transport. The agency closed on 31 March 2014 and has subsequently been replaced by the Driver and Vehicle Standards Agency, which now carries out the functions previously undertaken by VOSA. This includes providing a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles. Further information about the Agency can be found at:  
<https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency>

### **24. Who is the Traffic Commissioner and what do they do?**

In relation to England and Wales, there are six Traffic Commissioners including a Commissioner for the Welsh Traffic Area (Wales and West Midlands).

Traffic Commissioners are responsible for the licensing and regulation of those who operate heavy goods vehicles, buses and coaches, and the registration of local bus services. They are assisted in this work by deputy Traffic Commissioners, who preside over a number of public inquiries.

### **25. Why do I have to pay the local authority for the provision of my child's school transport?**

Under the Learner Travel (Wales) Measure 2008, primary school pupils who live 2 miles or further from the nearest suitable school are entitled to free transport whilst secondary school pupils who live 3 miles or further from the nearest suitable school are entitled to free transport.

If the route to school is deemed to be unsafe, then the learner cannot be expected to walk to school even though the distance from home to school is less than the distance limit that applies to his/her age. In such circumstances, the learner is entitled to free transport.

Learners who do not meet these requirements are generally not entitled to free transport. Local authorities do have a discretionary power under section 6 of the Learner Travel (Wales) Measure 2008 to provide learners who do not meet the eligibility criteria for free transport with either free or subsidised transport. Where subsidised transport is provided by the local authority and parents want to use this service, the local authority can, by law, charge for this provision.

## **26. How much can a local authority charge for the school transport they provide to learners not entitled to free transport?**

When a local authority uses its discretionary power to provide transport to learners who are ineligible for free transport, they can charge for the provision of transport.

For learners who are not of compulsory school age, there is no restriction on the amount that can be charged. With regard to learners of compulsory school age, charging must be in accordance with Section 455 and 456 of the Education Act 1996 (as amended by Section 22 of the 2008 Measure).

This means that when transport is provided as an “optional extra”<sup>191</sup> to a learner of compulsory school age, a charge may not be made unless arrangements are provided with the agreement of the pupil’s parent.. The local authority can charge the parent of the learner<sup>192</sup>. The charge to parents may exceed the cost incurred by the local authority to provide the “optional extra”.<sup>193</sup>

Disabled learners may have specific transport requirements (or reasonable adjustments required for this) which may result in increased transport costs. The Equality Act 2010 prohibits an authority charging for any reasonable adjustments it has made for disabled learners.

This means if the cost of providing transport for a disabled learner is higher than it would if the authority were providing transport for a non disabled learner, for example, if the transport provided for a disabled learner includes the need for an escort or the use of a specialised vehicle, the authority can not charge a higher amount for the use of the specialised vehicle and/ or escort (or any other reasonable adjustment) even though the cost to the local authority may be higher<sup>194</sup>).

<sup>191</sup> Section 455(3) Education Act 1996 - <http://www.legislation.gov.uk/ukpga/1996/56/section/455>

<sup>192</sup> Section 456(2) Education Act 1996 - <http://www.legislation.gov.uk/ukpga/1996/56/section/456>

<sup>193</sup> See section 456(3) Education Act 1996.

<sup>194</sup> See section 20(7) Equality Act 2010. <http://www.legislation.gov.uk/ukpga/2010/15/section/20>

## **27. How do local authorities treat each request for school transport?**

Parents are required to fill-in a School Transport Application Form in which they should present:

- The details of the learner, including their home address (or ordinary place of residence if applicable)
- The details of the learner's parent or guardian
- The reason(s) for making the application
- The location of the pick-up point/nearest bus stop to the home address

In this way, each request for school transport is treated on an individual basis.

It is important that school transport application forms are submitted to the relevant local authority by the stated deadline. This ensures local authorities have the time needed to process the form and put in place suitable transport arrangements for when they are required.

## **28. What is the Learning and Skills (Wales) Measure 2009?**

The Measure provides a statutory basis for the 14-19 Learning Pathways. The Measure provides for the creation of local curricula which contain a wide range of academic and vocational courses and opportunities for learners.

These courses may be delivered on different sites which require additional learner travel either at the start and end of the school day or during the school day.

Travel and transport provision required during the school day as a result of the 14-19 Learning Pathways is not covered by the Learner Travel (Wales) Measure 2008 or the statutory provisions outlined in this document.

## **29. What are the recommended procedures for enforcing the Travel Behaviour Code sanctions?**

The relevant procedures which are currently in place are set out in the Travel Code statutory guidance. The guidance can be accessed by clicking on the following link  
<http://wales.gov.uk/topics/transport/publications/tbcstatutoryguidance/?lang=en>

The procedures to follow if an incident occurs include a number of steps to ensure the incident is dealt with fairly and properly.

There may be cases where learners' severe anti-social behaviour endangers life and causes criminal damage – for example, in cases where fires are started on buses travelling between home and school. In such cases, the sanctions regime set out in the Travel Behaviour Code statutory guidance will be insufficient to address the serious nature of these incidents. The bus operator and/or the local authority will need to refer the matter to the Police for them to investigate and determine the appropriate action.

The Health and Safety Executive (HSE) should only be involved in investigating a road traffic incident where Police demonstrate that serious management failures have been a significant contributory factor. It is a matter for the Driver Vehicle Standards Agency (DVSA), who award the licenses for bus routes, to comment on whether bus companies are operating a safe system of work, as it is here that their knowledge and expertise on matters relating to passenger transport rest.

Teaching resources, which can be used to educate learners on the 'Travel Code can be found at <http://www.travelcode.org/>

### **30. Must parents and learners be made aware of the use of CCTV on buses used for dedicated learner transport?**

Yes. Where CCTV is used, parents and learners must<sup>195</sup> be made aware that recording services are in operation. This could be done through a written statement outlining this provision within the local authority's learner transport application form (terms and conditions) pack, by a letter home to parents or by signs placed on learner transport to ensure that parents and learners are aware of the surveillance.

If parents and learners are unaware that surveillance is taking place, then any evidence gathered by CCTV of a particular incident may be inadmissible in a subsequent court prosecution or hearing.

### **31. Who should learners report issues of anti-social behaviour to?**

It is recommended that head teachers make learners aware of an appropriate member(s) of staff who learners should contact to report incidents of bad behaviour on the home to school journey.

### **32. What is accessible information?**

Information which can be easily understood by its target audience. Examples of this include: the provision of information in alternative languages such as Welsh; making Braille or large print versions available; or having an easy read document which outlines key points and uses illustrations to accompany the document.

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<sup>195</sup> Under provisions of the Data Protection Act 1998

**33. What is 'dedicated learner transport' and how does this differ from learner transport?**

Dedicated learner transport includes buses, coaches, minibuses, taxis. It is transport provided or secured by a relevant body (a local authority or the governing body of a maintained school), specifically for the purpose of transporting learners of compulsory school age (that is, those aged between 5-16) between home and school. Dedicated learner transport is for the use of learners only. Members of the general public are not allowed to use the service.

Learner transport has a more general meaning – it refers to the transportation of nursery learners; those of compulsory school age; and those in post-16 education. The transport could be dedicated learner transport buses, service buses or other types of vehicle (coaches, minibuses, taxis and private ambulances).

**34. What is the difference between dedicated learner travel buses and service buses used by learners?**

Dedicated learner travel buses have been provided or secured by a relevant body for the specific purpose of transporting learners of compulsory school age between home and school.

Service buses may be used to transport learners between home and school but are also used to transport fare paying passengers who are members of the general public on the same service routes.

**35. Why does the requirement to have seat belts fitted to each passenger seat by 1 October 2014 only apply to dedicated learner travel buses, including service buses used for dedicated learner travel, and not to every bus?**

Part 1 of Schedule 7 to the Government of Wales Act 2006 sets out the subject areas in which the National Assembly for Wales may legislate, as well as the exceptions to those general subject areas. The legislative competence conferred in relation to transport allows the Assembly to legislate in relation to dedicated school transport which can include buses, coaches, taxis and private hire vehicles such as minibuses. The Assembly may not legislate in relation to public service vehicles. It is the responsibility of the UK Government to propose policies in relation to public service vehicles and the responsibility of the UK Parliament to pass the relevant legislation.

**36. My child goes to school on a bus which is not fitted with seat belts. Is this legal?**

It depends on which type of bus is being used to transport the child to school.

The Measure requires that every bus provided or secured by a relevant body and used for dedicated home to school learner transport will need to have a seat belt fitted to every passenger seat by 1 October 2014.

Service buses, which are used in any capacity for dedicated home to school learner transport (even if the majority of their journeys are non dedicated learner transport service routes), will also need to be fitted with seat belts by 1 October 2014.

The provision **does not** cover public service buses used by learners with local authority-purchased bus passes, even if the route is mostly used by learners travelling to and from school or college. This is because the bus is not used solely for transporting learners and members of the public can also access the service.

Double deck buses used for dedicated home to school learner transport will need to have seat belts fitted to every passenger seat in the same way as single deck vehicles.

### **37. How can I get children to wear seat belts?**

There are a number of ways of encouraging and persuading children to wear seat belts, for example:

- Rolling out a training and education programme in schools on a pan-Wales basis - the programme could be delivered by teachers or the relevant local authority officials and might include activities like quizzes, games, DVDs and role play exercises
- Schools can play a role in encouraging parents to impress upon their children the importance and necessity of wearing seat belts - this could be achieved by schools raising the issue at parents' evenings, engaging with parents through Parent Teacher Association (PTA) meetings, sending information leaflets to parents or including an article on seat belts and responsibility in school newsletters
- Responsible older pupils/prefects can monitor the wearing of seat belts on dedicated school transport and can help enforce the regime by verbally instructing other learners to wear seatbelts and taking the names of those who refuse to
- Local authorities have a role to play in achieving this outcome and could work in partnership with schools providing officials to monitor and enforce the wearing of seat belts on school transport

### **38. Which seat belts should be used and need to be in place by 1 October 2014 to meet the statutory requirement of the Safety on Learner Transport (Wales) Measure 2011?**

The Welsh Government cannot legally specify the type of seat belt that should be used. Lap belts are used on most buses and meet all the

relevant legal requirements. However, a 3-point all age seat belt is generally recommended. Reasons to support this recommendation are:

- The 3-point all age seat belt restrains the upper and lower parts of the torso, is anchored at not less than 3 points, and includes a lap belt - in addition, the position of the shoulder strap can be adjusted to suit the size of the passenger
- This particular type of seat belt is rated highly for its effectiveness and ease of use - the seat belt tongue clips into the buckle, an action which can be performed with one hand and a retractor device is included as part of the seat belt system to ensure that any unnecessary slack is taken up automatically

**39. What is EU Directive 2003/20/EC, and what does it mean in practical terms?**

Under the Directive, there is an obligation to use a seat belt when a vehicle is in motion. This applies to all categories of vehicles and to all seats fitted with a seatbelt (apart from certain exceptions which can be granted to allow certain professional activities to be carried out, to ensure the proper functioning of law and order, safety or emergency services, or to take account of the special conditions in certain types of transport)). The use of restraint systems specially adapted to the size and weight of children has also become compulsory under the Directive.

There is a remaining part of the Directive which will need to be transposed into UK Legislation by the Department for Transport (UK government). This concerns a requirement for children aged 3 to 13 to wear seat belts on buses and coaches where seat belts are provided.

The Directive does not specify that seat belts must be installed on all buses and coaches. Neither does it specify what type of child restraint system should be used where seat belts are fitted to the vehicle.

**40. Is there a statutory duty on local authorities to provide free transport to denominational schools?**

If a learner wishes to attend a faith-based school which is the nearest suitable school and also meets the distance criteria, then the local authority will be under a duty to provide free home to school transport.

However, if the criteria set out above are not met, there is no legal requirement for a local authority to provide free transport. In such cases, the provision of transport is a discretionary matter for local authorities.

**41. What financial support is available to cover/contribute to the transport costs of those in post-16 education?**

The Education Maintenance Allowance (EMA) was introduced as a financial incentive for young people from low-income households to remain in full-time education or training beyond compulsory education. It is available to learners who attend school or college.

The Assembly Learning Grant (ALG) is available to learners aged 19 or over who are in Further Education.

The Welsh Government also provides support for those students facing hardship through the Financial Contingency Fund (FCF) which is distributed to further and higher education institutions in Wales.

The EMA, the ALG and the FCF may be used, amongst other things, to cover or contribute to transport costs.

There are instances where local colleges and the relevant local authorities will fund schemes which provide financial support for travel to those in post-16 education.

Each local authority will have its own post-16 transport policy and it is the responsibility of the learner or a learner's parent(s) to check individual local authority websites for specific details.

#### **42. What is the Welsh Government's learner travel policy in relation to learners in further education aged 19-25?**

The Welsh Government's policy is that the provision of transport to learners aged between 19-25 is a discretionary matter for local authorities, Higher and Further Educational institutes in Wales.

#### **43. What is the legal definition of "compulsory school age"?**

Section 8 of the Education Act 1996 (and accompanying regulations/Order<sup>196</sup>) defines compulsory school age.

A child is of compulsory school age when he or she attains the age of 5:

- a) on 31<sup>st</sup> March, 31<sup>st</sup> August or 31<sup>st</sup> December in any given year, or
- b) if not on those dates, on the nearest one of those dates following his or her 5<sup>th</sup> birthday.

A person ceases to be of compulsory school age at the end of the day which is the school leaving date (currently the last Friday in June):

- (a) if he attains the age of 16 after that day but before the beginning of the following school year,
- (b) if he attains 16 on that day, or

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<sup>196</sup> Education (Start of Compulsory School Age) Order 1998 (SI 1998/1607) and The Education (School Leaving date) Order 1997 (SI 1997/1970).



(c) (unless paragraph (a) applies) if that day is the school leaving date next following his attaining 16.

#### **44. What does oversubscription criteria regarding school admissions mean in practical terms?**

Parents can express a preference for any school they would like their child to attend. If a school has applications that exceed the admission number for the school, the admission authority will apply oversubscription criteria to all the applications in priority order. This means that all the applications will then be ranked and offered places up to the admission number. Should there be several applications that sit against the same oversubscription criterion, a 'tie breaker' may be used. The tie breaker is usually based on the distance from the pupil's home to the school. Normally the pupils who live the nearest to the school would be offered the remaining places. However, some admission authorities consider other factors, such as; the distance learners would have to travel to the next available school and use this factor as the priority factor for determining places.

In practice this means that pupils living some distance from a school may be offered places and may become eligible for school transport. The local authority Transport Policy defines eligibility criteria for their area in relation to the discretionary transport provision it provides.

#### **45. If I obtain my place of choice will I get transport?**

Parents can express a preference for any school and may be successful in obtaining a place at their preferred school. This does not necessarily mean that their child will be eligible for free school transport. This will be determined by the local authority who define eligibility criteria for the discretionary transport provision it provides within their Transport Policy.

#### **46. What considerations should local authorities take into account with regards to post 16 learner travel provision?**

In assessing what transport arrangements are necessary for post 16 learners it is recommended that local authorities consider the need to ensure that learners have reasonable opportunities to choose between different establishments at which education and training is provided. Reasonable choice should include enabling learners to choose an establishment of education or training that is not the closest to where they live, if other more significant factors take precedence, for example, the suitability of the course. It is further recommended that local authorities consider the needs of:

- Those who are vulnerable to becoming NEET (not in education, employment or training) at the age of 16 or 17 or who have already become NEET.

- Those who live in particularly rural areas where the transport infrastructure can be more limited.
- Those learners who are of low income or are from low income families.
- The distance from the learner's home to establishments of education and training - it is recommended that local authorities consider the distance a young person has to travel to access education in determining eligibility for support with transport. It is Welsh Government's view that young people in rural areas should not be worse off financially because they may need to travel further to access education and training provision than their peers in urban areas. Local authorities could also consider taking into account other factors, such as the impact a learning difficulty or disability may have on a young person's ability to walk a distance, and the nature (including safety) of the route, or alternative routes, which a young person could be expected to take in determining whether transport arrangements are necessary.
- The journey time to access different learning establishment – it is recommended that young people should be able to reach their establishment of education or training without incurring such stress, strain, or difficulty that they would be prevented from benefiting from the education provided. For example, a young person should not have to make several changes of public service bus (or other mode of transport) to get to their establishment of education or training, if that would result in an unreasonably long journey time. In this context, local authorities will want to consider which mode of transport will best meet the need to ensure a reasonable journey time. Best practice suggests that a child of secondary school age may reasonably be expected to travel 60 minutes each way to access learning. It is recommended that local authorities apply similar expectations to post 16 learners.

#### **47. Who is Responsible for the Care of Pupils Travelling to School?**

A local authority, a transport operator, a driver and a school, may all have responsibility in law for the care of pupils in transit or when they are waiting to, or in the act of, embarking on or alighting from a vehicle. It is not possible to provide definitive guidance about who is responsible for the care of a pupil at any particular stage of the journey between home and school because the Courts have determined that responsibility depends on the facts of a case (for example who was responsible for the cause of the incident – such as a fault in the bus engine, or a defect in the road or pupil behaviour).

The 2008 Measure (sections 3(5) and 4(6)) now sets out that travel arrangements are not suitable if they cause unreasonable levels of stress, take an unreasonable amount of time or are unsafe. In general terms, therefore, an authority should be satisfied that contracted arrangements are safe, that processes are in place to monitor contracts, and that prompt action is taken to remedy problems. It is recommended that local authorities, bus operators and schools consider jointly the risks pertaining

to embarkation/disembarkation points on or immediately outside school premises.

Guidance on risk assessing dedicated school service contracts is provided in the Welsh Government issue All Wales Home to School Transport Risk Assessment Framework<sup>197</sup>

#### **48. What processes should be put in place for embarkation and disembarkation at school premises?**

Embarkation and disembarkation areas are potentially dangerous because they can be crowded, busy, confined, and on roads rather than on school premises. Private cars will often be arriving or departing at the same time and may share or pass through or near the embarkation/disembarkation area. Risk may be compounded because pupils may not be as aware of hazards as adults. Accidents are more likely if pupils are not adequately supervised either because of traffic hazards or from crushing on entering or leaving buses.

It is recommended that local authorities, schools and operators work together to undertake risk assessments and follow up action to ensure that:

- There are appropriate levels of supervision of areas in school grounds where pupils congregate before embarking and disembarking
- There are appropriate levels of supervision of bus bays where pupils congregate off site to embark or disembark transport services;
- There are clear road markings for embarkation areas;
- There is, as far as practicable, segregation of pedestrians and vehicles;
- There are safe crossing points; and
- Embarkation areas are kept clear of obstructions.

Advice on how to undertake home to school transport risk assessment, including embarkation and disembarkation is provided in the Welsh Government issue All Wales Home to School Transport Risk Assessment Framework, which was published in 2009<sup>198</sup>. The Health and Safety Executive have also published guidance on risk assessments generally, and on “Workplace Transport Safety”<sup>199</sup>.

It is recommended that local authorities, schools and operators work collaboratively to ensure that risks are reviewed regularly and that clear procedures are in place for schools, parents, pupils, and transport operators to report problems or concerns. These should be evaluated promptly and appropriate action taken quickly.

<sup>197</sup> <http://wales.gov.uk/topics/transport/?lang=en>

<sup>198</sup> <http://wales.gov.uk/topics/transport/?lang=en>

<sup>199</sup> <http://www.hse.gov.uk/pubns/books/hsg136.htm>

The Welsh Government regards it as good practice that head teachers ensure that there is supervision of embarkation and disembarkation, whether on, outside, or near the school premises. The level of supervision will depend on local circumstances and the age of pupils. The head teacher should contact the authority immediately about any concerns or matters reported to him or her.

#### **49. How can overcrowding on buses be tackled?**

The design of bus will determine the number of seated and standing passengers and the number of wheelchair spaces on board. A sign informing passengers of this capacity must be displayed on the bus. Service registrations do not specify these numbers for either public services or dedicated school transport. DVSA is responsible for providing vehicle type approval. In terms of buses used for dedicated learner transport, the local authority's contract with the operator will specify the seating capacity. From 1 October 2014 these contracts will also need to include that dedicated learner buses must also have a seat belt fitted to every passenger seat, too

It is for bus drivers to determine whether a bus is full and to decline to take more pupils. The driver or other person supervising embarkation should check bus passes for all journeys. An annual photo pass will facilitate easy identification of pupils who are entitled to travel. If pupils not entitled to travel on a bus embark there is more likelihood of overcrowding. Authorities might consider having a 'no pass, no travel' rule, although a common sense approach is needed. Local authorities and schools should have a system in place to deal with genuine mistakes (e.g. the use of emergency one day pass) to avoid stranding children who have simply forgotten or lost their pass.

When making transport arrangements local authorities should consider pupils who carry musical instruments or large sports equipment. Adequate space for them is important from a safety perspective and also so that pupils are not discouraged from pursuing these interests because of the difficulty of travelling with such items.

#### **50. What happens if a learner is sick / absent from school and does not require learner transport for that day(s) the learner is absent– should parents/ guardians inform both the school and the local authority transport team of their child's absence or just the school?**

As soon as a parent or guardian is aware that their child will be absent from school, for any period of time, they are required by law to inform the school of the absence. There is no legal requirement for a parent to notify the local authority of a planned absence. However, if a learner receives transport provision provided for by the local authority, and the absence means the learner does not require this transport for a certain period of time, Welsh Government recommends that parents inform the local

authority transport team as soon as they know the transport will not be required (usually at the same time they notify the school).

In doing so, local authorities can ensure transport provision, such as taxis, minibuses etc, are not sent out unnecessarily (Particularly if it entails collecting the learner from a location where other learners are not also being collected). This not only reduces unnecessary public expenditure on transport services not required, but may also help to reduce the local authorities carbon footprint thus being beneficial to the environment.

## **51. What transport arrangements should be put in place for learners moving authority area during their GCSE ('critical') years<sup>200</sup>?**

The Welsh Government recognises that there is currently no consistent policy approach adopted by local authorities in Wales for when a learner moves house/ local authority area during their critical years in education (GCSE).

At present, some local authority's policy states that; if a learner (who has started their GCSEs) moves house and their new home resides in a neighbouring local authority, although their current school is no longer technically their nearest suitable school, the local authority will still provide free transport provision for the learner to the school they currently attend for the duration of their GCSE studies (subject to the learner meeting the distance criteria and the school resides in a neighbouring local authority are). In doing so the learner's 'critical years' of study are not disrupted. However, other local authorities do not currently adopt this policy approach.

To ensure that a consistent policy approach is applied across Wales, Welsh Government recommends that all local authorities in Wales adopt the same policy approach whereby if a learner has started their GCSE studies and subsequently moves house/ authority area, then provided that the move takes place after the October half term break of their first year of GCSE studies (Year 10), the local authority, where the learner's new home resides, picks up the travel costs enabling the learner to continue their studies at the same school/ education institute the learner currently attends.

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<sup>200</sup> 'Critical years' are learners in years 10 and 11 of secondary school.

## Annex 1

### RISK ASSESSMENT MATRIX

Learner details <ul style="list-style-type: none"> <li>• Name</li> <li>• Age</li> <li>• Name of school</li> </ul>		Companion details <ul style="list-style-type: none"> <li>• Name</li> <li>• Relationship to Learner</li> </ul>		
<b>Route – A to B</b>				
	<b>Risk Severity*</b>	<b>Risk Level**</b>	<b>Control Measures</b>	<b>Mitigated Risk***</b>
Learner concerns <ul style="list-style-type: none"> <li>• Personal issues</li> <li>• Local issues</li> <li>• Hot spots</li> <li>• Other transport</li> <li>• Issues</li> </ul>				
Traffic levels				
Footpath details				
Footways				
Crossing points				
<ul style="list-style-type: none"> <li>• Rivers</li> <li>• Canals</li> <li>• Ditches</li> <li>• Embankments</li> <li>• Vegetation</li> </ul>				
Lighting				
Planning impacts				
Social hazards				

\*Scale of 1 very low → 5 very high

\*\* Likelihood (scale of 1 → 5) multiplied by severity

\*\*\* Likelihood (scale of 1 → 5) after putting in place control measure multiplied by severity

## Annex 2

### Local Authorities' Risk Assessment Checklist

<b>Before a Risk Assessment a local authority should ask:</b>
<ul style="list-style-type: none"> <li>To which category do the risks/dangers belong? Are the risks/dangers physical, topographical, geographic, environmental or social?</li> </ul>
<ul style="list-style-type: none"> <li>When was the route last risk-assessed?</li> </ul>
<ul style="list-style-type: none"> <li>What changes have been made to the route since the last risk assessment? (Note: Records should specify any changes, such as construction work; infrastructure changes; the introduction of traffic calming measures; new build developments; new road works).</li> </ul>
<ul style="list-style-type: none"> <li>Were learners consulted during the last risk assessment? If so, what were their views?</li> </ul>
<ul style="list-style-type: none"> <li>When would be the ideal time to conduct a risk assessment of the route in question? (Note: Usually, the best time would be when learners are using the route - that is, in the morning on the way to school and/or in the afternoon when learners are making their way home)</li> </ul>
<ul style="list-style-type: none"> <li>In the case of social dangers, who are the relevant partner organisations/agencies?</li> </ul>
<b>During the Risk Assessment process, a local authority should ask:</b>
<ul style="list-style-type: none"> <li>Whether the learners/parents/persons exercising parental responsibility would like to accompany the local authority Risk Assessor during the risk assessment? (Note: This often enables learners/parents/other persons to demonstrate exactly why they consider a route to be unsafe).</li> </ul>
<ul style="list-style-type: none"> <li>Should learners be consulted (particularly if they have not been consulted at all or for a long time)?</li> </ul>
<ul style="list-style-type: none"> <li>Which mechanism should be used to consult learners – for example School Councils etc.)?</li> </ul>
<ul style="list-style-type: none"> <li>In relation to social dangers, what kind of evidence will be supplied by the relevant partner organisations (the Police or LSCBs)? Is the evidence qualitative or quantitative?</li> </ul>
<ul style="list-style-type: none"> <li>When will the evidence (qualitative or quantitative) become available?</li> </ul>
<ul style="list-style-type: none"> <li>If working with partner organisations, have information-sharing protocols been put in place? Have local government lawyers been consulted?</li> </ul>
<b>Following Risk Assessment, a local authority should ask:</b>
<ul style="list-style-type: none"> <li>Is the learner/parent/person exercising learner parental responsibility satisfied? If not, why?</li> </ul>
<ul style="list-style-type: none"> <li>Does the route in question need to be assessed again?</li> </ul>
<ul style="list-style-type: none"> <li>Are the correct complaints procedures in place?</li> </ul>
<ul style="list-style-type: none"> <li>Has the evidence demonstrating the safety of the route been compiled so that it can be made available to the learner/parent/person exercising parental responsibility?</li> </ul>



## **Annex 3:**

### **Related Web links**

#### **Local authority:**

The relevant contact details for local authority School Transport teams are as follows:

#### Isle of Anglesey

<http://www.anglesey.gov.uk/education/schools/school-travel-support/>

#### Bridgend County Borough Council

<http://www1.bridgend.gov.uk/services/highways/transport-and-roads-home/public-transport/school-transport.aspx>

#### Blaenau Gwent County Borough Council

<http://www.blaenau-gwent.gov.uk/education/18101.asp>

#### Caerphilly County Borough Council

<http://www.caerphilly.gov.uk/site.aspx?s=qDAHRXN8cSZ9oLQm4cwPGFdfG1SCeIA>

#### Cardiff Council

[http://www.cardiff.gov.uk/content.asp?nav=2869,3047,3063,5164&parent\\_directory\\_id=2865&id=5455&d1p1=1](http://www.cardiff.gov.uk/content.asp?nav=2869,3047,3063,5164&parent_directory_id=2865&id=5455&d1p1=1)

#### Carmarthenshire County Council

<http://www.carmarthenshire.gov.uk/english/education/schools/schooltransport/pages/schooltransport.aspx>

#### Ceredigion County Council

<https://www.ceredigion.gov.uk/index.cfm?articleid=9584>

#### Conwy County Borough Council

<http://www.conwy.gov.uk/doc.asp?cat=6249&doc=23052>

#### Denbighshire County Council

<https://www.denbighshire.gov.uk/en/resident/education/grants-and-funding/free-school-transport.aspx>

Flintshire County Council

<http://www.flintshire.gov.uk/en/Resident/Schools/School-Transport.aspx>

Gwynedd Council

[http://www.gwynedd.gov.uk/gwy\\_doc.asp?cat=7052&doc=25990&language=1&p=1&c=1](http://www.gwynedd.gov.uk/gwy_doc.asp?cat=7052&doc=25990&language=1&p=1&c=1)

Merthyr Tydfil County Borough Council

<http://www.merthyr.gov.uk/English/EducationAndLearning/SchoolsAndColleges/Pages/SchoolTransport.aspx>

Monmouthshire County Council

<http://www.monmouthshire.gov.uk/home/education/schools/school-transport/>

Neath Port Talbot County Borough Council

<http://www.npt.gov.uk/default.aspx?page=5065>

Newport City Council

<http://www.newport.gov.uk/dc/index.cfm?fuseaction=schools.parentsinfo&contentid=DevXP001620>

Pembrokeshire County Council

[http://www.pembrokeshire.gov.uk/content.asp?nav=647,867&parent\\_directory\\_id=646&id=7551&d1p1=1](http://www.pembrokeshire.gov.uk/content.asp?nav=647,867&parent_directory_id=646&id=7551&d1p1=1)

Powys County Council

<http://www.powys.gov.uk/index.php?id=3064&L=0>

Rhondda Cynon Taf

<http://www.rctcbc.gov.uk/en/transportstreets/schooltransport/schooltransport-policy/schooltransport-policy.aspx>

City and County of Swansea

<http://www.swansea.gov.uk/index.cfm?articleid=10438>

Torfaen County Borough Council

<http://www.torfaen.gov.uk/en/EducationLearning/Grants/School-travelsupport/Transport-Entitlement.aspx>

Vale of Glamorgan County Council

[http://www.valeofglamorgan.gov.uk/en/working/education\\_and\\_skills/schools/school\\_transport/school\\_transport.aspx](http://www.valeofglamorgan.gov.uk/en/working/education_and_skills/schools/school_transport/school_transport.aspx)

[Wrexham County Borough Council](#)

[http://www.wrexham.gov.uk/english/education/Transport\\_Policy.htm#criteria](http://www.wrexham.gov.uk/english/education/Transport_Policy.htm#criteria)

### **Other useful websites:**

## **Engagement with Children and Young People**

[Children's Commissioner](#)

<http://www.childcom.org.uk/>

[Children in Wales](#)

<http://www.childreninwales.org.uk/inyourarea/singleplans/index.html>

[Funky Dragon \(Children and Young People's Assembly for Wales\)](#)

<http://www.funkydragon.org/en/>

[Learning Disability Wales](#)

<https://www.ldw.org.uk/>

[School Councils/ Pupils Voice Wales](#)

<http://www.pupilvoicewales.org.uk/>

[Snap Cymru](#)

<http://www.snapcymru.org/>

[Super Ambassadors \(Children's Commissioner\)](#)

<http://www.childcom.org.uk/en/super-ambassadors/>

[The All Wales Schools Core Liaison Programme \(AWSCLP\)](#)

<http://www.schoolbeat.org/en/parents/know-the-programme/national-events/what-is-the-all-wales-school-liaison-core-programme/>

<http://wales.gov.uk/statistics-and-research/all-wales-school-liaison-core-programme-evaluation-report/?lang=en>

Travel Code (teaching resources)

<http://www.travelcode.org/>

**Best practice and Case studies:**

Faith in Education (Wales)

<http://wales.gov.uk/topics/educationandskills/schoolshome/curriculuminwales/arevisedcurriculumforwales/religiouseducation/?lang=en>

Learning Wales (Improving Behaviour and attendance)

<http://learning.wales.gov.uk/improvementareas/behaviourandattendance/?lang=en#/improvementareas/behaviourandattendance/?lang=en>

Learning Wales (SEN)

<http://learning.wales.gov.uk/resources/special-education-needs-code-of-practice/?lang=en>

Living Streets

<http://www.livingstreets.org.uk/>

Powys Association of Voluntary Organisations (PAVO)

<http://www.pavo.org.uk/home.html>

Sustrans

<http://www.sustrans.org.uk/wales>

Tendering road passenger transport contracts – best practice guidance

<https://www.gov.uk/government/publications/tendering-road-passenger-transport-contracts-best-practice-guidance>

Travel Training

[http://www.traveline-cymru.info/uploads/TravelPlans/SMART\\_TRAINING\\_-\\_ENGLISH.pdf](http://www.traveline-cymru.info/uploads/TravelPlans/SMART_TRAINING_-_ENGLISH.pdf)

<http://www.welshcontactcentreforum.co.uk/admin/content/files/SWWITCH/Smart%20Travel%20Training%20presentationWWACC.pdf>

<http://www.wlga.gov.uk/stp08-cardiff-council>

## **Safe Travel:**

Arriva Wales (Educating Children)

<http://www.arrivatrainswales.co.uk/EducatingChildren/>

Network Rail (rail crossing safety)

<http://www.networkrail.co.uk/level-crossings/using-level-crossings/>

## **School Travel Plans**

<http://www.gettravelwise.com/business-education/schools/benefits-of-school-travel-plans>

Wales Accord on the Sharing of Personal Information

<http://wales.gov.uk/topics/improvingservices/sharingpip/waspi/?lang=en>

<http://www.wales.nhs.uk/sites3/home.cfm?orgid=702>

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# **APPENDIX 2**

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STRONG HERITAGE | STRONG FUTURE  
**RHONDDA CYNON TAF**  
TREFTADAETH GADARN | DYFODOL SICR

# WELSH IN EDUCATION STRATEGIC PLAN

## 2014 – 2017

Contact: Esther Thomas  
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Schools and Community  
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## Appendix 1: The Action Plan – Tackling national targets at a LA level

### Section 1: Your vision and aim for Welsh-medium education

#### The County's Vision

Rhondda Cynon Taf County Borough Council believes in the educational value of individuals being proficient in both English and Welsh and that the ability to use Welsh as well as English language skills can be a big advantage for young people seeking work. In practice this means we not only make provision for education through the medium of Welsh, but also ensure that the provision is of the highest quality and the consistent focus on raising standards in Welsh as a second language so that all pupils develop their bi-lingual skills.

In order to take this agenda forward it is intended that the Program Manager for Welsh in the Central South Consortium Joint Education Service (CSCJES) oversees the progress made by first language and second language Welsh learners. This will enable the five LA's in the CSCJES to target their resources especially the School Effectiveness and Welsh Education Grants more effectively. Currently 19% of learners in RCT study through Welsh, our ambition is to increase this percentage to 23% by 2015. Data from the Welsh Government demonstrates that there has been a steady increase in the numbers of children and young people accessing Welsh-medium Education in RCT. The percentages compare favourably with figures across the Central South Consortium and Wales, given the context of the Authority. This plan for Welsh Education in RCT derives from the challenges articulated in the Welsh Government's paving document 'The Learning Country' and in 'Iaith Pawb' and promotes the notion of Building Effective Learning Communities together which underpins the School Effectiveness Framework. This vision reflects the core values of the Council and the aims and objectives of the Education and Lifelong Learning Directorate. It links with the aims set out in 'Live, Grow, Aspire, Achieve: Rhondda Cynon Taf Community Strategy 2010-2020' and has been supported by the priorities in the Children and Young People's Plan 2011-2014. Now included in the Single Integrated Plan 2013 'Delivering Change'. It supports the aims and objectives of the Council's Welsh Language Scheme to ensure that the use of the Welsh language is safeguarded and promoted throughout Rhondda Cynon Taf.

Rhondda Cynon Taf has a strategy for Raising Achievement in Literacy 'Read, Write, Speak, Succeed' and the vision for zero tolerance of illiteracy in the language of choice. The strategy focuses on the teaching of literacy in both English and Welsh-medium schools. Within the County Borough of Rhondda Cynon Taf, Welsh-medium education will be available to all parents/carers who desire it for their children. It is the Council's policy to provide for the natural progression from Welsh-medium early years and primary settings to Welsh-medium secondary education, in order to support continuity of provision. Pupils in all schools will study Welsh as a subject and we are working to increase the opportunity for pupils to study other subjects through the medium of Welsh. We will also seek to develop with others opportunities for Welsh to be used outside school in the community.

## **CURRENT POSITION DECEMBER 2014**

### **FIRST LANGUAGE WELSH**

Learners are continuing to make good progress in Welsh language skills in Welsh-medium schools.

#### **Foundation Phase**

In 2014, 90.1% of pupils achieved the required level, or higher in Language Literacy Skills in Welsh compared to 91.36% across the Central South Consortium and 89.82% across Wales. This ranks us 12<sup>th</sup> out of 20 authorities.

#### **KS2**

In 2014 88.41% of pupils achieved level 4 or higher compared to 90.60% across the Central South Consortium and 88.1% across Wales. This ranks us 15<sup>th</sup> out of 20 authorities.

#### **KS3**

In 2014 90.02% of pupils in RCT achieved level 5 or higher compared to 91.6% across the Central South Consortium and 90.07% across Wales.

Performance at the higher levels are also good with 28.52% achieving outcome level 6+ at FP compared with 29.3% nationally, 29.6% achieving level 5+ at KS2 compared with 30.4% nationally and 40.2% achieving level 6+ at KS3 compared to 45.7%

#### **KS4**

In 2014 data shows that 70.02% of pupils who were entered for Welsh 1<sup>st</sup> language at GCSE obtained grades A\*-C compared to 73% across Wales

78% of pupils who entered Welsh literature at GCSE obtained A\*-C in RCT compared to 75% across Wales

#### **KS5**

The number of pupils sitting Welsh first language is relatively small – in 2014 only 22 entered, the percentage achieving A\*-C can vary but for 2014 was 50% compared to 81% nationally.

## **SECOND LANGUAGE WELSH**

Performance of pupils in Welsh as a second language is as follows:

At KS3

74.8% of pupils in RCT achieved the expected level or above in Welsh second language compared to 70.84% across the Central South Consortium and 77.8% across Wales.

At KS4 (provisional figures)

71.9% of pupils who sat Welsh second language full course achieved grade A\*-C.

46.99% of pupils who sat Welsh second language short course achieved A\*-C.

KS5 - 33 pupils sat 'A' level Welsh 2nd language with 64% achieving A\*-C.

## **TRANSITION RATES**

Although there has been a slight decrease in the percentages in 2013, there still remains as a high percentage of transfer between Key Stages 2 and 3 and between Key Stages 3 and 4 within the Welsh-medium sector.

- Transition rates for key stage 2 to 3 in 2012/13 was 96.3% compared with 97.97% in 2011
- The Transition rate for key stage 3 to 4 in 2012/13 was 99.2%. compared with 99.47% in 2011

### **Main Aims and Objectives of the Welsh Education Scheme**

- To ensure that Welsh-medium education is available to all children whose parents/carers wish them to receive their education through the medium of Welsh, and this within reasonable travelling distance from the children's homes. This means children of pre-school age and above.
- To ensure that all pupils attending a designated Welsh-medium school are able to speak, read and write Welsh fluently by the end of KS2. The figures in July 2014 are 89.86% oracy, 83.83% for reading and 80.33% for writing.
- To ensure a developing continuum from Welsh-medium primary education through to Welsh-medium secondary education. Pupils who have received their primary education through the medium of Welsh will be able to attend a Welsh-medium secondary school
- To promote a linguistic continuum from KS4 onwards through to their lifelong learning career for pupils and students within the County.
- To ensure that all pupils are given the opportunity to sit an externally accredited examination in Welsh by the end of KS4.
- To ensure that children and young people with special educational needs receive linguistic equality of opportunity in terms of Welsh-medium education, during the entire statementing process, and this in line with the SEN Code of Practice for Wales 2002.
- To work in partnership with all schools in order to improve the standard of Welsh as a first and second language. All schools will receive advice and support from advisors on the Welsh language and from school support services. Further support will be provided by Welsh in Education Officers (previously Athrawon Bro) who visit and monitor schools' language standards on behalf of the Authority
- To run and promote the existing In-Service Training Programme that supports the development of Welsh as a first and second language, and to provide opportunities for pupils to improve their knowledge and understanding of the cultural, economic, environmental, historical and linguistic ethos/characteristics of Wales via the Cwricwlwm Cymreig.

## Section 2: The Action Plan

### Outcome 1: More seven-year-old children being taught through the medium of Welsh

Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)

A. Objective	B. Current Performance	C. Targets	D. Progress
1.1 Increase the number of seven-year-old children taught through the medium of Welsh	<p>Mudiad Meithrin receives core funding for the Welsh in Education Unit of The Welsh Government and great emphasis is placed on transition figures from the Cylchoedd meithrin to local Welsh Medium schools. Mudiad Meithrin (with whom we work in partnership) believe in the importance of promoting the benefits of Welsh Medium education at pre-school and and Ti a Fi level to parents cannot be over emphasised because linguistic educational decisions are made at this stage.</p> <p>The Local Authority recognises the important role that Mudiad Meithrin and the Cylchoedd Meithrin play in signposting parents towards Welsh Medium Education. The authority funds 5 hours each per week for the 2 Development Officers who work in Cynon Taf and Rhondda Taf. The Local Authority has also paid sustainability grants to a number of Cylchoedd Meithrin during this academic year. Mudiad Meithrin's co-ordinator attends and represents the organisation, it's cylchoedd and the Welsh language on a number of committees and forums within the Local Authority including, the WESP forum, Quality and Grants panel, Registered Education Providers Panel and Early Childhood and Play Partnership.</p>		<p>Mudiad Meithrin provides the Welsh Government with quantitative and qualitative data on transition levels which can be found at appendix 2 of this document.</p> <p>Mudiad Meithrin recognises that there is an issue with transition levels at some of the Cylchoedd Meithrin. Cylchoedd Meithrin Cilfynydd and Rhydyfelin will be part of a national campaign called "Cychwyn Gorau" (which translates as "best start").</p>

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>The percentage of seven-year-old children taught through the medium of Welsh in the past three years is as follows:</p> <ul style="list-style-type: none"> <li>➤ 19.6% - 2010</li> <li>➤ 20% - 2011</li> <li>➤ 20.6% - 2012</li> <li>➤ 20.1% - 2013</li> </ul> <p>Ysgol Llanhari new primary provision opened in September 2012 with nursery and reception children – the Local Authority is funding a permanent Foundation Phase post to enable the setting up and development of this provision.</p>	<p>2014- 21.1%</p> <p>2015 – 21.5%</p> <p>2016 – 21.9%</p> <p>2017 – 23.0%</p>	<p>This campaign has been developed with a view to supporting the Cylch staff in promoting the advantages of Welsh medium Education to parents and increase the transition levels where they currently fall below 50%. Resources have been made available and a Facebook page ("#cychwyngorau") which gives further information and interesting articles</p> <p>19.6% in RCT 2014 (need to explore reasons why there has been a decline)</p>

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
			Consideration is being given to develop more provision in the north of the Authority, and consultation to increase capacity at 2 WM schools – YGG Tonyrefail and YGG Llwynceilyn ends on 27.2.15. These plans form part of our wider proposals to reorganise school provision in the Rhondda and Tonyrefail areas of RCT, the target implementation date is September 2018 for the whole project.
	Figures obtained from the Welsh Government show that the numbers and percentage of seven year olds taught through the medium of Welsh in RCT has increased year on year and is higher than other LA's in the Central South Consortium. It is the LA's intention to maintain with an increase to 21.5% by 2015.		



<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	Learners attending the nearest Welsh-medium or dual language school receive free transport in accordance with the LA's agreed policy on walking distance and safe routes. RCTCBC has exercised the discretionary powers afforded to it under the Learner Travel (Wales) Measure 2008 to make a more generous provision to learners as set out on Page 32 (Point 2) in 2014-2015 Dechrau'r Ysgol.		
1.2 Adopt systematic processes for measuring the demand for Welsh-medium statutory educational provision. Act promptly on the findings of parental surveys.	<p>The report to WG in April 2013 identified that from the data received, there is no unmet need in RCT. The CSA 2013 update demonstrates that demand does not out-strip supply. However, both parental, employer and setting response to the CSA remains low (33%). Therefore an Early Education Language Choices booklet is being distributed to all new parents to gain a picture of future demand. Also, the Flying Start registration forum gathers data about language preferences in Flying Start childcare. These three pieces of data will be interrogated to gain a more robust picture of future demand.</p> <p>A full audit is undertaken 3 yearly, with the last full one in 2011. It is reviewed annually. The next full audit will be undertaken in 2014, to be submitted by April 2014.</p> <p>To measure the demand for Welsh medium education forecast data is used, together with information gleaned from the annual admissions round, plus other statutory returns such as PLASC, and the September Class Size Count. All data is analysed on a regular basis, updated, and</p>	Increase response to CSA to 50% in 2014; 55% in 2017	Early Education Language Choices: Return rates for the booklet are low for 2013-14. (97 responses) 38% identified Welsh as choice of education language. Of the 97 responses, 32% were from Flying Start families.

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>used to inform bids for capital funding for new provision such as 21<sup>st</sup> Century Schools.</p> <p>The Education Language Preference (ELP) Survey will be undertaken every two years. The current survey is due to be distributed in November 2015 and the report will be completed by March 2016. There will be slight changes to the survey to incorporate previous recommendations and additional information required for this plan.</p> <p>The ELP Survey is distributed to all houses where birth occurred in the last 2 years. The last ELP Survey has been analysed and will be used to inform future levels of demand. However, historical data suggests that there can be an 18% point's difference between the expressed demand and actual uptake.</p>	Further investigation required to identify why this gap exists	Next survey distribution October – December 2015. Analysis by March 2016. Survey to be brought to the next meeting and Menter Iaith to explore leaflets distributed in other LAs with a view to wider distribution (including libraries)
1.3 Ensure that proposals for 21 <sup>st</sup> Century schools include full consideration of Welsh-medium education.	Rhondda Cynon Taf has, at present, 13 Welsh-medium Primary schools, plus 3 dual language Primary schools. It also has 4 Welsh-medium Comprehensive schools. In September 2012, one of our Comprehensive Schools, Ysgol Gyfun Llanhari, was redesignated as a Middle School, and is able to admit pupils aged between 3 and 19 years. The new Primary department of Ysgol Llanhari will have the capacity to admit 240 pupils aged between 3 and 11 years, and this provision can be expanded in future years if demand for places can be evidenced. The		

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	school admitted Nursery and Reception pupils initially in September 2012, increasing by one year group each year until all year groups from Nursery to Year 13 are catered for at the school.		
	<p>In January 2012, 4,270 pupils received Primary education in RCT through the medium of Welsh, representing 19.9% of the total Primary school population. 3,258 pupils received Secondary education through the medium of Welsh, or 19% of the total Secondary school population.</p> <p>In January 2013 numbers in Primary Education 4332 - 19.9% numbers in Secondary Education 3128 - 18.7%</p> <p>The new development at Llanhari will add sufficient Welsh-medium Primary education capacity to meet current, and future forecasted demand in the south-west of the County Borough and, as advised, this provision can be increased in the future if demand can be evidenced.</p>	<p>22% by 2015 22.2% - 2016 22.4% - 2017</p>	<p>Primary – 2014 – 19.63% Secondary – 2014 – 18.57%</p>
	There are proposals in the Council's 21 <sup>st</sup> Century Schools Programme to increase Welsh-medium provision in other areas of the county where pressure on places currently exists. These proposals include potential new provision in the Cynon Valley, plus a replacement school for YGG Tonyrefail, with additional capacity. The organisation of school provision in the Porth area will also be reviewed under this Programme. More precise details of proposals will be provided following relevant consultation with Elected Members.		Consultation has commenced to consider increasing the capacity of YGG Llwyncelyn and to relocate YGG Tonyrefail to a new building, which has increased capacity and is in far better condition

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
			<p>The projects at Tonyrefail, Porth and the Cynon Valley will be undertaken during Band A of our 21<sup>st</sup> Century Schools Programme and will therefore be completed by August 2018. The planned capacity of the replacement YGG</p> <p>Tonyrefail will be subject to assessment of current and future forecasted demand and will be evidence based. It is expected however that the revised capacity will be at least 360 places, including Nursery provision.</p>

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>A bid was made for funding to replace Welsh medium schools in areas of greatest need which are subject to approval. In Band A of our 21<sup>st</sup> Century Schools bid, i.e. our highest priority projects, to commence in 2014.</p>		<p>The main area of greatest need for additional Welsh medium provision was the Llantrisant/Pontyclun/Talbot Green area. The issues in this area have now been resolved by the opening of our Welsh Medium Primary provision at Ysgol Llanhari in September 2012. This can be evidenced by the fact that YGGG Llantrisant will have surplus capacity in both its Nursery and Reception year groups in September 2014.</p>

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
			<p>This Council made amendments to the catchment area of Heol y Celyn dual language Primary School in 2008, to incorporate the communities of Taffs Well and Nantgarw, up to the County boundary for Welsh Medium provision. There is sufficient capacity at this school to meet current and future forecasted demand for Welsh Medium Primary provision in this area.</p>
<p>1.4 Ensure collaborative working through consortia.</p>	<p>The Authority collaborates with neighbouring LA's to consider Welsh medium provision across the Central South Consortium. The Rhydywaun cluster of primary schools has accessed joint training opportunities with Merthyr Tydfil, as learners from 2 primary schools in Merthyr Tydfil transfer to Rhydywaun for their secondary education.</p> <p>Further discussion and consultation is required with colleagues in Merthyr CBC regarding their proposals in respect of home to school transport.</p>		<p>Forums have been developed across the 5 LAs. A post to drive forward 'Qualified for Life' in Welsh medium school has been created in the Consortium.</p>

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
			<p>Pupil numbers from Welsh medium primary schools in Merthyr are taken into account when preparing our forecasts. Current data for Rhydywaun, which was submitted to WG at the end of May 2014, is as follows:</p> <p>Capacity of the school: 1022  Forecasts: 2015 – 1009; 2016 – 1018; 2017 – 1022; 2018 – 1063; 2019 – 1097.</p>
	<p><b>PROGRESS REPORT DECEMBER 2012</b></p> <p>Restructure of ESIS and establishment of the Central South Consortium and the changing role of the Athrawon Bro (now called Welsh in Education Officers) will impact on future service delivery.</p> <p>More effective links with the use of the Welsh Education Grant to target underperformance is a priority for the Central South Joint Education Service.</p>		

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	Athrawon Bro team (now Welsh in Education Officers) has been re-structured as part of the regional changes within Central South Consortium School Improvement Service - more regular visits to schools ensures better continuity of support and challenge.	To further develop the work of the First-language/Welsh in Education Officer in the most challenged school through the development of literacy and numeracy packs.	
	The impact of the Welsh in Education Officers input is evident with good working relationships developed between our Welsh first language schools in RCT and Merthyr Tydfil, with for example the provision of curriculum materials to support the raising of literacy skills. More targeted support has been made available to specific schools in order to raise pupil standards in Welsh.	To ensure the Central South Consortium consider the impact of literacy and numeracy frameworks on Welsh-medium schools and provide appropriate support.	



<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
1.5 Increase the ability to take advantage of Welsh-medium provision through immersion education schemes and centres for latecomers.	At present no specific services are provided by the Authority to primary schools for Welsh language latecomers, other than the general support for Welsh language learning provided by the Welsh in Education Officers. In previous years support has been available to schools in the form of funding for 1:1 work with learners, support to assist latecomers to integrate according to demand and needs of schools on an individual basis. From evidence available, there have been no latecomers this situation is continuously monitored.	To consider immersion schemes in collaboration with other LA's in Central South Consortium (Cardiff)	
1.6 Establish a Welsh-medium Education Forum and establish links with the Children and Young People's Plan. Ensure considerations for resources and finance for Welsh-medium provision within early years.	<p>The RCT Children &amp; Young People's Plan has been superseded by the RCT Single Integrated Plan (SIP) which is led by the Local Service Board and has three priorities which are that the people of RCT are safe, healthy and prosperous.</p> <p>Fframwaith, the Children &amp; Young People's Partnership contributes to the SIP in ensuring that the voices of Children and Young people in RCT are heard and listened to.</p> <p>Fframwaith continues to support Welsh medium schools having equal access to services and provision and the priorities for this is an overarching theme throughout the SIP.</p>	Improve services and opportunities through the medium of Welsh	The Fframwaith partnership will not exist in the future. Early years matters will be directed via the Early Childhood and Play Partnership (ECAPP) which also discharges the statutory functions of an Early Years Development and Childcare Partnership (EYDCP)

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>Although Core Aim 2 as a forum is no longer in existence, Fframwaith continues to support the Welsh Education Strategy and a priority within the SIP is that everyone in RCT has the right to access the same high quality services in the language of their choice.</p> <p>This has an impact on future workforce training pathways and as such appropriate training will continue to be delivered to the workforce to support Welsh Language service delivery.</p>		
	<p>The Welsh Language Matters Group will continue to ensure a collaborative approach in the delivery of services through the medium of Welsh. With the introduction of the SIP, Fframwaith is reviewing how best it supports the priorities within the SIP as well as other statutory duties, this includes a review of its sub-groups to ensure that they are fit for purpose and are working towards the priorities in the SIP.</p>	<p>To review the group members and Terms of Reference to ensure appropriate representation to take account of service changes within the LA to ensure Welsh Language skills are met by end of March 2015.</p>	<p>This group no longer meets</p>

<b>Outcome 1: More seven-year-old children being taught through the medium of Welsh</b> <b>Responsible officers: Head of Achievement (Primary), Head of Early Years and Family Support Services, Head of School Organisation, Planning and Governance, Systems Leader with Program Manager for Welsh (Consortium)</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>As a consequence of this and in order to raise the profile of Welsh matters within the Local Authority, the Welsh Language Matters Group are revising their terms of reference and expanding their remit. The following actions are currently being undertaken:</p> <ul style="list-style-type: none"> <li>• Expanding the membership to other departments within the Local Authority to ensure that Welsh issues are taken into consideration in the planning stages of service development.</li> </ul>		This group no longer meets
	<ul style="list-style-type: none"> <li>• Expanding the remit to become an information sharing hub so that anyone who is providing services has the opportunity to disseminate information to a wider audience.</li> <li>• Will provide advice and guidance on Welsh matters.</li> <li>• Challenge and raise awareness of Welsh Language matters to a wider audience.</li> </ul>		
1.7 Provide information for parents/carers	<p>Information regarding all of our schools, both Welsh-medium and English-medium is contained within our admissions policy document 'Starting School', which fully complies with Welsh Government guidelines and is updated annually. Details of non-maintained pre-school education provision in both English and Welsh are also included. We do not provide information relating to neighbouring authorities, the aforementioned WG guidance does not require this.</p>	<p>All information in 'Starting School' book is updated annually in line with Welsh Government guidelines.</p>	<p>A sub group will meet in the new year to improve information available regarding availability of Welsh Medium education</p>

## Outcome 2: More learners continuing to improve their language skills on transfer from primary school to secondary school

**Responsible officers:** Head of Early Years and Family Support Services, Head of Achievement – Primary, Systems Leader with Strategic Lead for Welsh

A. Objective	B. Current Performance	C. Targets	D. Progress
2.1 Increase the percentage of Year 9 learners who are assessed in Welsh (First Language).	<p>All pupils attending the 4 Welsh-medium Comprehensive schools are assessed in Welsh First Language Skills. In addition some pupils attending Treorchy Comprehensive School are assessed in Welsh First Language. In 2011 at the end of KS3, 17% of the Year 9 cohort in Rhondda Cynon Taf County Borough Council was assessed in Welsh First Language. In 2012, 18.8% of the Year 9 cohort in Rhondda Cynon Taf County Borough Council was assessed in Welsh First Language.</p> <p><b>PROGRESS REPORT DECEMBER 2012</b></p> <ul style="list-style-type: none"> <li>In 2012 there was a growth of 1.8% of pupils assessed in Welsh First Language Skills at the end of KS3.</li> <li>In July 2013 - 17.9% were assessed there is a decline of 0.9%</li> </ul>	<p>19.13% by 2015 19.63% by 2016 19.70% by 2017</p>	2014 – 18.94%
2.2 Develop more effective transfer between the funded non-maintained provision to maintained school provision, between KS2 and 3 and KS3 and 4.	<ul style="list-style-type: none"> <li>Non-maintained education settings and Flying Start settings use the 'Ar Fy Ffordd' (On My Way) document which allows information to follow a child on to school. Of the 19 non-maintained settings, 100% use the document. Of the 24 Flying Start settings, 100% usage is expected by December 2014.</li> <li>The onward education destination of children in non-maintained education and Flying Start settings is now being gathered.</li> <li>The data is now available for the last 2 academic terms but requires further analysis.</li> </ul>	Improve processes to transfer information.	Onward destination of FS children: Autumn 2013: 171 children left FS childcare, 5% to Welsh medium, 30% to English and 65% not known

## Outcome 2: More learners continuing to improve their language skills on transfer from primary school to secondary school

Responsible officers: Head of Early Years and Family Support Services, Head of Achievement – Primary, Systems Leader with Strategic Lead for Welsh

A. Objective	B. Current Performance	C. Targets	D. Progress
	<p>An analysis was completed on available data April – July 2013. The onward destination of children leaving cylchoedd Meithrin is attached in Appendix 2.</p> <p>This analysis was completed on available data. Miskin, Pendyris and Treorci removed from original data due to data quality issues. 22 establishments included in analysis.</p> <p><b>Comparison to previous year:</b> 7 percentage point decrease in children accessing Mudiad Meithrin.</p> <p><b>Transfer rate:</b>  <b>RCT</b> - 1 percentage point decrease in overall transfer rate. 50% (11) establishments remained unchanged or increased their transfer rate.  <b>Rhondda</b> - No change in transfer rate overall.  <b>Cynon</b> – 9 percentage point decrease in transfer rate overall.  <b>Taff Ely</b> – 2 percentage point increase in transfers. 64% (7) establishments remained unchanged or increased their transfer rate; 3 of these by more than 25%</p>	<p>Increase transfer to Welsh medium primary from all Flying Start childcare provision from 12% in 2014 to: 13% in 2015; 14% in 2016; and 15% in 2017.</p> <p>Increase transfer to Welsh medium primary from Welsh medium Flying Start childcare provision from 46% in 2014 to: 47% in 2015; 48% in 2016; and 49% in 2017</p>	<p>Spring 2014: 122 children, 13% Welsh, 75% English, 12% not known</p> <p>Summer 2014: 227 children, 13% Welsh, 76% English, 11% not known</p>

## Outcome 2: More learners continuing to improve their language skills on transfer from primary school to secondary school

Responsible officers: Head of Early Years and Family Support Services, Head of Achievement – Primary, Systems Leader with Strategic Lead for Welsh

A. Objective	B. Current Performance	C. Targets	D. Progress												
	<p>Transition rates between Key Stage 2 and 3 are monitored, there is a high percentage of transfer between Key Stages 2 and 3 and Key Stages 3 and 4 within Welsh-medium sector as noted below.</p> <table border="1"> <tr> <th></th><th>2011</th><th>2012</th><th>2013</th></tr> <tr> <td>KS2&amp;3</td><td>97.97%</td><td>98.5%</td><td>96.3%</td></tr> <tr> <td>KS3&amp;4</td><td>99.5%</td><td>99.3%</td><td>99.2%</td></tr> </table> <p>In order to achieve this, we will improve the transition arrangements between KS2 and KS3 including early identification of any issues of concern.</p>		2011	2012	2013	KS2&3	97.97%	98.5%	96.3%	KS3&4	99.5%	99.3%	99.2%	<p>KS2&amp;3: 97.9% in 2014 97.6% in 2015 98.3% in 2016 99% 2017</p> <p>KS3&amp;4: 99.6% in 2014 99.5% in 2015 99.7% in 2016 99.9% in 2017</p>	<p>2014 – 97.91%</p> <p>2014 – 99.59%</p>
	2011	2012	2013												
KS2&3	97.97%	98.5%	96.3%												
KS3&4	99.5%	99.3%	99.2%												
	<p><b>PLANNED ACTION</b></p> <ul style="list-style-type: none"> <li>LA to continue to monitor and report on transition rates.</li> <li>The authority's admission/transfer process to continue to track pupils who change schools within the County Borough.</li> </ul>														

**Outcome 2: More learners continuing to improve their language skills on transfer from primary school to secondary school**
**Responsible officers: Head of Early Years and Family Support Services, Head of Achievement – Primary, Systems Leader with Strategic Lead for Welsh**

A. Objective	B. Current Performance	C. Targets	D. Progress
2.3 Promote a higher proportion of Welsh-medium provision within bilingual schools.	RCT has no bilingual schools.		

<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
3.1 Increase the percentage of learners aged 14-16 studying for qualifications through the medium of Welsh.	<p>In each of our four Welsh-medium comprehensives, all of the learners study for five or more qualifications through the medium of Welsh (100%). In 2010 the number of learners represented 19% of the cohort in the county but this has risen to 20% in 2011. 19.7% for the whole Year 11 cohort studied 5 or more qualifications through the medium of Welsh in 2012. We currently provide Welsh-medium education for both Merthyr Tydfil and Bridgend but Bridgend students are now attending YG Llangynwyd. In effect, by keeping the percentage level we will be increasing the number of learners from RCT by some 120 learners per year.</p> <p>Bridgend learners in the former Ysgol Gyfun Llanhari have transferred to the newly established Ysgol Gyfun Gymraeg Llangynwyd, in the Bridgend County Borough. Ysgol Llanhari (formerly Ysgol Gyfun Llanhari) has become a 3-19 school and provides a seamless service to the local population.</p>	Maintain figures at 19-20%	18.2% - 2014
	<p>The Authority will be working with schools/consortia basis to enhance curricula opportunities.</p> <p>Continue to support the development of professional learning communities to meet the needs of the 14-19 curriculum.</p>	23% of all learners in RCT to be studying through the medium of Welsh by 2015.	18.5% - 2014



<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>Much work has been done to improve the curriculum on offer but the opening of the new college facility, in Nantgarw, close to two of our Welsh-medium schools has had an effect.</p> <p>34 pupils (8.65% of the cohort) left Welsh medium education to go to the new college.</p>	<p>Collate information to assess the impact of drift of pupils to the new college facility, and work closely with the college to increase bilingual opportunities for learners</p>	

<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>Coleg y Cymoedd is also a large Work Based Learning provider and is proactively seeking to increase the number of opportunities for students to take up Welsh medium work placements, most notably within childcare.</p> <p>The bilingual champions, now appointed by all FE Colleges in Wales and funded by WG, present opportunities for further developing partnership work with the aim of increasing Welsh medium and bilingual provision within the authority. The bilingual champions work towards a strict set of targets set out by WG.</p>	<p>2014/15/16 - A minimum increase of 2% (40) learners in each academic year that pursue Welsh-medium or bilingual courses or modules.</p>	<p>In 2013-14, 96 learners followed Welsh medium and/or bilingual courses and/or modules. These learning activities were centred around the College's priority areas; Childcare, Health and Social Care, Catering, Business.</p> <p>Figures for 2014-15 are not currently available, although current strategic planning would suggest a further increase.</p>

<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
		At least 1% (2) of these learners assessed through the medium of Welsh. Difficult to set targets as the cohort of learners is unknown	In 2013-14, 96 learners were assessed through the medium of Welsh. This was against a baseline of 0 in the previous 3 years. Figures for 204-15 are not currently available although current strategic planning would suggest a further increase
		2014/15/16 - Ensure an annual minimum of 5 module options made available through the medium of Welsh	In 2013-14 there were 38 Welsh medium/bilingual module options available. Figures for 2014-15 are not currently available

<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
		or bilingually, based on college audit and plans	although strategic planning would suggest a further increase
		2014/15/16- Ensure an annual minimum increase of 2 learning activities achieving the LA26, 50% threshold	In 2013-14 all 38 Welsh medium / bilingual module options achieved the LA26 50% threshold. Finite figures for 2014-15 are not currently available, although present provision would suggest that the targets will again be exceeded
3.2 Ensuring that provision for 14-16 year old learners complies with the	All schools in RCT meet the Learning and Skills Measure (2009). The Welsh-medium schools fully meet these requirements through the medium of Welsh. All the Welsh-medium schools work together as a consortium/Cyfleoedd. They share courses, involve the colleges in Bridgend, Coleg y Cymoedd and Merthyr		

<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
Learning and Skills Measure (Wales) 2009	<p>Tydfil for vocational courses such as construction, work based learning partners and outside providers who provide courses in Law, Dance and CACHE. This provision is monitored through the consortium and Careers Wales. The majority of this provision is supported through core school funding but it is enhanced through the Annual Network Development Plan (ANDP) and Bilingual grant.</p> <p>Future of grant funding unclear and a reduction could compromise the current level of provision</p> <ul style="list-style-type: none"> <li>• Training is in place and the Welsh consortium is progressing under the new chair.</li> <li>• Sustainability of collaborative courses and events is a major concern. Some are becoming embedded in the schools but others are at risk if the grants are reduced or removed.</li> <li>• All schools now exceed the measure providing more choice than previously.</li> </ul>	Analyse data to evidence effectiveness of Welsh consortium. Ensure that all Welsh-medium secondary schools continue to meet the measure.	
	<p>Schools will continue to be supported through Careers Wales. In addition there is a comprehensive support system of key workers, learning and youth coaches in place. In addition, Services for Young People currently and will continue to provide out of school hours support through the medium of Welsh. Schools have also planned recruitment fairs and events to encourage young people to make better choices.</p>	Hold recruitment fairs annually	

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<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	Added value activities are also planned to give pupils opportunities to experience Welsh language and culture in practical and exciting ways. In this way it will encourage increased participation at post-14.	Plan a calendar of events for 2014/15 and for subsequent years	
	<ul style="list-style-type: none"> <li>Schools have a planned calendar of events for 2013/14.</li> <li>Courses introduced this year will be supported by the provision of enhanced levels of training for staff and a regional group will expand upon consortia collaboration.</li> </ul>	Undertake training programme	

**Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh**  
**Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning**  
**Responsible officer: 14-19 Strategy Officer**

A. Objective	B. Current Performance	C. Targets	D. Progress
4.1 Increase the percentage of learners aged 16-19 who study subjects through the medium of Welsh in schools.	<p>Currently 24% of the entire Year 13 population of RCT study two or more A levels through the medium of Welsh while a slightly higher figure exists for Year 12. 2011 census results show 12.3% of the population of RCT are Welsh speakers.</p> <p>There are a very small number of courses that are delivered bilingually and opportunities to expand these are being explored.</p> <ul style="list-style-type: none"> <li>• Early figures indicate a rise in these percentages but these can be unreliable until the learners on new courses settle down.</li> <li>• Confirmed figures growth to 26%</li> <li>• The opening of a new A level provision at Coleg y Cymoedd has had an effect on retention figures. Again, early figures can be unreliable but there is a downward trend indicated. Now 61.42%</li> </ul>	<p>24.6% to be studying for two or more A levels by 2014;  25.1% by 2015;  25.6% by 2016;  and 26% by 2017.</p> <p>Retention to increase to 70% by 2017.</p>	<p>22.0% - 2014</p> <p>69.4% - 2014</p>

<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>The four Welsh-medium schools are organised into a consortium and they share a small number of courses. This helps the schools to expand their curricula and meet learner demand. The schools also have individual and consortium relationships with Coleg y Cymoedd and Bridgend college in order to deliver specialist vocational courses such as construction and hairdressing. Relationships with third party providers are also established and provide the schools with courses in Law, Psychology and work based learning courses.</p> <p>The schools are supported financially through the ANDP and bilingual grants but changes in grant conditions will require schools to plan for sustainability.</p> <p>The Authority is represented at the Welsh-medium Forum through one of the Head Teachers in RCT. Benefits include sharing of good practice, information, resources in the Welsh language and development opportunities. Consortium working and sharing of resources are facilitated through this group. The Authority makes a contribution to the running of this group.</p> <p><b>PLANNED ACTION</b></p> <p>To continue to participate in the Welsh-medium Forum. The Welsh-medium schools will continue to obtain learner view to ensure that their curriculum meets their needs.</p>	<p>Ensure that learner views are collected on a yearly basis.</p>	



<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	The consortium will continue to work with the Authority in order to enhance the delivery of courses within their schools and with colleges and outside providers to provide a quality education for their learners.	<p>Monitor effective delivery of courses through the consortia.</p> <p>Monitor that schools are adhering to Quality Framework.</p>	
4.2 Work through 14-19 Networks and 14-19 Regional Forums to sustain and improve Welsh-medium provision.	<p>RCT is an active partner in the Welsh-medium network and uses the consortium as a panel to improve the delivery of Welsh-medium education. Schools, colleges and third party providers are linked using the Authority as a conduit. This network is, in turn linked directly by membership to the regional forum and so is able to inform and be informed directly. Officers from the Authority ensure good communication channels between partners and encourage good practice and compliance with local, regional and national policy.</p> <p>Collaborative working is well established in the area and the benefits of choice and efficiency are understood and enjoyed by all. Collaborative working is also supported the ANDP and Bilingual grants which are administered through the Authority.</p>		

<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	RCT will continue to build upon existing provision where learners will be consulted to ensure that curricula offered will meet their requirements. Existing provision will be reviewed and quality assured. Particular attention will be given to the impact of changes at Llanhari and the effect of the provision changes in Merthyr Tydfil (Merthyr Learning Quarter) and Nantgarw. To continue the links with the regional group and explore new providers.		
4.3 Gather, analyse and use data for 14-19 Welsh-medium provision. Plan for post-16 Welsh-medium provision within partnerships.	Pupil choice and need is collated by schools using questionnaires and information from careers surveys and learner voice. This information is matched to the existing provision in schools by the consortium group and agreed with the authority in November and March, in line with the WG planning policy. Any new provision required is considered within the consortium, alongside Labour Market Intelligence (LMI) and destination information, and where appropriate partnerships are established with Coleg Y Cymoedd, Bridgend College, Merthyr College and Work Based Learning Partners (WBLP). Service level agreements (SLA's) are put in place to ensure quality and monitored by schools. The system is in a state of change at the moment with Careers Wales changing their role and WG improving LMI systems. Challenge – information sharing protocol, reliability of LMI.		

<b>Outcome 3: More learners aged 14-16 studying for qualifications through the medium of Welsh</b> <b>Outcome 4: More learners aged 16-19 studying subjects through the medium of Welsh in schools, colleges and work-based learning</b> <b>Responsible officer: 14-19 Strategy Officer</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	As part of the process of reviewing and revising post-14 curriculum the consortium group will centrally collate data including: attainment, analysis of value added, retention and completion rates of students. This information is provided by officers of the Authority who are present at the consortium planning meetings. These agreed statistics form part of the planned data processing calendar of the Authority and are fed into quality assessments. In turn, this is used to guide planning at school level.		
	Approximately 2% of the Welsh-medium curriculum is provided by WBLP and 5% through College provision. No change. Challenge – sourcing courses through the medium of Welsh.		No change but college WBLP may change next year as the college has lost the contract
	<b>PLANNED ACTION</b>  To review current systems to assess their appropriateness and efficiency and respond to any changes identified.	Monitor systems in place to ensure the effective use of data.	

**Outcome 5: More learners with higher skills in Welsh**

**Responsible officers: Head of Services for Young People, Program Manager for Welsh, Heads of Achievement Primary and Secondary, 14-19 Officer**

A. Objective	B. Current Performance	C. Targets	D. Progress
5.1 Improve provision to address literacy in Welsh	<p>The Local Authority is committed to raising standards in literacy across all schools and intends to achieve this by implementing a bilingual Literacy Strategy for raising achievement in Literacy in RCT (Read, Write, Speak, Succeed) which will address the following aims:</p> <ul style="list-style-type: none"> <li>• Adopting a focused approach to literacy training for all practitioners;</li> <li>• Providing targeted intervention support for pupils aged 7-14 who are under-attaining in reading and writing;</li> <li>• Closing the gender gap.</li> </ul> <p>School Improvement within the LA has negotiated a training programme for all Welsh-medium settings in the use of the synthetic phonics programme – Tric a Chlic.</p> <p>During the academic year 2012/13 all Welsh medium schools received comprehensive training and resources to deliver the phonic programme Tric a Chlic.</p> <p>Schools will have access to a comprehensive training programme for staff, through the CSCJES to enable them to deliver National Curriculum programmes of study, in order to respond to the Literacy Framework for Wales and other initiatives promoted by the Welsh Government to further raise standards.</p>		

**Outcome 5: More learners with higher skills in Welsh**

**Responsible officers: Head of Services for Young People, Program Manager for Welsh, Heads of Achievement Primary and Secondary, 14-19 Officer**

A. Objective	B. Current Performance	C. Targets	D. Progress
	The demand for Welsh-medium CPD will be assessed, and where demand is sufficient and the relevant training available through the medium of Welsh, this will be facilitated.		
	<p><b>PLANNED ACTIONS</b></p> <p>To continue to promote a the Strategy for raising achievement in Literacy in RCT (Read, Write, Speak, Succeed):</p> <ul style="list-style-type: none"> <li>• To monitor and evaluate standards and the quality of provision, through analysis of Estyn inspection reports, information received from the LA Review and Development programme and information from Key Officers.</li> <li>• To provide access to a comprehensive training programme to develop staff skills and respond to any initiatives promoted by the Welsh Government, and LA/Consortium to develop pupils' literacy skills.</li> <li>• Specialist teachers and LSA's will continue to support learners and there is an expectation that school budgets and grants will continue to be used to provide literacy interventions.</li> <li>• Provide additional support to Welsh-medium primary schools through the System Leader with strategic responsibility for Welsh in the Central South Consortium Joint Education Service (CSCJES) and Welsh in Education Officers.</li> </ul>	Provide an annual report to the Welsh Education Forum on standards of literacy in Welsh-medium schools during 2014-17.	

**Outcome 5: More learners with higher skills in Welsh**

**Responsible officers: Head of Services for Young People, Program Manager for Welsh, Heads of Achievement Primary and Secondary, 14-19 Officer**

A. Objective	B. Current Performance	C. Targets	D. Progress																				
5.2 Improve provision and standards of Welsh First Language.	<p>The following table shows the percentage of pupils who, in 2013, achieved at least Foundation Phase Outcome 5 in Language, Literacy and Communication Skills in Welsh-medium/schools. These figures indicate performance which continues to be below the Welsh average, however, they also represent a closing of the gap between local and national performance.</p> <table><tr><td></td><td>KS1 Lev 2+</td><td>F.Phase 5+</td><td></td></tr><tr><td>LA</td><td>2011</td><td>2012</td><td>2013</td></tr><tr><td>Rhondda Cynon Taf</td><td>90.8%</td><td>82.3%</td><td>84.1%</td></tr><tr><td>Wales</td><td>90.9%</td><td>85.9%</td><td>86.7%</td></tr></table> <p>July 2013 RCT increase by 1.8% to 84.1%. Target achieved.</p>		KS1 Lev 2+	F.Phase 5+		LA	2011	2012	2013	Rhondda Cynon Taf	90.8%	82.3%	84.1%	Wales	90.9%	85.9%	86.7%	<p>To achieve the following FP Outcome 5+ LLC Welsh targets:</p> <table><tr><td>2014</td><td>2015</td></tr><tr><td>88%</td><td>90%</td></tr></table> <p>There are no targets available yet for 2016/17</p>	2014	2015	88%	90%	<p>2014 RCT 90.1% Wales 89.9%</p> <p>RCT Rank 12<sup>th</sup></p>
	KS1 Lev 2+	F.Phase 5+																					
LA	2011	2012	2013																				
Rhondda Cynon Taf	90.8%	82.3%	84.1%																				
Wales	90.9%	85.9%	86.7%																				
2014	2015																						
88%	90%																						

**Outcome 5: More learners with higher skills in Welsh**

**Responsible officers: Head of Services for Young People, Program Manager for Welsh, Heads of Achievement Primary and Secondary, 14-19 Officer**

A. Objective	B. Current Performance	C. Targets	D. Progress																				
	<p>The percentage of learners at the end of KS2 who reached at least Level 4 in teacher assessment in Welsh is noted in the table below. For the past two years the LA results have been slightly above the national averages, however, there has been a dip in 2012 leaving the LA 3% below the national average. These results are monitored on an annual basis by both the individual school's system leader and CSCJES' program manager for Welsh.</p> <table border="1" data-bbox="539 727 1303 874"> <tr> <th>Key Stage 2</th><th>2011</th><th>2012</th><th>2013</th></tr> <tr> <td>RCT</td><td>82.5%</td><td>80.9%</td><td>84.3%</td></tr> <tr> <td>Wales</td><td>82.0%</td><td>84.0%</td><td>86.7%</td></tr> </table> <p>July 2013 RCT increase by 3.4% to 84.3%. Target exceeded.</p>	Key Stage 2	2011	2012	2013	RCT	82.5%	80.9%	84.3%	Wales	82.0%	84.0%	86.7%	<p>To achieve the following KS2 L4+ Welsh targets:</p> <table border="1" data-bbox="1487 580 1872 721"> <tr> <th>2014</th><th>2015</th><th>2016</th><th>2017</th></tr> <tr> <td>87.3%</td><td>88.4%</td><td>89%</td><td>89.1%</td></tr> </table>	2014	2015	2016	2017	87.3%	88.4%	89%	89.1%	<p>2014 – RCT 88.4% Wales – 88.1%</p> <p>RCT Rank 14<sup>th</sup> Target exceeded</p>
Key Stage 2	2011	2012	2013																				
RCT	82.5%	80.9%	84.3%																				
Wales	82.0%	84.0%	86.7%																				
2014	2015	2016	2017																				
87.3%	88.4%	89%	89.1%																				
	<p>The percentages of learners at the end of KS3 who reach at least Level 5 in teacher assessment in Welsh are noted below. Following a significant widening of the gap between LA and national averages in 2011, the improvement in standards in 2012 has been maintained in 2013 narrowing the gap between local and national attainment to under 2%.</p> <table border="1" data-bbox="530 1190 1312 1295"> <tr> <th>Level 5+</th><th>2011</th><th>2012</th><th>2013</th></tr> <tr> <td>LA</td><td>71.7%</td><td>76.8%</td><td>85.9%</td></tr> <tr> <td>Wales</td><td>81.3%</td><td>84.2%</td><td>87.6%</td></tr> </table> <p>July 2013 RCT increase by 90% to 85.9%. Target exceeded.</p>	Level 5+	2011	2012	2013	LA	71.7%	76.8%	85.9%	Wales	81.3%	84.2%	87.6%	<p>To achieve the following KS3 L5+ Welsh targets:</p> <table border="1" data-bbox="1487 1171 1872 1295"> <tr> <th>2014</th><th>2015</th><th>2016</th><th>2017</th></tr> <tr> <td>88%</td><td>89%</td><td>90.1%</td><td>90.3%</td></tr> </table>	2014	2015	2016	2017	88%	89%	90.1%	90.3%	<p>2014 – RCT 90% Wales 90.1% RCT Rank 8<sup>th</sup> Target exceeded</p>
Level 5+	2011	2012	2013																				
LA	71.7%	76.8%	85.9%																				
Wales	81.3%	84.2%	87.6%																				
2014	2015	2016	2017																				
88%	89%	90.1%	90.3%																				

**Outcome 5: More learners with higher skills in Welsh**

**Responsible officers: Head of Services for Young People, Program Manager for Welsh, Heads of Achievement Primary and Secondary, 14-19 Officer**

A. Objective	B. Current Performance	C. Targets	D. Progress																				
	<p>The percentage of learners at the end of Key Stage 4 who achieve grades A*- C in GCSE Welsh first language in 2011-2013 are outlined in the table below:</p> <table><tr><td></td><td>2011</td><td>2012</td><td>2013</td></tr><tr><td>Rhondda Cynon Taf</td><td>73.6%</td><td>69.7%</td><td>67.47%</td></tr><tr><td>Wales</td><td>73.0%</td><td>73.7%</td><td>N/A</td></tr></table>		2011	2012	2013	Rhondda Cynon Taf	73.6%	69.7%	67.47%	Wales	73.0%	73.7%	N/A	<p>GCSE L2 Welsh:</p> <table><tr><td>2015</td><td>2016</td><td>2017</td></tr><tr><td>74%</td><td>74.2%</td><td>74.5%</td></tr></table>	2015	2016	2017	74%	74.2%	74.5%	<table><tr><td>2014</td></tr><tr><td>70.02%</td></tr></table> <p>Improvement made but target not met</p>	2014	70.02%
	2011	2012	2013																				
Rhondda Cynon Taf	73.6%	69.7%	67.47%																				
Wales	73.0%	73.7%	N/A																				
2015	2016	2017																					
74%	74.2%	74.5%																					
2014																							
70.02%																							
	<p>The CSCJES program manager for Welsh and Welsh in Education Officers responsible for Welsh First Language in the primary and secondary phase, will continue to work with the Authority's Welsh-medium primary and secondary schools to support the raising of standards in Welsh and literacy across the curriculum.</p> <p>The LA and the CSCJES school improvement service will continue to monitor and evaluate standards and the quality of provision, through analysis of school data, comparative data, Estyn inspection reports, and information received from the LA's Review and Development programme and key officers.</p>	<p>To further develop a close working relationship between the LA's Welsh-medium schools and the CSCJES school improvement service which impacts positively on raising standards in Welsh first language.</p>																					
	<p>The CSCJES program manager for Welsh and Welsh in Education Officers will ensure that there is a language continuum between the primary key stages to enable pupils who are taught through the medium of Welsh to have the necessary Welsh language skills to access the curriculum across the Key Stages.</p>																						



**Outcome 5: More learners with higher skills in Welsh**

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A. Objective	B. Current Performance	C. Targets	D. Progress
	Welsh-medium schools will continue to focus on developing Welsh language skills throughout the primary phase and English language skills in Key Stage 2, by using assessment to inform learning; setting challenging targets and monitoring and evaluating standards and the quality of provision. (Appendix 4)		
5.3 Increase opportunities for learners of all ages to practise their Welsh.	All Welsh-medium primary and secondary schools offer residential experiences in Welsh speaking settings, including the Urdd centres at Llangrannog and Glan Llyn. In addition to breakfast clubs, most schools also have after school clubs providing a diverse range of after school activities. All are conducted through the medium of Welsh and are run mainly by school staff with the assistance of external agencies in some cases.	Need to establish baseline  Attend Welsh for Adults Centres for informal learning activities which currently exist; attend reading clubs, speaking clubs, how to use apps for tablets and phones.	Menter Iaith RhCT have increased their after school provision from 6 to 7 and are looking to increase to 8 provisions by September 2015. Their Holiday Play Schemes have also be increased from 2 to 3. One more facility will be registered by September 2015.

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A. Objective	B. Current Performance	C. Targets	D. Progress
	A strong partnership has developed between RCT LA and Menter Iaith (language initiative in RCT) – youth service activity programmes have been provided at a number of sites across the county during the schools’ holiday periods.	To recruit more Welsh speaking youth staff placed in Welsh medium secondary schools	Menter Iaith is running 5 youth Forums in the 4 Welsh medium secondary schools and Coleg y Cymoedd. A country wide Welsh language youth Forum will be created in March 2015 during a residential course in Llangrannog. This county wide forum will be a partnership between Menter Iaith, Urdd and YEP.

**Outcome 5: More learners with higher skills in Welsh**

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A. Objective	B. Current Performance	C. Targets	D. Progress
	<p><b>PLANNED ACTION</b></p> <p>The LA will:</p> <ul style="list-style-type: none"> <li>• ensure greater collaborative working between all Welsh-medium schools in RCT in order to improve the informal use of Welsh amongst pupils; and</li> <li>• continue to work in partnership with a range of providers and initiatives to develop opportunities for learners to develop their use of Welsh language outside school.</li> </ul>	<p>100% of Welsh-medium schools offer a range of activities to support the use of Welsh outside the classroom and improve the informal use of Welsh during 2014-17.</p> <p>Menter Iaith to offer interest clubs to 100% of Welsh-medium schools during 2014-17.</p> <p>Initiatives at RCT Welsh-medium secondary schools fully supported by Menter Iaith and Urdd Gobaith Cymru Officers during 2014-17.</p> <p>100% of Welsh-medium schools to offer a range of residential activities during 2014-17.</p>	

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A. Objective	B. Current Performance	C. Targets	D. Progress
	<p>There is a commitment to support Welsh-medium extra curricular activities through E3+ with a specific Welsh-medium budget. E3+ programme has seen 1,015 young people attending Welsh medium provision. This is a 16% increase on 2011/12. This equates to E3+ engaging with 31% of young people on the Welsh secondary school roll. For 2012/13 114 E3+ activities were delivered through the medium of Welsh which is an increase of 27 activities compared to 2011/12. The E3+ programme provide holistic support through informal and non-formal education, engagement, one to one and group work establishing trusting and meaningful relationships with young people through the medium of Welsh. SFYP teams and staff providing a wide range of needs led activity and intervention both in school and during holidays and weekends as required through the medium of Welsh.</p> <p>Support engagement to social events through Welsh speaking third sector youth provision via Menter Iaith, Urdd etc.</p>	<p>To review current SFYP structure and make recommendations for service re-structure and realigned with School Improvement, Access and Inclusion and the Attendance and Wellbeing Service. To maintain current levels of Welsh medium provision across SYFP programmes eg. E3+, 5x60, Youth clubs, holiday provision.</p>	<p>SFYP restructure has been completed with the creation of the Youth Engagement and Participation Service. Links between the service and the Supporting Education Employment and Training (SEET) team, School Admissions, School Improvement and 14-19 Pathways have been strengthened as a result.</p>

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A. Objective	B. Current Performance	C. Targets	D. Progress
			Welsh medium provision has been maintained and in some areas strengthened through better partnership working with the Urdd and Menter Iaith.
	Cluster Youth Operational Groups collaborate with Menter Iaith and the Urdd to provide activities through the medium of Welsh.		
	<p>1 Youth Club operates through the medium of Welsh with Welsh speaking staff working across a further 6 youth clubs available.</p> <p>Duke of Edinburgh Award is delivered through the medium of Welsh.</p> <p>Welsh-medium representative sits on SFYP management group weekly to ensure joined up seamless support.</p>		The restructure of SFYP has lead to extended provision (Youth Club) being delivered from each of the 4 Welsh medium school sites, with Welsh speaking

**Outcome 5: More learners with higher skills in Welsh**

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A. Objective	B. Current Performance		C. Targets	D. Progress				
				staff managing the provision.				
	<table><tr><td>No. of activities currently delivered through the medium of Welsh</td><td>159</td></tr><tr><td>No. of young people attending</td><td>1714</td></tr></table>		No. of activities currently delivered through the medium of Welsh	159	No. of young people attending	1714	Outcome targets will be identified when new structure is in place.	This information currently being collated not yet available
No. of activities currently delivered through the medium of Welsh	159							
No. of young people attending	1714							
	A new procurement exercise for the appointment of providers to the services for Young People Framework has been completed/undertaken. Max. of 6 suppliers per activity have been appointed to the framework with at least 1 of these providers being able to deliver the activity through the medium of Welsh. 71 providers have the ability to deliver activities through the medium of Welsh, an increase of 238% (21 providers). This includes providers who can deliver animation, fine art, photography, website design, journalism, poetry through the medium of Welsh.							

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A. Objective	B. Current Performance	C. Targets	D. Progress
	External evaluation revealed a correlation between increased literacy and numeracy attainment levels and increased school attendance of E3+ participants, specifically vulnerable learners (free school meals).		
	<p>Garth Olwg Life Long Learning Centre stages Welsh medium events, shows, performances and audience members have increased substantially.</p> <p>As well as organising the above events the centre hosts the Eisteddfod Dysgwyr Morgannwg / Glamorgan Learners' Eisteddfod.</p> <p>The Centre hosts some 18 Welsh language learning courses (15 in 2012) at various levels provided by the Welsh for Adults Centre the University of South Wales (formerly University of Glamorgan).</p>		
	<p><b>PLANNED ACTION</b></p> <ul style="list-style-type: none"> <li>To continue to evaluate the impact on the E3+ Welsh-medium project.</li> <li>Initiate a pilot project with 1 Comprehensive school where a series of Welsh-medium activities can be offered to second language Welsh pupils over the age of 16. Then assess the impact of the project before evaluating its potential for expansion to other schools (no progress to date due to lack of staff to implement).</li> </ul> <p>Garth Olwg Life Long Learning Centre stages Welsh medium events,</p>	Community Learning Service to facilitate the delivery of 20 Welsh medium courses for 16+ in RCT during 2013/14 academic year.	The following courses and activities will be facilitated through Community Learning's partnership with the Workers Educational Association (WEA) for

**Outcome 5: More learners with higher skills in Welsh**

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A. Objective	B. Current Performance	C. Targets	D. Progress
	<p>shows, performances and audience members have increased substantially.            Listing of events between April 2012 and March 2013:            ~ 2 performances: 'Gwobr y Gwenyn Gweithgar' (audience of 235)            ~ 1 performance of Guto Nyth Bran (audience of 33)            ~ 2 performances Andorra Star yn y Gymraeg (audience of 246)            ~ 3 performances 'Teigr yr Eira' (audience of 315)            ~ 2 performances SXT0 (audience 200)            ~ Trwy ddulliau Chwyldro (audience of 61)            ~ 1 performance: 'Cnoi Draenogod' (audience of 36)            ~ 1 performance: 'Dyled Eileen' (audience of 100)            ~ 2 performances: 'Ar eich Marciau' (audience of 132)            ~ Gŵyl Garth Olwg Festival (audience of 450)</p> <p>As well as organising the above events the centre hosts the Eisteddfod Dysgwyr Morgannwg/Glamorgan Learners' Eisteddfod.</p> <p>The Centre hosts some 18 Welsh language learning courses (15 in 2012) at various levels provided by the Welsh for Adults Centre the University of South Wales (formerly University of Glamorgan).</p>		<p>learners aged 16+ in community venues in 14/15:            Creative textiles            Literature appreciation            Eye on Wales            Pilates            Bridge for pleasure            Welsh Heroes            Wales yesterday and today            Computers for All            Dance classes – street, hip hop</p> <p>Due to major funding reductions in adult community learning and the current lack of clarity on future</p>



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A. Objective	B. Current Performance	C. Targets	D. Progress															
			funding it is not possible to offer targets post 2014 at this point in time.															
	Specific training aimed at increasing opportunities for learners of all ages to practise their Welsh outside the classroom will be offered as part of the CSCJES programme. Training needs will be identified by the Welsh in Education Officers and fed back to CSCJES.	Maximised opportunities for learners of all ages to practise their Welsh language skills through multi-agency working.																
5.4 Improve provision and standards of Welsh Second Language	<p>The percentage of learners at the end of Key Stage 2 who reached at least Level 4 in the teacher assessment of Welsh second language has increased exponentially over the last four years, virtually closing the gap between the LA's performance and the national average in 2012. This gap has widened again in 2013 as the national rate of improvement has been faster than that of the LA.</p> <table><tr><td></td><td>2010</td><td>2011</td><td>2012</td><td>2013</td></tr><tr><td>LA</td><td>23.4%</td><td>42.8%</td><td>59.6%</td><td>63.3%</td></tr><tr><td>Wales</td><td>35.4%</td><td>51.4%</td><td>61.6%</td><td>67.7%</td></tr></table> <p>July 2013 percentage increased by 3.7% to 63.3%. Target exceeded.</p>		2010	2011	2012	2013	LA	23.4%	42.8%	59.6%	63.3%	Wales	35.4%	51.4%	61.6%	67.7%	100% of Welsh-medium schools to offer a range of residential activities during 2014-17.	Menter Iaith to discuss possibilities of running a lunch time Welsh club in one of the English medium primary schools 2014 – RCT 69.12% Wales 73.1%
	2010	2011	2012	2013														
LA	23.4%	42.8%	59.6%	63.3%														
Wales	35.4%	51.4%	61.6%	67.7%														

**Outcome 5: More learners with higher skills in Welsh**

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A. Objective	B. Current Performance	C. Targets	D. Progress
	<p>There is some overlap in the activities described in 5.3 and 5.5.</p> <p>Training and support provided has increased teachers' confidence in monitoring and challenging pupils' progress in Welsh second language.</p>		
	<p><b>PLANNED ACTION – KS2</b></p> <p>CSCJES Welsh in Education Officers will continue to support schools in the planning and delivery of Welsh language development and Welsh second language in order to raise levels of attainment. Ongoing support for the Foundation Phase and Key Stage 2 to be through exemplar lessons / team teaching within classes and also staff training during twilight sessions or closure days.</p>	<p>100% of schools have access to a training programme during 2014-17.</p>	<p>KS2 second language 2014: RCT 69.12% Wales 73.1% New target in line or above Wales' average</p>
	<p>Training events specifically designed to meet schools needs to be offered as part of the CSCJES programme. A Welsh language programme of support in the use of Welsh and the development of pupils' bilingual skills to be provided for all staff in classes throughout the primary phase.</p> <p>Schools to access relevant resources created by the Welsh in Education officers (WEOs) through the second language wikispace. The WEOs' wikispace will be replaced by the Welsh in Education Officers website (Welsh first language and Welsh second language). All schools to be notified when the website is live.</p>		

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A. Objective	B. Current Performance	C. Targets	D. Progress
	The LA will continue to monitor and evaluate standards and the quality of provision, through analysis of school data, comparative data, Estyn inspection reports and information received from the Review and Development programmes and key officers.		
	The LA, in collaboration with the CSCJES, will continue to develop a language programme which supports the development of the Welsh language throughout all key stages in the primary phase.		
	The Welsh Adviser and Welsh in Education Officers led a programme to support schools during 2011-12 in preparing for WJEC accreditation. Evidence gathered from this programme of support indicates there has been an improvement in good practice across most schools and a developing awareness of the need to ensure that effective planning is in place to support language development. Practitioners have shown increased confidence in the assessment of Welsh second language following the cluster moderation exercise. Schools have been encouraged to continue with regular cluster moderation work.		

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A. Objective	B. Current Performance	C. Targets	D. Progress																								
	<p>At the end of Key Stage 3, the percentage of learners who reach at least Level 5 in the teacher assessment of Welsh Second Language continues to show an upward trend. Although the improvement continued in 2013, the gap between national and local attainment widened from 2%&lt;3.7%. Pupil performance is closely monitored by the CSCJES program manager for Welsh and schools are challenged to raise standards as part of the LAs monitoring procedures.</p>	<p>To achieve the following KS3 L5+ Welsh Second Language targets during 2013-15:</p>	<p>KS3 2014: RCT 74.7% Wales 77.7% New target in line or above Wales' average</p>																								
	<table><tr><td>Level 5+</td><td>2011</td><td>2012</td><td>2013</td></tr><tr><td>LA</td><td>57.6%</td><td>66.2%</td><td>69.9%</td></tr><tr><td>Wales</td><td>64.6%</td><td>68.2%</td><td>73.3%</td></tr></table> <p>July 2013 a further increase of 3.4% to 69.9%.</p> <p>It should be noted that some pupils will be studying Welsh at Entry Level and they will not be included in the above result.</p>	Level 5+	2011	2012	2013	LA	57.6%	66.2%	69.9%	Wales	64.6%	68.2%	73.3%	<table><tr><td>2014</td><td>2015</td><td>2016</td></tr><tr><td>88%</td><td>89%</td><td>90%</td></tr></table>	2014	2015	2016	88%	89%	90%	<table><tr><td></td><td>2014</td></tr><tr><td>LA</td><td>74.8%</td></tr><tr><td>Wales</td><td>77.7%</td></tr></table> <p>Target not reached but improvement made</p>		2014	LA	74.8%	Wales	77.7%
Level 5+	2011	2012	2013																								
LA	57.6%	66.2%	69.9%																								
Wales	64.6%	68.2%	73.3%																								
2014	2015	2016																									
88%	89%	90%																									
	2014																										
LA	74.8%																										
Wales	77.7%																										
	<p><b>PLANNED ACTION – KS3</b></p> <p>The LA, in conjunction with the CSCJES school improvement service, will continue to provide curriculum support for schools to raise levels of attainment.</p>	<p>100% of schools have access to a training programme during 2014-17.</p>																									

**Outcome 5: More learners with higher skills in Welsh**

**Responsible officers: Head of Services for Young People, Program Manager for Welsh, Heads of Achievement Primary and Secondary, 14-19 Officer**

A. Objective	B. Current Performance	C. Targets	D. Progress
	<p>Schools will have access to a training programme for staff, through CSCJES, to enable them to deliver the National Curriculum programme of study.</p> <p>The LA will respond to initiatives promoted by the Welsh Government to provide training for staff to support the raising of standards at Key Stage 3.</p>		
	<p>The LA, in conjunction with CSCJES, will support Welsh Language development across the curriculum and the teaching of Welsh as a second language.</p> <p>The LA, in conjunction with CSCJES, will continue to monitor and evaluate standards and the quality of provision, through analysis of school data, comparative data, Estyn inspection reports, and information received from the Review and Development programme and key officers.</p>		
	<p>The achievement of learners at the end of Key Stage 4 in GCSE Welsh Second Language Full Course are outlined in the table below:</p>	<p>KS4 GCSE L2 Welsh 2<sup>nd</sup> language (Full Course)</p>	

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A. Objective	B. Current Performance				C. Targets			D. Progress			
		2011	2012	2013							
		A*-C	A*-C	A*-C							
	LA/ALI	74%	69%	72%		2015	2016	2017			
	Wales/Cymru	71%	74%	77%		74%	75%	76%			
									2014		
									LA		
									71.9%		
									Wales		
									N/A		
	The number of learners who sat GCSE Welsh Second Language Full Course as a percentage of the cohort is outlined in the table below:										
		2011	2012	2013		2014	2015	2016	2017		
	Cohort	2342	2257	2579		26.5%	27.5%	28.5%	29.5%		
	Entry	947	767	653							
	Percentage	40%	26.6%	25.32%							
	The achievement of learners at the end of Key Stage 4 in GCSE Welsh Second Language Short Course is outlined in the table below:				KS4 GCSE L2 Welsh 2 <sup>nd</sup> Language (Short Course)						
		2011	2012	2013		2014	2015	2016	2017		
		A*-C	A*-C	A*-C		55%	56%	57%	58%		
	LA/ALI	43%	55%	49%	To increase the number of pupils who follow the GCSE Welsh 2 <sup>nd</sup> language (Full Course) and to						2014
	Wales/Cymru	47%	50%	50%							LA
										Wales	50.5%

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A. Objective	B. Current Performance	C. Targets	D. Progress
		reduce the number who do not sit any external exam in the subject as follows.	
	<p><b>PLANNED ACTION – KS4</b></p> <p>The LA will continue to ensure that every pupil in an English-medium secondary school is given the opportunity to sit an external examination in Welsh Second Language by the end of KS4, and to increase the percentage of pupils entered for GCSE Welsh Second Language.</p> <p>The LA will continue to monitor and to evaluate standards and the quality of provision in Welsh Second Language at Key Stage 4 through analysis of school data, comparative data, Estyn inspection reports, and the LA's programme of school and departmental reviews.</p> <p>The LA, in conjunction with the CSCJES school improvement service, to disseminate effective practice and provide support for schools, where required.</p>		

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A. Objective	B. Current Performance	C. Targets	D. Progress
	<p><b>PLANNED ACTION – Welsh Second Language</b></p> <p>The LA, in conjunction with the CSCJES school improvement service, will:</p> <ul style="list-style-type: none"> <li>• provide support and challenge to all schools to improve performance in Welsh second language at the end of all key stages.</li> <li>• target improvement in the primary sector, primarily through the work of the Welsh in Education officers.</li> <li>• target improvement in the secondary sector by working with Welsh second language departments in order to raise standards in KS3 and KS4, thereby increasing the number of students opting to follow the GCSE full course of study and continuing to AS/A level.</li> <li>• target WEG funding to establish and support PLC work aimed at raising standards in Welsh second language.</li> </ul>		
5.5 Increase opportunities for learners of all ages to practise their Welsh outside the classroom	<p>The CSCJES Welsh in Education Officers work closely with schools in order to increase their own capacity to further raise the profile of the Welsh Language and standards of achievement, by providing the following support:</p> <ul style="list-style-type: none"> <li>• Demonstrating to teachers how to provide opportunities for pupils to use everyday Welsh, during exemplar lessons provided in primary schools;</li> <li>• Encouraging the <i>Helpwr Heddiw</i> strategy, with pupils being given responsibility for giving instructions and commands to their peers through the medium of Welsh;</li> </ul>		Many of the schools work closely with Urdd Gobaith Cymru and Menter Iaith in order to enhance their range of activities



**Outcome 5: More learners with higher skills in Welsh**

**Responsible officers: Head of Services for Young People, Program Manager for Welsh, Heads of Achievement Primary and Secondary, 14-19 Officer**

A. Objective	B. Current Performance	C. Targets	D. Progress
	<ul style="list-style-type: none"> <li>• Providing input into Foundation Phase courses on Welsh language development;</li> <li>• Producing an Everyday Welsh document which shows progressive banks of language for use in schools (copy on wikispace);</li> <li>• Providing a bank of Welsh signs for use on displays (copy on wikispace);</li> <li>• Providing training for teachers (intensive Welsh courses);</li> <li>• Providing training for Learning Support Assistants (LSAs) (intensive Welsh courses).</li> <li>• All resources created by the Welsh in Education Officers (WEO) to be available electronically via the WEO website. Information has been distributed to all schools September 2013.</li> </ul>		
	<p>In the secondary sector various strategies to support Welsh across the curriculum have been initiated e.g. at Treorci Comprehensive School and Y Pant Comprehensive School. All schools have received the WJEC document "Developing Welsh Across the Curriculum in English Medium Schools". Tonyrefail and Treorci have invested in courses provided by the Welsh for Adults Centre (University of South Wales) in order to upgrade teachers' Welsh language skills across the curriculum.</p>		<p>Appointment of Adviser for the Qualified for Life – initiative – working across all LAs within CSC</p>
	<p>All schools in RCT offer a range of extra curricular activities to support opportunities to extend the use of the Welsh language. These activities are offered during the school time and twilight activities. Many of the schools work closely with Urdd Gobaith Cymru in order to enhance their range of</p>		

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A. Objective	B. Current Performance	C. Targets	D. Progress																								
	activities.																										
5.6 Increase the total A Level Welsh and Welsh Second Language entries as a percentage of GCSE Welsh and Welsh Second Language entries.	<div>Typically 400 pupils sit GCSE Welsh 1<sup>st</sup> language in RCT schools. Approximately 8% continue to AS level, 74% of whom continue to A level.</div> <table><tr><td></td><td>2011</td><td>2012</td><td>2013</td></tr><tr><td>A</td><td>26</td><td>22</td><td>19</td></tr><tr><td>AS</td><td>32</td><td>30</td><td>30</td></tr><tr><td>GCSE</td><td>256</td><td>534</td><td>498</td></tr></table>		2011	2012	2013	A	26	22	19	AS	32	30	30	GCSE	256	534	498		<table><tr><td>2014</td><td>2015</td></tr><tr><td>24</td><td>26</td></tr><tr><td>49</td><td>53</td></tr><tr><td>503</td><td>511</td></tr></table>	2014	2015	24	26	49	53	503	511
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A. Objective	B. Current Performance	C. Targets	D. Progress																								
	<p>Typically 600 pupils sit GCSE Welsh Second Language Full Course in RCT schools. Approximately, 18% continue to AS level, 56% of whom continue to A level.</p> <table><tr><td></td><td>2011</td><td>2012</td><td>2013</td></tr><tr><td>A</td><td>64</td><td>71</td><td>58</td></tr><tr><td>AS</td><td>122</td><td>131</td><td>79</td></tr><tr><td>GCSE</td><td>493</td><td>709</td><td>606</td></tr></table>		2011	2012	2013	A	64	71	58	AS	122	131	79	GCSE	493	709	606		<table><tr><td>2014</td><td>2015</td></tr><tr><td>48</td><td>56</td></tr><tr><td>100</td><td>113</td></tr><tr><td>570</td><td>596</td></tr></table>	2014	2015	48	56	100	113	570	596
	2011	2012	2013																								
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	<p><b>PLANNED ACTION</b></p> <p>The LA, in conjunction with the CSCJES school improvement service, will continue to work with the Welsh departments at the four Welsh-medium secondary schools in order to maintain and increase number of pupils wishing to opt for AS/A level Welsh First Language in KS5.</p> <p>The LA will also target an increase in the number of students opting to follow the GCSE Welsh Second Language Full Course of study thereby encouraging progression to AS/A level.</p>																										

**Outcome 5: More learners with higher skills in Welsh**

**Responsible officers: Head of Services for Young People, Program Manager for Welsh, Heads of Achievement Primary and Secondary, 14-19 Officer**

A. Objective	B. Current Performance	C. Targets	D. Progress
	<p><b>CURRENT PERFORMANCE</b></p> <p>Currently 29.5% of GCSE candidates continue to complete GCE A level. This is higher than most other subjects offered in RCT. There is a slight drop off between AS and A level but this is one of the smallest percentages in the county.</p> <p>Retention between Years 11 to 12 and 12 to 13 are the key to improving this statistic. The trend is for more take up at GCSE especially Welsh second language and this should continue to increase the number of Welsh speakers in the future.</p>		
	<p><b>PLANNED ACTION</b></p> <p>Schools are encouraged to raise the value of a Welsh qualification through events, careers and their curriculum. Increase opportunities to engage in Welsh language and culture events and there are plans for more in the next academic year. Close collaboration with the Welsh-medium consortium and their partners to raise the profile of Welsh-medium qualifications.</p> <p>Schools and consortia have a planned calendar of activities that is currently being implemented.</p>		

<b>Outcome 6: Welsh-medium provision for learners Additional Learning Needs (ALN)</b> <b>Responsible officer: Head of Access and Inclusion</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
6.1 Improve Welsh-medium Additional Learning Needs (ALN Provision)	<p>Data collated in January 2014 from PLASC suggests that 17.17% of the LA's primary pupils are taught within a Welsh medium setting. A further 4.74% of primary school pupils are taught in dual language settings. 18.57% of secondary pupils receive Welsh-medium education. 1.94% or 757 pupils in RCT have a Statement of Special Educational Needs. Only 1.85% of these 14 pupils attend Welsh-medium schools. This is a very small percentage. The level of statements in Welsh medium schools is monitored and the level of need rigorously appraised to establish demand.</p> <p>Pupils who attend Welsh-medium education have their SEN well provided for within their mainstream schools in accordance with RCT's Inclusion Policy. Where appropriate, support is provided by staff from the Access and Inclusion Service staff who are Welsh speaking (eg. Learning Support Service, Behaviour Support Service, and Educational Psychology Service team members). Educational Psychology input is time allocated to schools and Learning and Behaviour Support Services, provided in response to referrals to the Access and Inclusion Service. Whilst there are Welsh speaking staff available in both services, there are gaps in some key areas. There has been Welsh speaking educational psychology staff available for all settings in 2013/14.</p> <p>Data analysis shows that all pupils in Welsh medium schools who have met the criteria to access specialist support from the Learning Support Service central team are currently able to access appropriate SEN support for severe and complex needs in Welsh. A recent audit (March 2014) showed that the majority</p>	<p>Establish demand for Welsh medium support for learners with Hearing Impairment, Visual Impairment, Autistic Spectrum Disorder, Specific Learning Difficulties and physical/medical needs.</p> <p>To close the gap in current provision through</p>	

<b>Outcome 6: Welsh-medium provision for learners Additional Learning Needs (ALN)</b> <b>Responsible officer: Head of Access and Inclusion</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>of pupils being supported by the Behaviour Support Service in Welsh medium schools are currently supported in English due to the limited number of Welsh speaking staff in the service. Remodelling of the Behaviour Support Service is imminent and action will be taken to address demand through training, commissioning and cross border initiatives.</p> <p>The demand for specialist Welsh-medium provision is regularly audited. A recent audit (November 2013) of Welsh medium pupils receiving support from the Access and Inclusion Service for severe and complex needs, together with those receiving a high level (15+ hours) of special needs support assistant (SNSA) input via Additional Needs Funding (ANF) has shown that there is currently insufficient evidence to support the need to establish a Welsh medium specialist Learning Support Class. This is largely due to the low incidence and diversity of SEN in Welsh medium schools, together with a broad age range and diverse geographical distribution.</p> <p>Only 17 pupils with a range of SEN across RCT from Foundation Phase to KS2 would meet the criteria for placement in specialist Learning Support Classes. A further 5 pupils ranging from KS2 to KS4 would meet the criteria for placement in Pupil Referral Unit, only 3 pupils ranging from FP to KS2 would meet the criteria for placement in a special school. Audit outcomes therefore do not justify the establishment of a Learning Support Class at this moment in time.</p> <p>The Data Analysis Report for SpLD 2012-13 shows that 50% of the Welsh medium pupils receiving SpLD support from the Learning support Service were</p>	<p>training, commissioning and cross border initiatives.</p> <p>Annual data analysis to be undertaken to inform an annual report to reflect the demand for Welsh medium provision and to identify any gaps in provision in provision January 2015.</p>	<p>2013-14 SpLD 80% Speech and Language 65%</p>

<b>Outcome 6: Welsh-medium provision for learners Additional Learning Needs (ALN)</b> <b>Responsible officer: Head of Access and Inclusion</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>off-listed due to good progress. 100% of Welsh medium pupils made progress in their reading age. This provision is to continue.</p> <p>The Data Analysis Report for Speech and Language Needs 2012-13 shows that 100% of Welsh medium pupils receiving support from the LSS Speech and Language Team made progress in their receptive language acquisition. Current staffing meets demand.</p>		
	<p>Pupils with significant SEN are supported in the mainstream by school based Special Needs Supports Assistants (SNSAs) or teaching staff. This support is provided from school based resources in the first instance. Children with severe and persistent needs can access further support by making applications to Local Cluster Group Panels (LCGP). Additional Needs Funding (ANF) is delegated to clusters of schools and awarded if threshold criteria are met. Current figures (November 2013) show that 100 pupils with a range of ALN accessed additional support through ANF. RCT delegates £2.7 million to Local Cluster Group Panels (LCGP) to fund mainstream inclusion opportunities for pupils with severe and persistent SEN. This ANF is delegated annually. A total of £362,833 has been delegated to all 4 Welsh medium clusters for the financial year 2013-14. This has enhanced the SEN funding available to Welsh medium schools and enhanced mainstream inclusion opportunities in line with the LA inclusion policy. Schools use ANF to fund learning support assistants. Schools can access Welsh medium training from the Access and Inclusion Service, the Central South Consortium Joint Education Service and other providers. 2 Welsh-medium training sessions were delivered in 2012/13.</p>	<p>To enhance Welsh medium training courses available to schools by 50% by January 2015</p>	<p>November 2014 – 120 pupils access ANF</p>

<b>Outcome 6: Welsh-medium provision for learners Additional Learning Needs (ALN)</b> <b>Responsible officer: Head of Access and Inclusion</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>If there is still evidence of continued difficulties despite ANF, then applications for additional funding <i>and specialist input</i> can be made to the Severe and Complex Welsh Medium Panel. This ring-fenced funding is intended to further enhance mainstream support for pupils in Welsh medium settings who have considerable needs. Minutes from Severe and Complex Welsh Medium Panels provides a detailed record of the submissions and successful awards made. During 2012/13, 11 pupils were discussed at Severe and Complex Needs Panel of which 2 were allocated support. Designated Welsh speaking Specialist Teachers provide this support and current provision meets need.</p>	<p>To interrogate outcome data to ensure that Welsh medium pupils receiving ANF make progress in line with the RCT wide peer group. September 2014.</p>	<p>Data analysis for 2013-14 shows that 92.03% of returns from schools identified that ANF had had a positive impact on pupils using a range of outcomes, of which 22.12% of Welsh medium schools reported that ANF had enhanced the rate of pupils' progress compared to 11% of English medium schools.</p>
	<p>The LA has facilitated focus groups to obtain parental views about the Access and Inclusion Service. In addition, a perception survey is undertaken with all schools within the LA and the LA seeks feedback about the services we provide. References to Welsh medium provision is teased out, analysed and acted on. Focus groups has recently been replaced by parental questionnaires this academic year.</p>	<p>Parental feedback questionnaire to be collated by July 2014. Aim to get 60% returns.</p>	<p>Focus group has been replaced with parental questionnaires which have been anonymised therefore we have been unable to</p>



<b>Outcome 6: Welsh-medium provision for learners Additional Learning Needs (ALN)</b>			
<b>Responsible officer: Head of Access and Inclusion</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
			identify the Welsh schools. This will be redone.
	RCT liaises with other authorities to develop enhanced Welsh language ALN provision. RCT currently provides Welsh-medium Educational Psychology Services for Merthyr Tydfil. Central South Consortium meetings provide a forum for exploring the possibility of cross boundary training, involving Access and Inclusion Services.	To continue with collaborative arrangements across RCT and Merthyr Tydfil.	

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
A. Objective	B. Current Performance	C. Targets	D. Progress
7.1 Ensure that there are sufficient numbers of practitioners to deliver Welsh-medium education.	<b><i>Number of primary school teacher vacancies to teach through the medium of Welsh not filled at the start of September 2013:</i></b>  One	No vacancies	No vacancies at 1 September 2014
	<b><i>Number of secondary school teacher vacancies to teach through the medium of Welsh not filled at the start of September 2013:</i></b>  None	No vacancies	No vacancies at 1 September 2014
	The LA has prioritised the need to ensure that <b><u>all</u></b> schools in RCT including Welsh-medium schools are led and managed by high performing staff. Actions include: <ul style="list-style-type: none"> <li>▪ Proactive LA involvement in initial recruitment processes by utilising the services of recruitment agencies to actively seek highly experienced, successful leaders to headship and deputy headship posts;</li> <li>▪ More robust selection processes with LA officer involvement; and</li> <li>▪ Leadership and management courses</li> </ul>		
	<b><i>Number of secondary school teacher vacancies to teach Welsh not filled at the start of September 2013:</i></b>  Two	No vacancies	No vacancies at 1 September 2014

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
A. Objective	B. Current Performance	C. Targets	D. Progress
	<p><b><i>Number of secondary school teacher vacancies to teach Welsh Second Language not filled at the start of September 2013:</i></b></p> <p>None</p>	No vacancies	No vacancies at 1 September 2014
	<p><b><i>Number of classroom assistant vacancies to work through the medium of Welsh not filled at the start of September 2012?</i></b></p> <p>2 vacancies Primary School; and 2 vacancies Secondary school</p>	No vacancies	No vacancies at 1 September 2014
	RCT has been proactive in recruiting Welsh speaking staff across schools and Central Services. The Access and Inclusion Service has a <b><i>high number</i></b> of staff who is able to deliver services through the medium of Welsh.		
	RCT undertakes an annual audit of training needs which informs the planning of the Access and Inclusion Training Schedule and the demand for Welsh medium training. A range of SEN/ALN courses are available for Welsh medium schools and Welsh speaking LA staff. – e.g. POPAT, Foundation POPAT, Dyslexia Awareness, Diagnostic Literacy Assessment and IEP Planning.		

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>RCT has recently updated our Access and Inclusion Service training schedule which has a wide range of Welsh-medium training events available for Welsh medium schools and Welsh speaking LA staff.</p> <p>An annual audit of Welsh speaking staff to be undertaken and pro-active steps taken to recruit appropriate Welsh speaking staff where gaps in provision are identified.</p>	Annual audit undertaken by HR.	

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	A representative from the Early Years Service visits secondary schools to raise awareness of employment opportunities for students on Childcare courses.	2 schools per year.	The Welsh speaking Senior Manager has now left the organisation. However the lead Internal Verifier (non-Welsh speaking) for the Flying Start Training Centre has become an Early Years Ambassador for the Care Council for Wales. This will involve visiting schools to discuss benefits and career progression routes in childcare.

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>Officers from School Improvement and the Advisory service support Governing Bodies of all schools including Welsh-medium schools when new staff is appointed. Officers from School Improvement, work in close collaboration with HR officers and the CSCJES, to support all senior leadership appointments within our Welsh-medium schools. School governing bodies and headteachers work with the LA in order to comply with the Council's Welsh Language Scheme when advertising posts for practitioners to support teaching through the medium of Welsh.</p> <p>We have also utilised and will continue to employ the services of recruitment agencies to actively seek highly experienced, successful leaders to headship and deputy leadership posts.</p>	To continue to recruit experienced successful leaders and managers to senior leadership posts in schools.	
	<p>The LA will continue to work with</p> <ul style="list-style-type: none"> <li>• headteachers to ensure that there are sufficient numbers of practitioners to deliver Welsh-medium education; and</li> <li>• governing bodies to ensure that they comply with Council's Welsh language scheme and recruitment policy when advertising for practitioners to support teaching through the medium of Welsh.</li> </ul>	Improved linguistic and methodological skills of practitioners in English-medium schools during 2013-15, as identified by audit.	

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
7.2 Improve practitioners' linguistic skills.	HR collate information on all Council staff in RCT including school staff to identify 'fairly fluent' and 'fluent' Welsh speakers. In March 2012, 1268 members of school based staff judged themselves to be fluent (842) or fairly fluent (426). It must be stressed that the responses are completed and returned on a voluntary basis so the true figure could be higher.	To use this information to target resources more effectively and to encourage school to school working.	As at 11 December 2014 there were 998 members of school based staff judged themselves to be fluent (632) or fairly fluent (366)
7.3 Improve practitioners' methodological skills.	This information is kept live on the HR's Vision database and the current level stands at 1209 with 784 fluent and 425 fairly fluent	Improved methodological skills of practitioners in Welsh-medium schools during 2013-2015, as identified by monitoring and evaluation of standards.	
	The Welsh in Education Officers also completed an audit of language skills during 2011-12. The audit focused on teachers' accreditation in the language and attendance at language courses provided by the LA. The audit identified that there is a need to continue to provide linguistic training as part of the CSCJES CPD programme.		

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>As noted in the WEG guidelines for 2013-14, each consortium was expected to hold a review of the Welsh language skills of teaching staff during the year as part of the work of the Grant. The intention of this review was to collect consistent information at a national level in order to improve the planning and targeting of training programmes and support in the future.</p> <p>The review included the following practitioners:</p> <ul style="list-style-type: none"> <li>• Teachers and teaching assistants in primary schools (Welsh and English medium)</li> <li>• Teachers and teaching assistants in secondary schools (Welsh medium / bilingual only)</li> </ul> <p>A questionnaire (along with language skills level descriptors) was prepared for this review in order to collect information about the Welsh language skills of practitioners as well as their training needs. Head teachers were asked to complete the questionnaire on behalf of their staff, allocating each practitioner to one of the given categories. Completed questionnaires were returned by over 90% of schools across the CSC</p>	<p>Improved linguistic and methodological skills of practitioners in English-medium schools during 2014-17, as identified by audit.</p>	<p>Welsh in Education Officers update data on Welsh language skills of staff in their initial yearly meeting with Welsh Subject Leaders within their schools</p>



<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
A. Objective	B. Current Performance	C. Targets	D. Progress
	<p><b><u>Planned Action</u></b></p> <p><b>Welsh second language</b>            To identify the needs for training in methodology for those teaching in Welsh-medium schools the LA to continue to monitor and evaluate standards and the quality of provision, through analysis of Estyn inspection reports and information received from the LA's Review and Development programme. (2014-17)</p> <p>The LA, in conjunction with CSCJES, to ensure that the Welsh in Education Grant (WEG) is used effectively and to maintain sufficient Welsh in Education Officers to provide specific training and mentoring support for teachers in Welsh-medium primary and secondary schools, to improve methodology. The LA/CSCJES will work in partnership to ensure effective strategic planning of the use of WEG grant. Evidence considered will include the following:</p> <ul style="list-style-type: none"> <li>• Schools' annual performance reports;</li> <li>• Whole school and subject monitoring reports;</li> <li>• School self-evaluation, improvement and transition plans;</li> <li>• Foundation Phase, KS2 and KS3 performance data;</li> <li>• Estyn inspection reports (LA and schools) and publications.</li> </ul> (2013-2015)	<p>HR officers to continue to feed information on recruitment to the Welsh Language Officer in order to maintain database.</p> <p>Ongoing</p> <p>Yearly and ongoing</p>	<p>Waiting to see new grant conditions for 2014-15 and effect any changes will have on the structure of the team and future support for schools</p>

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>Considerable effort is put into signposting learners/improvers to increase their Welsh language skills. Primarily, courses highlighted/promoted would be those via:</p> <ul style="list-style-type: none"> <li>Welsh for Adults Centre (University of South Wales) – courses in the workplace or in the community also informal learning activities.</li> </ul> <p>Welsh Government Sabbatical Courses specifically for schools based staff (Gloywi iaith/Higher Short Course for Welsh speakers also</p> <ul style="list-style-type: none"> <li>Foundation (classroom assistants) and Entry level for non-Welsh speakers.</li> </ul> <p>Courses for all council learners/improvers organised and offered in council offices include:</p> <ul style="list-style-type: none"> <li>Welsh Language Awareness Raising Sessions</li> <li>Welsh Language 2 Day Taster Courses</li> <li>Welsh in the Workplace (20 hr) Courses specifically for council Welsh speakers include:</li> <li>Confidence Raising Courses (Magu Hyder/Gloywi iaith)</li> </ul> <p>Currently, we are exploring opportunities to upskill Welsh speakers numeracy and literacy in Welsh using the WG (Essential Skills, Employer Pledge Fund). Staff to be targeted would include Early Years Staff and Services for Young People as well as other staff from other directorates.</p> <p>Siop Siarad in (weekly opportunity for Welsh speakers to drop in and practice their Welsh/raise questions about Welsh in the workplace etc).</p>		<p>Gloywi iaith training has been held during the year targeting staff who wish to improve their Welsh linguistic skills. The training is available over 7 weeks delivered on a Wednesday between 3.30 and 5.00pm. The training is also offered to TAs.</p>

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p><b>Welsh in Education Officers will</b></p> <ul style="list-style-type: none"> <li>work in partnership in order to raise standards in Welsh (first language) learning and teaching in the Welsh medium nursery, primary and secondary schools of the five constituent authorities of CSC;</li> <li>provide a scheduled programme of curriculum support and challenge for targetted schools in order to further develop practitioners' skills and increase schools' capacity to deliver high quality Welsh medium literacy teaching and learning.</li> </ul> <p><b>Welsh in Education Officers will</b></p> <ol style="list-style-type: none"> <li>plan and deliver a targeted programme of support based on an analysis of performance data for schools in order to meet the Welsh medium literacy needs of prioritised schools, the LAs and the Consortium including supporting practitioners responsible for teaching learners with additional learning needs (ALN).</li> <li>contribute as appropriate to the development and delivery of a programme of continuous professional development, including the work of professional learning communities, in order to improve Welsh language / Welsh medium literacy learning and teaching methodologies across the curriculum.</li> <li>strengthen language continuity across and between key stages (Foundation Phase / KS2 / KS3 / KS4) through the promotion of transition arrangements.</li> <li>provide mentoring for practitioners who have completed Sabbatical Scheme language training courses.</li> <li>support schools in developing the reliability and validity of teacher assessment through the sharing of best practice in cluster moderation</li> </ol>		<p>Schools targeted for support identified by Welsh in Education Officers. RAG data available for all schools arranged in clusters feeding a specific medium secondary school.</p>

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A. Objective	B. Current Performance	C. Targets	D. Progress
	<p>work.</p> <p>6. support schools in promoting learners' use of the Welsh language outside the classroom.</p> <p>CSCJES will provide an extensive linguistic training programme for teachers, which schools will be able to access via delegated WEG funds and which will include the following elements:</p> <p><b>Welsh second language - Primary</b></p> <ul style="list-style-type: none"> <li>• Intensive Welsh language skills development/methodology for practitioners</li> <li>• 5, 10 and 15 day intensive courses targeted at three levels of ability, to increase the number of teachers who have sufficient working knowledge of Welsh to teach it as a second language subject to pupils from Foundation Phase to the end of Key Stage 2</li> <li>• Follow up courses for attendees.</li> </ul> <p>Criteria for targeting schools to attend intensive Welsh language courses:</p> <ul style="list-style-type: none"> <li>• Welsh in Education Officers' baseline assessments</li> <li>• KS2 Welsh second language teacher assessment results</li> <li>• ESTYN inspection reports</li> <li>• Individual school requests</li> <li>• Database of teachers' Welsh language skills</li> <li>• The role and responsibilities of the Welsh second language curriculum leader</li> </ul>		<p>Ensure access to current provision on offer: proficiency courses; confidence raising courses; and written courses</p> <p>Increase number of Foundation Level teachers on Sabbatical / intensive courses:</p> <p>6 in 2013/14 8 in 2014/15 9 in 2015/16 10 in 2016/17</p> <p>Increase number of Entry Level LSAs</p>

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<ul style="list-style-type: none"> <li>Assessment of Welsh second language (package)</li> <li>Developing learner profiles in Welsh second language across KS2/3</li> <li>Developing reading skills in Welsh second language in KS2</li> <li>Welsh language development / bilingualism across the curriculum (package)</li> <li>Welsh language development / bilingualism for Headteachers</li> <li>The use of ICT in Welsh second language development, including the use of the iPad in learning and teaching and the development of HWB (new digital learning platform for all 3-19 education establishments in Wales)</li> <li>Welsh second language in special schools</li> <li>Y Pod Antur (The Adventure Pod)</li> <li>Developing Welsh outside the classroom – Urdd Gobaith Cymru centre WMC</li> </ul> <p><b>Welsh second language - Secondary</b></p> <ul style="list-style-type: none"> <li>Welsh language skills development for practitioners (Gloywi Iaith)</li> <li>Welsh second language teaching methodology</li> <li>Welsh language development for TAs</li> <li>Welsh language development / bilingualism for Headteachers</li> <li>Developing learner profiles in Welsh second language across KS2/3</li> <li>The use of ICT in Welsh language development, including the use of the iPad in learning and teaching and the development of HWB</li> </ul> <p>The Council adopted a Language Skills Framework (Nov 2011) with the aim of</p>		<p>on Sabbatical / intensive courses: 10 in 2013/14 12 in 2014/15 13 in 2015/16 14 in 2016/17</p> <p>Fforwm Penaethiaid Adran y Gymraeg mewn Ysgolion uwchradd ail-iaith. A forum has been set up for HoD's from Welsh departments in secondary schools across the LAs in the Consortium.</p>

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>developing a bilingual workforce and to maintain an overview of those language skills needs and resources with a view to recruiting and training staff in order to meet the objectives of the Welsh Language Scheme, under the obligations of Welsh Language Act, 1993 and the further enhancements under the Welsh Language Measure, 2011.</p> <p>April 2013 1,783 (13.5%) are fluent or fairly fluent, of which 1,200 are school based staff; 783 being fluent, 426 being fairly fluent.</p> <p>The framework will support the Council's Welsh Language Scheme by offering a plan to begin the process of addressing the imbalance in our workforce profile to ensure we have a complement of bilingual staff with the aim of increasing our capacity to deliver services bilingually. It should be noted there is no corporate Welsh language training budget to deliver training.</p> <p>Considerable effort is put into signposting learners/improvers to increase their Welsh language skills. Primarily, courses highlighted/promoted would be those via:</p> <ul style="list-style-type: none"> <li>• Welsh for Adults Centre (University of South Wales) – courses in the workplace or in the community also informal learning activities.</li> <li>• Welsh Government Sabbatical Courses specifically for schools based staff (Gloyw iaith/Higher Short Course for Welsh speakers also Foundation (class room assistants) and Entry level for non-Welsh speakers.</li> </ul>	<p>HR officers to continue to feed information on recruitment of the Welsh Language Officer in order to maintain database. Ongoing.</p> <p>Yearly and ongoing.</p>	<p>The aim is to develop new material and to share the good practice. The focus for this group is to look at the transition between KS2 and KS3.</p>

<b>Outcome 7: Workforce planning and Continuous Professional Development</b>			
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<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>Courses for all council learners/improvers organised and offered in council offices include:</p> <ul style="list-style-type: none"> <li>• Welsh Language Awareness Raising Sessions</li> <li>• Welsh Language 2 Day Taster Courses</li> <li>• Welsh in the Workplace (20 hr)</li> </ul> <p>Courses specifically for council Welsh speakers include:</p> <ul style="list-style-type: none"> <li>• Confidence Raising Courses (Magu Hyder/Gloywi Iaith)</li> <li>• Currently, we are exploring opportunities to upskill Welsh speakers numeracy and literacy in Welsh using the WG (Essential Skills, Employer Pledge Fund). Staff to be targeted would include Early Years Staff and Services for Young People as well as other staff from other directorates.</li> <li>• Siop Siarad in (weekly opportunity for Welsh speakers to drop in and practice their Welsh/raise questions about Welsh in the workplace etc)</li> </ul> <p>To identify the needs for training in methodology for those teaching in Welsh-medium schools the LA to continue to monitor and evaluate standards and the quality of provision, through analysis of Estyn inspection reports and information received from the LA's Review and Development programme. (2014-17)</p>	<p>Yearly and ongoing</p>  <p>Yearly and ongoing</p>  <p>Improved methodological skills of practitioners in Welsh-medium schools during 2014-2017, as identified by monitoring and evaluation of standards.</p>	

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>The LA, in conjunction with CSCJES, to ensure that the Welsh in Education Grant (WEG) is used effectively to ensure that there are sufficient Welsh in Education Officers to provide specific training and mentoring support for teachers in Welsh-medium primary and secondary schools, to improve methodology. The LA / CSCJES will work in partnership to ensure effective strategic planning of the use of WEG grant. Evidence considered will include the following:</p> <ul style="list-style-type: none"> <li>• Schools' annual performance reports;</li> <li>• Whole school and subject monitoring reports;</li> <li>• School self-evaluation, improvement and transition plans;</li> <li>• Foundation Phase, KS2 and KS3 performance data;</li> <li>• Estyn inspection reports (LA and schools) and publications.</li> </ul> <p>(2014-17)</p> <p>CSCJES has since September 2012 assumed responsibility for providing an effective CPD programme across its five constituent member LA's. The Welsh in Education Officers provision has been reviewed at the time of establishing CSCJES and their role has evolved in order to challenge standards achieved by schools and provide suitable training and mentoring for teachers and learning support assistants.</p>		<p>A forum has been set up for Heads of Departments from Welsh departments in secondary schools across the LAs in the Consortium. The aim is to develop new material and to share the good practice already in existence. The focus for this group is to look at the new GCSEs spec with an initial focus on developing Pisa style material for KS3 Year 9.</p>



<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
A. Objective	B. Current Performance	C. Targets	D. Progress
	<p>The Welsh in Education Officers are line-managed by a senior Welsh in Education Officer. The aims of this team are to:</p> <ul style="list-style-type: none"> <li>• raise standards of achievement in Welsh first and second language;</li> <li>• increase schools' capacity to deliver high quality teaching and learning in Welsh;</li> <li>• and improve strategies and methodologies for both first and second language teaching.</li> </ul> <p>According to needs identified by schools, courses to be provided for primary and secondary teachers in Welsh first language, to support the development of their Welsh language skills. Activities provided by CSCJES which schools will be able to access via delegated WEG funds:</p> <p><b>Welsh first language – Primary/Secondary</b></p> <ul style="list-style-type: none"> <li>• The Literacy Framework – accompanying activities including the literacy tests</li> <li>• Literacy across the curriculum</li> <li>• Developing Welsh language skills – speaking and listening, reading and writing (package)</li> <li>• 'Moving from Level 4 to 5' – making progress across the key stages</li> <li>• Welsh language skills development for practitioners (<i>Gloywi Iaith</i>)</li> <li>• The role and responsibilities of the Welsh curriculum leader</li> <li>• Assessment, including developing learner profiles in Welsh across KS2/3</li> <li>• The use of ICT in Welsh language development, including the use of the iPad in learning and teaching and the development of HWB</li> </ul>		<p>Welsh in Education Officers to provide information, guidance and support for staff who have attended the Sabbatical Training. Others are also involved in the recruiting process in order to ensure that all places are filled.</p>

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>The LA will work in partnership with other LA's to ensure that the CSCJES CPD programme includes an appropriate range of training activities focusing on improving standards in reading, writing, speaking and listening in Welsh across the curriculum.</p> <p>(2014-2017)</p>	<p>100% of schools have access to a CPD programme that is focused on raising standards in Welsh during 2014-2017</p>	
	<p>WEG funding to be used effectively to support the establishment and development of Professional Learning Communities (PLCs) within schools and on a cluster and regional basis to share good practice and research innovative teaching strategies to support the raising of standards of literacy in Welsh.</p> <p>(2014-2017)</p>	<p>Professional Learning Communities (PLCs) established within the LA and across the Central South Consortium and focused on further developing and sharing good practice in respect of Welsh language and Welsh medium provision during 2014-2017.</p>	

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<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>The LA will collaborate with its partners in the Central South Consortium, to deliver support for Welsh literacy development, in both first and second language contexts, in line with emerging WG policy and strategy for the improvement of standards of literacy. This work will be led and co-ordinated by the program manager for Welsh within CSCJES. The LA and CSCJES will ensure that support is targeted at those schools where the need is greatest in terms of pupils' standards and teachers' skills.</p> <p>(2014-2017)</p>	<p>Targeted support impacts positively and raises standards in Welsh first and second language during 2013-2015 (see targets above).</p>	
	<p>CSCJES provides additional support through advice, consultancy and training services that schools are able to purchase from their own delegated resources, in line with identified needs in their improvement plans.</p> <p>(2014-17)</p> <p>The LA and CSCJES will continue to evolve and develop the current service so that it can:</p> <ul style="list-style-type: none"> <li>• support schools according to individual needs;</li> <li>• advise individual schools through discussions with key staff members on strategies to raise standards in Welsh second language and literacy skills;</li> </ul>		<p>Questionnaire to be sent to all schools to evaluate the support given by the Welsh in Education Officers</p>

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A. Objective	B. Current Performance	C. Targets	D. Progress
	<ul style="list-style-type: none"> <li>• focus on training and mentoring in the classroom e.g. through exemplar lessons and team teaching;</li> <li>• mentor classroom practitioners;</li> <li>• monitor provision and review pupils' progress;</li> <li>• evaluate provision in lessons and offer advice and support;</li> <li>• report on pupil standards and school provision.</li> </ul> (2014-17)		
	<p>CSCJES provision will also ensure that additional support can be targeted appropriately, based on:</p> <ul style="list-style-type: none"> <li>• pupils' standards of achievement;</li> <li>• classroom practitioners' language skills;</li> <li>• the presence of Newly Qualified Teachers (NQTs) and new subject leaders;</li> <li>• effectiveness of planning of provision for Welsh;</li> <li>• KS2-3 transition and the sharing of data.</li> </ul> (2014-17) <p>The CSCJES program manager for Welsh will monitor, evaluate and report on the support provided by the Welsh in Education Team.</p> (2014-17)		

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<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>WG Sabbatical courses specifically for schools based staff (Gloywi Iaith, Higher Short Course for Welsh speakers also Foundation for primary teachers and Entry level for classroom assistants.</p> <p>The LA has always worked closely with the Welsh Government's Welsh language Sabbatical Scheme administrators at University of South Wales to target teachers and teaching assistants in RCT's Welsh and English-medium schools who are motivated and would benefit from accessing the courses. The provision to date has had a very positive impact on schools and has been an important vehicle in raising standards and confidence of individuals in their delivery of Welsh, both as a first and second language.</p> <p>Allied to this, the team of Welsh in Education Officers at CSCJES consult and work closely with WG concerning the Sabbatical Scheme and all schools have been notified of this opportunity.</p>		

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<b>PLANNED ACTION</b>  The LA and schools will continue to support teachers who wish to attend the sabbatical training programme. The Welsh in Education Officers at CSCJES will identify suitable practitioners on an annual basis and refer to the Sabbatical Scheme. They will also provide follow up support for practitioners who have attended the programme. (2014-2017)	Maximum take up of available places on the WG Sabbatical Scheme and support provided for previous attendees during 2014-2017.	Ensure access to current provision on offer: proficiency courses; confidence raising courses; and written courses Increase number of Foundation Level teachers on Sabbatical / intensive courses: 6 in 2013/14 8 in 2014/15 9 in 2015/16 10 in 2016/17 Increase number of Entry Level LSAs on Sabbatical / intensive courses: 10 in 2013/14 12 in 2014/15 13 in 2015/16 14 in 2016/17

Outcome 7: Workforce planning and Continuous Professional Development																																				
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A. Objective	B. Current Performance				C. Targets	D. Progress																														
	The following table outlines the number of practitioners that have attended Welsh language courses organised by CSCJES as part of their continuous professional development during the 2013-14 financial year:  <b><u>34 LSAs</u></b> <table><tr><td></td><td colspan="2">Primary</td><td colspan="2">Secondary</td></tr><tr><td>RCT</td><td>1st lang</td><td>2nd lang</td><td>1st lang</td><td>2nd lang</td></tr><tr><td>Attendees</td><td>131</td><td>90</td><td>2</td><td>2</td></tr><tr><td></td><td colspan="2">Total</td><td></td><td></td></tr><tr><td>RCT</td><td>1st lang</td><td>2nd lang</td><td></td><td></td></tr><tr><td>Attendees</td><td>133</td><td>92</td><td></td><td></td></tr></table>					Primary		Secondary		RCT	1st lang	2nd lang	1st lang	2nd lang	Attendees	131	90	2	2		Total				RCT	1st lang	2nd lang			Attendees	133	92				
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<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	<p>Flying Start will support staff working in Childcare settings to improve Welsh Language skills.</p> <p>Progress to date:            3 staff completed Cwrs Iaith Meithrin            7 staff completed Geiriau Bach            7 staff completed Cynllun Iaith Sylfaenol Meithrin            10 staff undertaking other basic Welsh courses</p> <p><b>PLANNED ACTION</b></p> <p>CSCJES to continue to provide appropriate training to support NQT and EPD teachers</p>	Significantly increased number of attendees at Welsh-language courses during 2014-2017.	30 Flying Start staff completed basic Welsh courses in 13-14 these courses were delivered directly by the Flying Start Training Centre. The other courses are delivered by external trainers but the annual training needs analysis will identify these at a later date.
	<p>The following table outlines the number of learning support assistants and teaching assistants that have attended Welsh language courses organised by CSCJES as part of their continuous professional development during the 2013-14 financial year:</p>		



**Outcome 7: Workforce planning and Continuous Professional Development**

**Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance**

A. Objective	B. Current Performance	C. Targets	D. Progress																																				
	<table><tr><th>Academic Year</th><th>Title of Course</th><th>No. of attendees</th></tr><tr><td rowspan="3">2010 -11</td><td>Intensive Welsh Level 1</td><td>10</td></tr><tr><td>Intensive Level 2</td><td>8</td></tr><tr><td>Welsh Refresher Level 1/2</td><td>0</td></tr><tr><td></td><td>Welsh for LSAs</td><td>10</td></tr><tr><td rowspan="4">2011-12</td><td>Intensive Level 1</td><td>12</td></tr><tr><td>Intensive Level 2</td><td>7</td></tr><tr><td>Intensive Level 1 Refresher – 5 Day</td><td>11</td></tr><tr><td>Intensive Level 2 Refresher – 5 Day</td><td></td></tr><tr><td></td><td>Welsh for LSAs – 5 Days</td><td>20</td></tr><tr><td rowspan="5">2012-13</td><td>Intensive Level 1</td><td>4</td></tr><tr><td>Intensive Level 2</td><td>8</td></tr><tr><td>Intensive Level 1 Refresher – 5 Day</td><td>5</td></tr><tr><td>Intensive Level 2 Refresher – 5 Day</td><td>0</td></tr><tr><td>Welsh for LSAs – 5 Days</td><td>11</td></tr></table>	Academic Year	Title of Course	No. of attendees	2010 -11	Intensive Welsh Level 1	10	Intensive Level 2	8	Welsh Refresher Level 1/2	0		Welsh for LSAs	10	2011-12	Intensive Level 1	12	Intensive Level 2	7	Intensive Level 1 Refresher – 5 Day	11	Intensive Level 2 Refresher – 5 Day			Welsh for LSAs – 5 Days	20	2012-13	Intensive Level 1	4	Intensive Level 2	8	Intensive Level 1 Refresher – 5 Day	5	Intensive Level 2 Refresher – 5 Day	0	Welsh for LSAs – 5 Days	11	Increase by 10% numbers undertaking courses in Welsh language.	
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7.3 Integrate Welsh-medium considerations into each aspect of the School Effectiveness	<p>CSCJES has been established on the premise that it will provide shared school improvement services, including the support for the teaching of Welsh and Welsh Second Language. The CPD programme incorporates the School Effectiveness Framework by focusing on:</p> <ul style="list-style-type: none"><li>• raising standards of literacy in Welsh;</li><li>• improving learning outcomes and wellbeing for children and young</li></ul>																																						

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<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
Framework.	<p>people regardless of their socio-economic background;</p> <ul style="list-style-type: none"> <li>reducing variation in the learning outcomes within and between classrooms and schools within the local authority and other members of the consortia;</li> <li>raising standards in teachers' Welsh language skills through both LA initiatives and professional learning communities.</li> </ul>		
	<p><b>PLANNED ACTION</b></p> <p>The continued development of CSCJES will take full account of the need to provide appropriate challenge and support in order to secure improvement in standards in Welsh first and second language.</p> <p>The deployment of the Welsh in Education Grant to be planned strategically on a consortium wide basis.</p> <p>The Welsh in Education Grant to be deployed to support the achievement of the targets set within the WESP, namely:</p> <ul style="list-style-type: none"> <li>To improve standards in the teaching of Welsh first and second language across all Key Stages;</li> <li>To improve levels of achievement of children and young people in Welsh</li> </ul>	<p>CSCJES provides challenge and support that secures school improvement during 2014-2017.</p> <p>Welsh in Education Grant used effectively to achieve all targets outlined in the WESP during 2014-2017.</p>	

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
A. Objective	B. Current Performance	C. Targets	D. Progress
	<p>first and second language across all Key Stages;</p> <ul style="list-style-type: none"> <li>To continue to support children and young people receiving their education through the medium of Welsh at primary school level, as measured by the percentage of year 2 and year 6 pupils assessed in Welsh as a first language;</li> <li>To support children and young people who continue to improve their language skills on transfer from primary to secondary school, as measured by the percentage year 6 and year 9 pupils assessed in Welsh first language;</li> <li>To support children and young people studying for qualifications (general and vocational) through the medium of Welsh;</li> <li>Raising standards in both pupils' and teachers' Welsh language skills through both LA initiatives and professional learning communities.</li> </ul> <p>It is expected that the <u>outputs</u> of activities supported by the WEG to include the following:</p> <ul style="list-style-type: none"> <li>headteachers and senior leadership teams will be proactive in the promotion of improving standards of learning and teaching in Welsh (first and second language) as measured by annual School Effectiveness Framework (SEF) self-evaluation reports and Estyn inspection framework.</li> <li>teachers across all phases of learning will be confident in their ability to teach Welsh (first and second language) to the full range of learners in their classes.</li> <li>teachers will use assessment to identify under-attaining and under-</li> </ul>	<p>Prioritised Welsh language courses for all practitioners, including Support Officers, during 2014-2017.</p>	

<b>Outcome 7: Workforce planning and Continuous Professional Development</b> <b>Responsible officers: Head of Access and Inclusion, Welsh Language Officer, Systems Leader with Strategic Lead for Welsh, Human Resources Manager, Head of School Organisation, Planning and Governance</b>			
<b>A. Objective</b>	<b>B. Current Performance</b>	<b>C. Targets</b>	<b>D. Progress</b>
	achieving pupils in Welsh-medium literacy and plan effective interventions to support these pupils. <ul style="list-style-type: none"> <li>• PLC working and other networking activities will lead to practitioners further identifying and sharing good practice in Welsh language / Welsh-medium teaching and producing high quality language resources.</li> </ul>		

### Section 3: Commentary and further notes

The demand for Welsh medium education in RCT has not been judged by the Welsh government to be low or in decline. Progress in the Welsh in Education Strategic Plan is reported by the named responsible officers and monitored during every term in the Academic Year by the Welsh Education Plan Strategic Group. Membership of this strategic group includes representatives from: LA Education and Lifelong Learning Directorate, Coleg y Cymoedd, Welsh medium primary and secondary schools, English medium primary and secondary schools, Equality and Diversity Service, Human Resources, RhAG, Mudiad Meithrin, Menter Iaith, Community Learning 14-19 network, Urdd, Early years, Fframwaith, Performance Management Unit, Services for Young People, Access and Inclusion, Central South Consortium, Welsh Services Unit, Governor Support Services, and Community First. The presence of members at meetings is excellent with an approximate 80% attendance rate usually recorded and all members who are unable to attend offering apologies or sending appropriate representatives.

The Draft WESP 2014-2017 was presented to RCTs Cabinet in November 2013. Discussions have already taken place within the Central South Consortium Joint Education Service, which includes the school improvement service and training arm regarding joint working arrangements, delivery, monitoring and interrogation of data to evidence progress by learners. It is recognised that there will be challenges as not all aspects included in the WESP can be monitored through the Central South Consortium and there will be local targets remaining within each Local Authority. Nevertheless, the intention will be to work as a consortium on those areas relating to school improvement and the provision of support and training to schools.

Progress against targets in the WESP will be reported to RCT Education and Lifelong Learning Scrutiny Committee on an annual basis.

The Welsh in Education Plan Strategic Group have decided to investigate the possibility of implementing Siarter Iaith Gwynedd within RCT in the future. The group recognise the possibilities and successes of this Charter within Primary Schools in Gwynedd. The group will discuss the charter with all relevant parties.

**Appendix 2: Number and percentage of pupils attending funded non-maintained Welsh-medium settings which provide the Foundation Phase and who transfer to Welsh-medium/bilingual schools (*please note if information is unobtainable*)**

Area	Cylch	2011/12			2012/13			2013/14	
		Total	No. Trans to WM	%	Total	No.	%	No.	%
C	Aberdare	85	63	74	60	40	67	30	59
T	Efail Isaf							17	94
T	Garth Olwg	U	U	U	U	U	U	U	U
R	Nant Dyrys	22	21	95	16	14	88	U	U
T	Pentre Eglwys							16	80
R	Porth	23	21	91	18	18	100	U	U
T	Rhydfelin							18	41
T	Thomastown	24	20	83	22	21	95	U	U
R	Tynwydd	14	13	93	11	10	91	U	U
R	Ynysir & Wattstown	22	18	82	22	19	86	U	U
T	Ynysybwll	52	22	42	27	11	41	26	59
	<b>Total</b>	<b>242</b>	<b>178</b>	<b>560</b>	<b>176</b>	<b>133</b>	<b>568</b>	<b>107</b>	<b>333</b>

*Grey boxes denote years prior to setting registration with Estyn. U denotes where information is unobtainable*

**Appendix 3: Number and percentage of pupils in Welsh-medium and bilingual primary schools transferring to Welsh-medium secondary schools**

Total number of Yr 6 pupils taught through medium of Welsh remaining in RCT schools in Yr 7		Total number of Yr 7 pupils taught through the medium of Welsh in RCT schools in Yr 6	Percentage of pupils transferring to Welsh-medium or bilingual secondary schools
2011/12	453	445	98.2%
2012/13	462	445	96.3%
2013/14	431	421	97.67%

**Appendix 4: Attainment and performance in Welsh Second Language (this information should be provided at LA level)**

	<b>Number of Pupils 2012-13</b>	<b>Percentage of Pupils</b>	<b>Percentage achieving Level 4</b>
<b>Teacher assessment in Welsh Second Language at the end of Key Stage 2</b>	1854	94.7%	63.3%
	<b>Cohort - 2185</b>		

	<b>Number of Pupils 2013-14</b>	<b>Percentage of Pupils</b>	<b>Percentage achieving Level 4</b>
<b>Teacher assessment in Welsh Second Language at the end of Key Stage 2</b>	1901	87%%	69.12%
	<b>Cohort - 2185</b>		

	<b>Number of Pupils 2012-13</b>	<b>Percentage of Pupils</b>	<b>Percentage achieving Level 4</b>
<b>Teacher assessment in Welsh Second Language at the end of Key Stage 3</b>	2274	100%	69.6%
	<b>Cohort - 2274</b>		

	<b>Number of Pupils 2013-14</b>	<b>Percentage of Pupils</b>	<b>Percentage achieving Level 4</b>
<b>Teacher assessment in Welsh Second Language at the end of Key Stage 3</b>	2143	100%	74.76%
	<b>Cohort - 2143</b>		

**Appendix 5: Data is included within the text in Outcome 5.**

**Appendix 6:**

Rhondda Cynon Taf in accordance with Section 84 of the School Standards and Organisation (Wales) Act 2013 will consult on the Welsh in Education Strategic Plan 2014-17 (draft) with:

Merthyr County Borough Council  
Bridgend County Borough Council  
Cardiff Council  
Caerphilly County Borough Council  
Vale of Glamorgan Council  
Powys County Council  
Headteachers, Governing Bodies and school councils of all Secondary, Primary and Special Schools in RCT  
Coleg y Cymoedd  
Church in Wales  
Roman Catholic Diocese  
Welsh Language Commissioner  
Early Years and Family Support Service  
Children's Services  
Cwm Taf Local Health Board  
Equality and Diversity Service  
Human Resources  
RhaG  
Mudiad Meithrin  
Menter Iaith  
Community Learning 14-19 Network  
Urdd  
Early Years



Fframwaith  
Performance Management Unit  
Services for Young People  
Access and Inclusion  
Central South Consortium  
Welsh Services Unit  
Governor Support Services  
Communities First  
Her Majesty's Chief Inspector of Education and Training in Wales (ESTYN)  
Welsh Government Members for Cynon, Pontypridd, Rhondda and Ogmore  
Members of Parliament for Cynon, Pontypridd, Rhondda and Ogmore  
Local Elected Members  
Trade Unions

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**APPENDIX 3****ANALYSIS OF ADVANTAGES AND DISADVANTAGES OF OPTIONS**

<b>Option</b>		<b>Advantages</b>	<b>Disadvantages</b>	<b>Recommended Option?</b>
<b>A</b>	Status Quo i.e. retain existing service provision	<ul style="list-style-type: none"> <li>○ Would retain provision for approximately 11,690 pupils.</li> <li>○ Meets the requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</li> </ul>	<ul style="list-style-type: none"> <li>○ Discretionary transport costs the Authority £2.6m per year (£4.2m including the additional costs of transport to Welsh schools required under the Learner Travel (Wales) Measure 2008).</li> <li>○ Current policy does not allow choice of school for pupils attending non-voluntary aided English schools.</li> </ul>	<p><b>Not proposed</b> as the costs of discretionary provision as currently provided are considered to be unaffordable.</p> <p>Current provision is in excess of statutory requirements.</p>
<b>B</b>	Provide mainstream English, Welsh and Faith primary school transport above statutory distance only (>2 miles).	<ul style="list-style-type: none"> <li>○ Could encourage pupils/parents to walk to school – Health and environmental benefits.</li> <li>○ Meets the requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</li> <li>○ Policy applies to all students above the statutory distances.</li> <li>○ Delivers total savings of £0.9m</li> </ul>	<ul style="list-style-type: none"> <li>○ Increased congestion on roads if pupils transported by car.</li> <li>○ Potential impact on local bus companies.</li> <li>○ Proposal would need to be phased in over a number of years, delaying savings to the Council.</li> <li>○ If these options are considered in isolation discretionary provision would cost the Authority £1.7 million per year when fully implemented</li> </ul>	<p><b>Not proposed</b> as these options would result in the complete removal of transport provision for 2,975 pupils. This could have a negative impact on school attendance.</p> <p>If these options were introduced pupils who already have a transport entitlement would continue to receive it until they complete the phase of education they are in. Therefore full savings would not be achievable for at least six years.</p>
<b>C</b>	Provide mainstream English, Welsh and Faith secondary school and college transport above statutory distance only (>3 miles).			

Option		Advantages	Disadvantages	Recommended Option?
			<ul style="list-style-type: none"> <li>○ Potential challenges on “available” routes.</li> <li>○ Will affect 419 primary school pupils and 2,556 secondary school pupils.</li> <li>○ Potential impact on school attendance levels.</li> </ul>	If implemented these options would deliver combined savings of £0.9m per year, but would not be fully realised until the 2023/24 financial year.
<b>D</b>	Removal of all pre-compulsory school age travel.	<ul style="list-style-type: none"> <li>○ Could encourage pupils/parents to walk to school – Health and environmental benefits.</li> </ul>	<ul style="list-style-type: none"> <li>○ Increased congestion on roads if pupils transported by car.</li> <li>○ No savings as buses will need to run at start and end of day for compulsory age primary school pupils.</li> <li>○ Potential challenges on “available” routes.</li> <li>○ Will affect 560 pupils.</li> <li>○ If this option is considered in isolation, discretionary provision would cost the Authority £2.6m per year when fully implemented</li> </ul>	<b>Not proposed</b> as this option would not result in any savings due to the number of pupils travelling (560 pupils on 66 individual routes) and the current capacity available on buses running at the start and end of the school day.
<b>E</b>	Removal of all mainstream English, Welsh and Faith post-16 transport.	<ul style="list-style-type: none"> <li>○ Could encourage pupils to walk to school – Health and environmental benefits.</li> <li>○ Post-16 students receive Education Maintenance Allowance (where appropriate), which is intended to help with day-to-day costs including travel.</li> <li>○ Delivers savings of £0.8m</li> </ul>	<ul style="list-style-type: none"> <li>○ May discourage students continuing into post-16 education.</li> <li>○ Potential impact on local bus companies.</li> <li>○ Could affect choice of school/college and course.</li> <li>○ Alternative public transport routes may not be available.</li> </ul>	<b>Not proposed</b> as this option would result in the complete removal of transport provision for 3,089 pupils. Some journeys will not be on direct public transport routes, reducing the number of alternative travel options for pupils. This could discourage pupils from continuing education

Option		Advantages	Disadvantages	Recommended Option?
			<ul style="list-style-type: none"> <li>○ Potential impact on capacity of schools/colleges.</li> <li>○ Potential challenges on “available” routes.</li> <li>○ Will affect 3,089 students.</li> <li>○ If this option is considered in isolation, discretionary provision would cost the Authority £1.8m per year when fully implemented</li> </ul>	<p>in sixth-forms or colleges.</p> <p>If implemented this option would deliver savings of £0.8m per year, but would not be fully realised until the 2018/19 financial year.</p>
<b>F</b>	Removal of all transport to primary Voluntary Aided (Faith) schools (where not closest suitable school).	<ul style="list-style-type: none"> <li>○ Could encourage pupils/parents to walk to school – Health and environmental benefits.</li> <li>○ Current policy does not allow choice of school for pupils attending non-voluntary aided English schools. Removing this provision would ensure the policy is equitable.</li> </ul>	<ul style="list-style-type: none"> <li>○ Alternative commercial routes may not be available - Faith school pupils generally travel further than non-Faith pupils.</li> <li>○ Potential impact on capacity of mainstream English/Welsh Medium schools.</li> <li>○ Increased congestion on roads if pupils transported by car.</li> <li>○ Potential impact on local bus companies.</li> <li>○ Could affect choice of school/college and course.</li> <li>○ Proposal would need to be phased in over a number of years, delaying savings to the Council.</li> </ul>	<p><b>Not proposed</b> as these options would result in the complete removal of transport provision for 1,635 pupils. Some journeys will not be on direct public transport routes, reducing the number of alternative travel options for pupils. This could have a negative impact on school attendance.</p> <p>If these options were introduced pupils who already have a transport entitlement would continue to receive it until they complete the phase of education they are in. Therefore full savings would not be achievable for at least six years.</p>
<b>G</b>	Removal of all transport to secondary Voluntary Aided (Faith) schools (where not closest suitable school).	<ul style="list-style-type: none"> <li>○ Delivers total savings of £1.1m</li> </ul>	<ul style="list-style-type: none"> <li>○ Potential challenges on</li> </ul>	

Option		Advantages	Disadvantages	Recommended Option?
			<p>“available” routes.</p> <ul style="list-style-type: none"> <li>○ Will affect 591 primary school pupils and 1,044 secondary school pupils.</li> <li>○ May impact on viability of Voluntary Aided (Faith) schools.</li> <li>○ Potential impact on school attendance levels.</li> <li>○ If these options are considered in isolation discretionary provision would cost the Authority £1.5 million per year when fully implemented.</li> </ul>	If implemented these options would deliver combined savings of £1.1m per year, but would not be fully realised until the 2023/24 financial year.
<b>H</b>	Removal of all transport to primary Welsh schools (where not closest suitable school).	<ul style="list-style-type: none"> <li>○ Could encourage pupils/parents to walk to school – Health and environmental benefits.</li> <li>○ Delivers savings of £1.8m</li> </ul>	<ul style="list-style-type: none"> <li>○ Increased congestion on roads if pupils transported by car.</li> <li>○ Risk of not meeting requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</li> <li>○ Potential impact on local bus companies.</li> <li>○ Potential impact on school attendance levels.</li> <li>○ Could affect choice of school/college and course.</li> <li>○ Proposal would need to be phased in over a number of</li> </ul>	<p><b>Not proposed</b> as these options would result in the complete removal of transport provision for 3,614 pupils. Some journeys will not be on direct public transport routes, reducing the number of alternative travel options for pupils. This could have a negative impact on school attendance.</p> <p>There is a risk of not meeting the requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</p>
<b>I</b>	Removal of all transport to secondary Welsh schools (where not closest suitable school)			

Option	Advantages	Disadvantages	Recommended Option?
		<p>years, delaying savings to the Council. Likely to be challenges on “available” routes.</p> <ul style="list-style-type: none"> <li>○ Will affect 1,582 primary school pupils and 2,032 secondary school pupils.</li> <li>○ May impact on viability of Welsh Medium Schools</li> <li>○ Potential impact on capacity at English Medium Schools</li> <li>○ If these options are considered in isolation discretionary provision would cost the Authority £0.8 million per year when fully implemented</li> </ul>	<p>If these options were introduced pupils who already have a transport entitlement would continue to receive it until they complete the phase of education they are in. Therefore full savings would not be achievable for at least six years.</p> <p>If implemented these options would deliver combined savings of £1.8m per year, but would not be fully realised until the 2023/24 financial year.</p>
<b>J</b>	<p>Removal of all discretionary provision.</p> <ul style="list-style-type: none"> <li>○ Equality of provision to all pupils, in line with statutory requirements.</li> <li>○ Could encourage pupils/parents to walk to school – Health and environmental benefits.</li> <li>○ Delivers £4.2m savings</li> <li>○ As this option removes discretionary provision there would be no subsidy</li> </ul>	<ul style="list-style-type: none"> <li>○ Increased congestion on roads if pupils transported by car.</li> <li>○ Impact on capacity of schools.</li> <li>○ Potential impact on local bus companies.</li> <li>○ Risk of not meeting requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</li> </ul>	<p><b>Not proposed</b> as this option would result in the complete removal of transport provision for 9,604 pupils. Some journeys will not be on direct commercial routes, reducing the number of alternative travel options for pupils. This could have a negative impact on school attendance.</p> <p>There is a risk of not meeting the requirements of the Learner</p>

Option	Advantages	Disadvantages	Recommended Option?
		<ul style="list-style-type: none"> <li>○ Potential impact on school attendance levels.</li> <li>○ Proposal would need to be phased in over a number of years, delaying savings to the Council.</li> <li>○ Potential challenges on “available” routes.</li> <li>○ Will affect 9,604 pupils.</li> <li>○ May impact on viability of some schools.</li> </ul>	<p>Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</p> <p>If these options were introduced pupils who already have a transport entitlement would continue to receive it until they complete the phase of education they are in. Therefore full savings would not be achievable for at least six years.</p> <p>If implemented this option would deliver savings of £4.2m per year, but would not be fully realised until the 2023/24 financial year.</p>
<b>K</b>	<p>Removal of all discretionary provision except to Welsh schools</p> <ul style="list-style-type: none"> <li>○ Could encourage pupils/parents to walk to school – Health and environmental benefits.</li> <li>○ Meets the requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</li> <li>○ Delivers savings of £2.6m</li> <li>○ As this option removes discretionary provision there would be no subsidy</li> </ul>	<ul style="list-style-type: none"> <li>○ Increased congestion on roads if pupils transported by car.</li> <li>○ May impact on viability of some schools and capacity issues in others.</li> <li>○ Potential impact on local bus companies.</li> <li>○ Could affect school attendance.</li> <li>○ Proposal would need to be phased in over a number of years, delaying savings to</li> </ul>	<p><b>Not proposed</b> as this option would result in the complete removal of transport provision for 7,141 pupils. Some journeys will not be on direct commercial routes, reducing the number of alternative travel options for pupils. This could have a negative impact on school attendance.</p> <p>If these options were introduced pupils who already have a</p>



Option	Advantages	Disadvantages	Recommended Option?
		<p>the Council.</p> <ul style="list-style-type: none"> <li>○ Potential challenges on “available” routes.</li> <li>○ Will affect 7,141 pupils.</li> </ul>	<p>transport entitlement would continue to receive it until they complete the phase of education they are in. Therefore full savings would not be achievable for at least six years.</p> <p>If implemented this option would deliver savings of £2.6m per year, but would not be fully realised until the 2023/24 financial year.</p>
<p><b>L</b></p> <p>Introduce a charge towards the discretionary elements of the Council’s Home to School Transport provision.</p> <p>The proposed charge payable by each pupil would be £1.75 per day.</p> <p>Level of savings (income) depending on charge as follows:</p>	<ul style="list-style-type: none"> <li>○ Continued availability of transport options in line with current discretionary provision.</li> <li>○ Less risk to capacity and viability of schools than with provision at statutory levels only.</li> <li>○ May not result in significant increase in congestion levels.</li> <li>○ Could encourage pupils/parents to walk to school – Health and environmental benefits.</li> <li>○ Meets the requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</li> <li>○ Proposal could be implemented in shorter time frame than other options.</li> </ul>	<ul style="list-style-type: none"> <li>○ Requires additional administration support to manage the process and collect income.</li> <li>○ Level of demand will not become apparent until the policy is implemented.</li> <li>○ Could affect choice of school/college and course.</li> <li>○ Potential impact on local bus companies.</li> <li>○ Potential impact on school attendance, capacities and viability.</li> <li>○ Discretionary provision still subsidised (dependent upon level of charge)</li> <li>○ Possibility of challenges to “available” routes.</li> <li>○ Potential hardship issues.</li> <li>○ Will affect 7,141 pupils.</li> </ul>	<p><b><u>PROPOSED PREFERRED OPTION</u></b></p> <p>This option would continue to offer transport in excess of the statutory minimum and provides an equitable service to pupils and students within the current discretionary limits. Whereas with removal of discretionary transport except to Welsh schools full annual savings would not be achievable until 2023/24, charging £1.75 per day towards discretionary provision would achieve a similar level of savings but would be realised in a much shorter timescale. The Council would still be subsidising the service at this level. A charge</p>

Option	Advantages	Disadvantages	Recommended Option?
<p>£1.00 per day = £1.29m  £1.50 per day = £1.93m  £1.75 per day = £2.25m  £2.00 per day = £2.58m  £2.25 per day = £2.04m</p> <p><i>Note: assumes full take up of option to purchase seats with no allowance for reduction in demand as charge increases</i></p> <p><i>Members to consider option of introducing a reduced charge for example by way of receiving Free School Meals</i></p>		<p>○ If this option is considered in isolation discretionary provision would cost the Authority £0.3 million per year if the charge was set at £1.75</p>	<p>would apply for 7,141 pupils and students</p> <p>It meets the requirements of the Learner Travel (Wales) measure 2008 including in relation to the promotion of access to Welsh medium education.</p> <p>If implemented this option would deliver savings (income) of £2.3m per year, which would be fully realised by the 2017/18 financial year.*</p> <p><i>*The savings of £2.3m per year reflect each pupil paying £1.75 and no deductions by way of a reduced charge, for example, payable by those pupils receiving Free School Meals.</i></p>

## Notes:

The number of pupils included in the table above are as at September 2014. The difference in the number of pupils affected in options J (Removal of all discretionary provision) and K (Removal of all discretionary provision except to Welsh schools) is 2,463. This does not equal the total number of Welsh school pupils shown in options H & I (3,614) as some pupils would not be eligible for transport in any of these options, these being:

Pre-compulsory school age children ; Pupils living under the statutory distance (2 miles for primary schools, 3 miles for secondary schools); and Post 16 pupils.

# Appendix B





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

### **RECORD OF DECISIONS OF THE EXECUTIVE**

**DECISION MADE BY: Cabinet    DATE DECISION MADE: 19<sup>th</sup> May, 2015.**

#### ***Agenda Item 2***

##### **SUBJECT:**

Home to School Transport: Maintaining the existing service but reducing the subsidy for discretionary travel – A public consultation on a proposed new policy.

#### **Cabinet Members Present County Borough Councillors:**

A.Morgan (Chairman), R.Bevan, A.Crimmings, M.Forey, E.Hanagan,  
G.Hopkins, K Montague and M.Webber.

#### **Apology for absence County Borough Councillor: P Cannon**

**Other Member(s) in attendance  
County Borough Councillor(s)**  
J Rosser, E Webster, M Weaver & P Griffiths.

## 1. **DECISION MADE:**

### • **Cabinet AGREED –**

- To initiate a consultation with interested parties and relevant stakeholders in respect of the proposed new Home to School Transport Policy as outlined within the report, based on taking the following proposals forward for consultation:-
  - The introduction of a charge towards the discretionary elements of Home to School Transport provision, being the main amendment to the existing Home to School Transport Policy.
  - That the proposed charge in respect of the new Home to School Transport Policy be set as £1.75 per day.
  - The introduction of an assessment of a parent's ability to pay the proposed charge towards the discretionary elements of Home to School Transport provision, based on a child's receipt of Free School Meals and agreed that the proposed reduced level of charge should be £1.00.
  - That as part of the proposed new Home to School Transport Policy, a cap on the proposed charges payable for families with more than two children using Home to School Transport be introduced.
  - That the consequent full year savings (income) would be £2.048M (£1.280M part-year effect in 2016/17).
  - That under the proposed Home to School Transport Policy the discretionary elements of Special Educational Needs transport would continue as an entirely subsidised, non-charged service.

Cabinet also **AGREED** to receive a further report detailing the results and feedback from the consultation process, an Equality Impact Assessment and any necessary further information in order for Cabinet to determine whether and, if so, how it wishes to progress with the proposed new Home to School Transport Policy.

**N.B** With the permission of the Chair, Father R Davies Chair of Governors at St John's Baptist Church in Wales High School addressed the Committee on behalf of the 8 Faith Schools.

## 2. **REASON FOR THE DECISION BEING MADE:**

- The need to initiate a consultation with interested parties and relevant stakeholders in respect of a proposed new Home to School Transport Policy which maintains the existing service provision, but reduces the subsidy provided, through introducing a new charge to protect the discretionary elements of the service.

## 3. **CONSULTATION UNDERTAKEN PRIOR TO DECISION BEING MADE:**

- N/A

**4. PERSONAL INTERESTS DECLARED:**

- County Borough Councillor Andrew Morgan declared a personal and non prejudicial interest "I am the Chair of Governors at Glenboi Primary and Darren Las Primary School.
- County Borough Councillor K Montague declared a personal and non prejudicial interest "I am a Governor at Maerdy Primary and Ferndale Community School and my niece may also be affected".
- County Borough Councillor Bevan declared a personal and non prejudicial interest "I am a Chair of Governors of Tylorstown Primary School. "County Borough Councillor A Crimmings declared a personal interest "I am employed at Coleg y Cymoedd and also I'm the Chair of Governors of Aberdare Park Primary School"
- County Borough councillor M Forey declared a personal and non prejudicial interest "I have Grandchildren who may be affected"
- County Borough Councillor E Hanagan declared a personal and non prejudicial interest " I am on the Governing Bodies of Tonyrefail comprehensive School and Tonyrefail Primary School and also have grandchildren who may be affected"
- County Borough Councillor G Hopkins declared a personal and non prejudicial interest " I am a Governor of Llanharan Primary School"
- County Borough Councillor Webber declared a personal and non prejudicial interest "I am the Vice Chair of Governors on Heol Y Celyn and Governor of Hawthorn High School".

**5. DISPENSATION TO SPEAK (AS GRANTED BY STANDARDS COMMITTEE):**

N/A

**6. (a) IS THE DECISION URGENT AND NOT TO BE THE SUBJECT OF ANY CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:**

YES NO ✓

**Note:** This decision will not come into force and may not be implemented until the expiry of 5 clear working days after its publication i.e. **28th May 2015** to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

**6. (b) IF YES, REASONS WHY IN THE OPINION OF THE DECISION-MAKER THE DECISION IS URGENT:**

N/A

6. (c) SIGNATURE OF MAYOR OR DEPUTY MAYOR OR HEAD OF PAID SERVICE  
CONFIRMING AGREEMENT THAT THE PROPOSED DECISION IS  
REASONABLE IN ALL THE CIRCUMSTANCES FOR IT BEING TREATED AS  
A MATTER OF URGENCY, IN ACCORDANCE WITH THE OVERVIEW AND  
SCRUTINY PROCEDURE RULE 17.2:

N/A

.....  
(Mayor)

.....  
(Dated)



.....  
(Proper Officer)

19.05.15  
(Dated)



# Appendix C



## 17. **Call-In**

### 17.1 **Rules**

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet or an Area Committee or under joint arrangements, the decision shall be published by the Proper Officer, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 clear working days of it being made. All Members of the Council will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of 5 clear working days after the publication of the decision, unless the Overview and Scrutiny Committee or Service Scrutiny Committees objects to it and calls it in for review.
- (c) During that period the Monitoring Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee or Service Scrutiny Committee if so requested in the specified format by any 3 Non-Executive Members and, shall then notify the decision taker of the call-in. He/she shall convene a meeting of the Overview and Scrutiny Committee or relevant Service Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the Chairman or Vice-Chairman of the Overview and Scrutiny Committee or relevant Service Scrutiny Committee, and in any case the meeting will be held within 5 clear working days of the decision to call-in (only in exceptional circumstances will the Chairman of the Overview and Scrutiny Committee or relevant Service Scrutiny Committee consider extending this time limit).
- (d) As soon as the Chair of the Overview and Scrutiny or Service Scrutiny Committee signs a call-in form he/she shall cease to be the Chair for all purposes for the duration of the call-in process. If this situation arises then for the purposes of these Overview and Scrutiny Procedure rules references to 'Chair' of the Overview and Scrutiny Committee or Service Scrutiny Committee should be read as a reference to the 'Vice-Chair' of that Overview and Scrutiny Committee or Service Scrutiny Committee.
- (e) If, having considered the decision, the Overview and Scrutiny Committee or relevant Service Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 clear working days, amending the decision or not,

before adopting a final decision.

- (f) If following an objection to the decision, the Overview and Scrutiny Committee or relevant Service Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee or relevant Service Scrutiny Committee meeting, or the expiry of that further 5 clear working day period, whichever is the earlier.
- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decisions to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council's request.
- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.
- (i) In order to ensure the call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
  - (i) the Overview and Scrutiny Committee and each of the Service Scrutiny Committees may only call-in a total of 3 decisions per 2 month period;
  - (ii) any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group) are needed for a decision to be called in;
  - (iii) once a Member has signed a request for call-in under paragraph 17 (call-in) above, he/she may not do so again until the period of 2 months has expired.
  - (iv) No Education Co-opted Members may report a decision be called in.
- (j) The Monitoring Officer may veto any request for call-in if it falls

outside the remit of this scheme.

- (k) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

**17.1A** Reference to a 'clear working day' in these Overview and Scrutiny procedure rules is defined as the following:-

A complete period of 24 hours (excluding weekends and Bank Holidays), beginning and ending at midnight on the day in question.

Therefore, by way of example, for the purposes of these call-in rules it shall exclude the day on which the relevant Cabinet decision notice is published and the day on which the call-in meeting is held.

**17.2 Call-In and Urgency**

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor and the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent should be required. Decisions taken as a matter of urgency must be reported at the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.



# Appendix D

# **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL OVERVIEW AND SCRUTINY PROCEDURE RULES – RULE 17**

## **SCRUTINY CALL IN FORM**

### **THIS FORM MUST:**

- (A) BE SIGNED BY AT LEAST THREE MEMBERS OF THE SCRUTINY COMMITTEE FROM AT LEAST TWO DIFFERENT POLITICAL GROUPS
- (B) BE DELIVERED TO PJ LUCAS, THE MONITORING OFFICER, THE PAVILIONS, CAMBRIAN PARK, CLYDACH VALE, CF40 2XX OR SENT BY FAX TO (01443) 424114 WITHIN THE TIMESCALE NOTIFIED WITHIN THE CONSTITUTION

### **DETAILS OF DECISION**

**Decision of Cabinet/Cabinet Member/Other (Please delete as appropriate)**

Date of Publication of decision: 19.5.15

Subject of Decision: Maintaining the existing service but reducing the subsidy for discretionary travel A public consultation on a

Decision Called in (Please quote from the record of decision) proposed new policy

All matters as recorded in the Cabinet decision notice

Reason for calling in decision		
To refer the matter back to Cabinet so that they can consider recommending that the proposed new policy is subjected to a pre scrutiny process prior to public consultation.		
Names	Signature	Group
Coun. P. Jarman	<i>P. Jarman</i>	Plaid Cymru
Coun. P. WARE	<i>P. Ware</i>	Ind Group
Coun. P. Pearce	<i>P. Pearce</i>	Plaid Cymru

Date: 20.5.15

For Office use only by the Monitoring Officer

Date & Time of Receipt: 18.45 20/5/15 Officer Receiving: *PJ Lucas*

To be submitted to Scrutiny Committee

Decision of Scrutiny Committee