

## COUNCIL SUMMONS

You are hereby summoned to attend an Extraordinary Meeting of the COUNCIL OF THE CITY AND COUNTY OF SWANSEA to be held in the Council Chamber, Civic Centre, Swansea on Wednesday, 30 July 2014 at 5.00 pm

The following business is proposed to be transacted:

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.** 1 - 2
3. **Report of the Cabinet Member for Learning and Skills.**
- 3.a Home to School Transport Policy - Public Consultation on a New Proposed Policy. 3 - 97



Patrick Arran  
Head of Legal, Democratic Services & Procurement  
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Swansea

**Friday 18 July 2014**

**To: All Members of the Council**

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## Report of the Cabinet Member for Learning and Skills

Extraordinary Council – 30 July 2014

### HOME TO SCHOOL TRANSPORT POLICY – PUBLIC CONSULTATION ON A NEW PROPOSED POLICY

<b>Purpose:</b>	To report back on the responses to consultation with regard to the proposed new Home to School Transport Policy and transitional support arrangements.
<b>Policy Framework:</b>	Current Home to School Transport Policy. The Welsh Education Strategic Plan.
<b>Reason for Decision:</b>	For Council to approve the amended Home to School Transport Policy recommended by Cabinet following the meeting on 1 <sup>st</sup> July 2014.
<b>Consultation:</b>	Legal, Finance, Transportation & Access to Services
<b>Recommendation(s):</b>	
It is recommended that;	
1)	Council note the outcome of the statutory consultation process and the potential impact on equalities issues, as outlined in the report
2)	Council accept the recommendation of Cabinet that two of the original three proposals in relation to the discretionary areas of provision be approved – that is: Passenger Assistants and Voluntary Aided School Transport provision. Post 16 Transport provision to continue without change.
3)	That Council approve the amended Home to School Transport Policy attached at Appendix A.
<b>Report Author:</b>	Chris Sivers
<b>Finance Officer:</b>	Susan Rees
<b>Legal Officer:</b>	Janet Hooper
<b>Access to Services Officers:</b>	Sherill Hopkins and Phil Couch

## 1. Financial Context

- 1.1 The Council, in common with all local authorities, needs to take radical action to respond to the wide range of service and financial pressures that we face, including the reduction in external grant as a result of the UK austerity measures.
- 1.2 The scale of the financial, demographic and sustainability challenge requires the Council to adopt a radically different approach to previous years. An approach that focuses on:
- The core future purpose of the Council
  - The transformation of services and the model of delivery
  - Greater collaboration with other councils and local organisations, community groups and residents, and above all:
  - Sustainable solutions with prevention at the heart
- 1.3 This ambition is set out in *Sustainable Swansea – fit for the future*.
- 1.4 The Medium Term Financial Plan adopted by Council on 18<sup>th</sup> February 2014 detailed the forecast budget savings requirements for the Council for the period 2015/16 to 2017/18, together with an indicative funding scenario for each financial year. Specific details of the individual savings proposals that make up the above total were included in Appendix 'A' of the Medium Term Financial Plan.
- 1.5 A key element of the budget strategy is the achievement of future year specific savings proposals across all Services as follows:-

	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>
Specific Savings proposals	-8,990	-17,143	-18,706

- 1.7 Several of the proposals require further consideration by Cabinet in terms of implementation. Where this is the case, it has been agreed that further reports will be brought back to Cabinet during 2014/15 detailing the work undertaken and decisions required to implement the specific proposals.
- 1.8 It goes without saying that progress against these proposals is essential if the Council is to achieve the required level of savings to balance future budget requirements. Consequently, any decision not to proceed with a particular proposal will result in a shortfall against agreed savings and will lead to a requirement for additional savings from elsewhere within the Authority.
- 1.9 This report relates to Home to School Transport, contained within the agreed savings for the People Directorate. The target savings in respect of this service, *and specifically these proposals*, are:-

	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>
Home to School Transport	100	223	309

By their very nature, and due to statutory guidance that the Council has to take into account, the realisation of savings (including those to Aided Transport), whilst protecting existing pupils, have a long lead in period. The potential total annual savings in relation to all three consultation proposals could be in excess of £1.1m by 2022/23.

- 1.10 The financial context facing the Council cannot 'fetter' the discretion of the Authority. It is a clear and compelling driver but as part of the decision making process Cabinet, and then Council as the ultimate decision maker, has to fully consider and take into account the responses received through consultation.
- 1.11 Equality Impact Assessments have been completed in respect of all of the proposed changes. They reflect the views received during the consultation and are attached as Appendix B.

## **2. Background to the Review**

- 2.1 The Welsh Government's Learner Travel (Wales) Measure 2008 (referred to as "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 Operational Guidance 2009 document (referred to as "the 2009 Guidance.").
- 2.2 Cabinet on the 11<sup>th</sup> February 2014 approved the commencement of consultation with interested parties in relation to the proposed changes set out in this report. The report provided further background detail in relation to the partnership with the former South West Wales Integrated Transport Consortium (SWWITCH) to produce a Regional Home to School Transport Policy covering Swansea, Neath Port Talbot, Carmarthenshire and Pembrokeshire.
- 2.3 The proposed new policy will be simpler and clearer than the current individual Council policies and covers transport for mainstream and SEN pupils. The Policy will be supported by more detailed Operational Guidelines which will be issued to all those involved in the assessment of entitlement and procurement of school transport. The proposed new policy will take into account current budget pressures and recognise the need to make changes to discretionary transport elements.
- 2.4 Significant efficiency and contract savings of at least £660k per annum have already been delivered by comparison with the equivalent contracts in 2009 (in addition to mitigation of other inflationary cost drivers), as part of the 3 year 'One Education Budget' strategy over recent years, through consistently robust management of the service and regular re-tendering of taxi contracts, to as far as possible optimise efficiency of delivery. This represents achieved cumulative savings of around £2.0m, without any reliance on costly external consultancy support.
- 2.5 These savings also in part reflect the impact of the improved 'spread' of Welsh medium primary and secondary provision over recent years through the QEd strategic programme.
- 2.6 Wherever possible the fullest practical use of the vehicles that the Council operates is ensured before contracting with other operators. Constructive discussion has taken place with the relevant officers in Education, Social Services and Transportation which indicates little scope for further savings to be delivered in this area. *Any further detailed work on this would be part of the wider corporate transport review.*
- 2.7 However, further challenging saving targets for 12/13 and 13/14 have proved unachievable without a change in Council policy and further pressures are apparent in the current financial year.
- 2.8 National changes to criteria for determining 'safe' walking routes to school, outside the Council's control, are likely to significantly increase demand and

therefore costs of free transport provision in the future, as well as undermining some of the work that has been undertaken to deliver 'invest to save' options through investment in improving walking routes to school.

### **3. Statutory Requirements**

- 3.1 The Learner Travel (Wales) Measure 2008 sets out the legal framework for home to school transport in Wales. Under section 3 of the Measure, children of compulsory school age are entitled to free home to school transport when they live more than 2 miles (for primary age) and 3 miles (for secondary age) from their nearest suitable school. 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 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 such an escort." If a route is not 'available' then a child is entitled to free transport even though the distance from home to school is less than the distance limit that applies to his/her age. *The Council will continue to meet these responsibilities in any future policy.*
- 3.2 In deciding whether a School is a suitable School, Local Authorities need to take into account the child's age, ability and aptitude, and any learning difficulties.

Paragraph 1.23 of the 2009 Guidance states:

"1.23 Neither the child's or parent's language preference or mother tongue, nor religious faith or conviction of the child or his or her parent have any bearing on whether a School is suitable. However, the Measure (section 10) does require each local authority to promote access to education and training through the medium of Welsh when exercising their functions under the Measure".

Section 4 of the Measure also requires a local authority to make other travel arrangements for children of compulsory school age if the authority judges it is necessary in order to facilitate a child's attendance at school. Paragraph 1.18 of the 2009 Guidance says this section provides the basis for local authorities to support travel for children if they have particular 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.

- 3.3 Part 2 of the 2009 Guidance deals with discretionary transport arrangements. Paragraph 2.3 of the 2009 Guidance says:  
"2.3 Section 6 of the Measure gives a local authority a power to make any arrangements 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. This could include transport for those under 5 or over 16, or to schools other than the nearest suitable school – for instance it could include transport to schools with or without a religious character or to Welsh or English medium schools in cases where the nearest suitable school has not met parental preference in these respects.

2.4 Local Authorities may provide free transport for travel over a shorter walking distance than the statutory distances of 2 or 3 miles. When this is the case, the policy must apply to all pupils in similar circumstances living in the authority's area.

2.5 If a local authority does make use of the Powers in section 6 of the Measure, it must ensure that any policies are fair, reasonable and comply with relevant legislation including equality legislation and the Human Rights Act 1998. Local Authorities must not discriminate unlawfully between learners when using their section 6 powers.”

#### **4. Discretionary Areas of Provision**

4.1 Consultation has taken place on proposed changes to three areas of discretionary provision namely:

1. The provision of passenger assistants,
2. Transport to Voluntary Aided schools and
3. Post 16 transport.

In the light of the consultation responses and equality impact assessment, Cabinet recommended on 1st July that only the first two of these proposals should be approved. Proposal three (post 16 transport provision) should continue without change as in the current position.

#### **Proposal 1: Passenger Assistants on School Transport Services**

##### **4.2 Current Policy**

The Home to School Transport policy currently states, in respect of pupils with special educational needs, that:

‘passenger assistants are generally provided on all vehicles as standard’.

For other pupils it states that:

‘passenger assistants are provided on all home to primary school contract vehicles.’

##### **4.3 Proposal on which we have consulted**

**That the provision of passenger assistants in future is on the basis of a risk assessment where it is assessed that there would be a significant risk to passenger safety if a Passenger Assistant was not provided. This would be for all categories of passengers.** This is currently the practice in around half of the Local Authorities in Wales. For children with statements of SEN this would be done as part of their annual review. For other pupils this would be carried out annually when routes are reviewed for the start of the new academic year.

##### **4.4 Key points raised in consultation**

The most significant areas of concern highlighted include:

**The removal of passenger assistants is detrimental to the safety of pupils**

Children on mainstream primary routes in approximately half the Councils in Wales are currently being transported on routes without passenger assistants and have been for some time. Before any route has its passenger assistant removed it will be assessed to ensure that no unacceptable risks are being placed on the children.

For SEN transport routes, the provision of a passenger assistant would remain necessary in the majority of cases.



For mainstream routes there are a number of situations where specific potential issues are identified:

1. Routes where children transfer from one vehicle to another
2. Routes where the vehicle stops some distance from the school and the children are walked into the school.
3. Where pre-school age children are carried
4. Child protection issues of a single adult working with children.
5. Failure of parent/ carer to meet pupils at drop off points.

These issues could be overcome by removing the current option for pre-school children to buy a seat on school transport, and also by advising schools to undertake their duty (as outlined in the Learner Travel Operational Guidance 2009 – para. 1.55), to supervise embarkation and disembarkation of the school transport vehicles. Specifically this states:

*The Welsh Assembly 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.*

Under the Measure the Authority is under a duty to assess learner travel needs and to make travel arrangements. Travel arrangements may include provision of persons to escort a child when travelling. In making an assessment the Authority must have regard to the needs of disabled learners, learners with learning difficulties, the age of child and nature of routes. Transport arrangements are not suitable if they cause unreasonable level of stress on a child or are unsafe. In order to comply with the duty under the Measure and to ensure the continued safety of children travelling to school the Authority will undertake risk assessments on routes and consider the needs and risks posed. The risk assessment will include any risk posed by the age of the pupils, any special educational needs, disabilities, any other areas of vulnerability, and general standards of behaviour on the route. Any risk identified will be assessed and a decision made as to whether a passenger assistant should be provided on that route. This will ensure that the duty under the Measure and general duty of care is discharged.

### **The removal of passenger assistants will make journeys too stressful for children and their parents**

Routes will be carefully inspected before any passenger assistants are removed and possible causes of stress for the passengers will be considered before a decision is made. By engaging with the children it should be possible to discover what specific concerns they may have and the council will attempt to work with them to alleviate these causes of stress. It must be remembered that about half of the Councils in Wales already transport their primary children without passenger assistants and we will only remove any passenger assistant if appropriate after an assessment is carried out.

### **Safeguarding and child protection concerns for children, particularly on their way home, and in terms of the vulnerability of the driver, which would need to be mitigated**

All staff that work on school transport services have to be checked through the Disclosure and Barring Service and approved by the Council prior to

employment. School transport services carrying pupils of secondary school age do not currently have passenger assistants travelling on them and so the proposal would be consistent with this approach.

There may be occasions when there is no responsible adult at the drop off point to collect a primary aged child. A procedure for dealing with this circumstance is already included in the school transport contract terms and conditions and also in the School Transport Code of Conduct. Pupils are not allowed off the vehicle if there is no responsible adult there to meet them.

### **Safety concerns in terms of ensuring the use of seatbelts, supervision of children and opportunities for bullying**

The size of the vehicle used on the service will be a factor to be considered as part of the risk assessment process alongside the number and age of pupils as it would be easier for the driver to supervise a smaller number of pupils on a minibus or car than on a larger bus or coach.

### **The potential impact on school admissions and particularly the choices of pre-school parents**

Approximately 20 pupils of pre school age purchase spare seats on school transport. Most of these are mainstream pupils who would not be able to purchase seats if this proposal is implemented.

There is no legal requirement for the Council to provide transport for pupils under statutory school age, but the removal of this facility is likely to be unpopular with parents who will have to make alternative arrangements to get their pre school aged children to and from school.

Most of the pre school age pupils who purchase spare seats attend Welsh Medium or Voluntary Aided provision and therefore the impact of withdrawing this concession is likely to have a greater impact on these schools than English medium schools.

It is likely that some parents will select local English Medium mainstream provision as their pre school aged children will not be able to purchase seats to travel to Welsh medium or VA schools further away. This will potentially impact on pupils' ability to engage in Welsh medium activities at the pre school stage and language ability in the longer term.

The Guidance for the Measure does not restrict consideration of the effects of a policy change on the Welsh language to any age group and would be equally good practice for pre-school as for post-16. Failure to take this into account raises the prospect of a potential challenge.

### **The Council does not have the ability to assess routes effectively**

The Council employs qualified road safety officers, transport professionals and health and safety officers and in the case of pupils with SEN employs an officer with many years' experience of working with children with the full range of SEN. This officer also has access to the educational psychology team and the wider resources of the Additional Learning Needs team if necessary.

## **4.5 Projected Savings**

Assuming passenger assistants are paid the minimum wage of just over £6 per hour, the potential saving on mainstream transport of removing all passenger assistants would be around £135k per year. Routes will be assessed before

withdrawing passenger assistants and any costs will be met from within the remaining transport budget.

The income currently generated by the sale of spare seats to pupils of pre school age is £3,800 per annum. The loss of this income would need to be offset against these savings leaving a net projected saving of up to £131,200.

#### 4.6 Equalities Implications

An EIA Screening Form was previously completed with the agreed outcome that a full EIA report was required. The completed EIA report is attached (Appendix B).

The provision of passenger assistants in future would be on the basis of a risk assessment where it is assessed that there would be a significant risk to passenger safety if a Passenger Assistant was not provided. This would be for all categories of passengers.

For children with statements of SEN this would be done as part of their annual review and for other pupils this would be carried out annually when routes are reviewed for the start of the new academic year.

The risk assessment proposed would also be subject to an Equality Impact Assessment.

### **Proposal 2: Transport to Voluntary Aided Schools (Catholic and Church in Wales)**

#### 4.7 Current provision

The Authority currently provides free transport to Voluntary Aided (VA) schools (Catholic and Church in Wales) based upon the statutory distance criteria regardless of whether the school is the nearest available school for that child.

The VA school (based on the parental choice made) is effectively deemed to be the nearest suitable school for the child, and the statutory distance criteria ( 2 miles primary, 3 miles secondary) is then applied. Transport is provided on this basis to pupils aged 5 to 19 both to schools in the Council's area and also for pupils living in Swansea but whose closest faith school is outside the Council's area.

#### 4.8 Proposal on which we've consulted

**That discretionary free transport to Voluntary Aided sector schools would only be provided (based on the statutory distance criteria) where there is no nearer mainstream school for that pupil. This will apply to pupils aged 5 to 19 years.**

The proposed change would be introduced on a **transitional basis**, which means that those pupils in receipt of free transport prior to September 2014 would retain that benefit up to the next point of transition, e.g. a move from primary to secondary education or when progressing from year 11 to post 16 education.

Pupils with statements of Special Educational Need (SEN) would not be affected by this proposed policy change as their transport is based upon distance criteria to their chosen/allocated school.

#### 4.9 Key points raised in consultation

The most significant areas of concern highlighted include:

**Restriction on learner and parental choice, especially for less wealthy families** (Parents / carers with a strong desire for a faith based education for their children will be unable to send their children to a faith based school because transport costs are considered to be prohibitive).

The Council is committed to providing high quality schools for all its children and by deciding to make efficiency savings in the manner proposed it means that scarce funds can be targeted at preserving this core provision. It cannot be denied that poorer families may find it more difficult to find the resources to get their children to a VA school. They will however, have access to a good local school.

**Perceived discrimination on religious grounds and will treat Aided schools differently than Welsh medium schools**

The proposal to remove this transport is not viewed as discriminatory. This is because the Council is currently treating the voluntary aided sector more favourably than the other English medium schools and the new policy will treat both groups equally. It is recognised that this proposal will only impact on the VA schools and it is regrettable that the financial position of the Council has made this proposal necessary. The Council can offer assurances that no child currently in receipt of free transport who is attending a VA school will have their transport removed for their time at that school.

The Learner Travel Operational Guidance 2009 states (section 1.23):

“Neither the child’s or parents language preference or mother tongue, nor religious faith or conviction of the child or his or her parent have any bearing on whether a school is suitable. However the Measure (Section 10) does require each Local Authority to promote access to education and training through the medium of Welsh when exercising their functions under the Measure.”

The Learner Travel Operational Guidance 2009 does go on to say in section 2.18:

“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 parents so far as that is compatible with the provision of effective instruction and training and the avoidance of unreasonable public expenditure. Consequently, many authorities in Wales have a policy of providing free transport to pupils attending church schools who live beyond the walking distances set in the Measure and these policies have been developed to meet local circumstances and needs. Section 6 of the Measure will allow local authorities to continue to be able to provide such transport and Welsh Ministers expect this to be the case.”

The Authority’s interpretation of the above statements, and further examination of the Learner Travel (Wales) Measure (2008) (the Measure) and the Operational guidance (2009) concludes that the removal of the discretionary spend on VA school transport is permissible within the guidance.

Additionally the legal duties outlined in the draft Guidance on learner Travel Statutory Provision and Operational Guidance states that Local Authorities must promote access to Welsh medium education. Faith schools are not included in these duties.

**The proposal will cause parents financial difficulties / financially unfair / general disagreement**

There may be a cost to parents. This cost is likely to be the same as the cost for any other parent deciding not to send their child to the nearest mainstream local school. A good education will be available locally should the parents not be able to meet the transport costs. We understand that this may cause difficulties, hence the phasing in over 6 years.

**The proposal goes against Statute i.e. Section 6 of Education Act, or Learner Travel (Wales) Measure or Operational Guidance, UNCRC, Human Rights Act, Equality Act 2010**

Section 9 of the Education Act places a general duty on local authorities to have regards 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**'. Due to the financial pressures the Council is currently facing it is considered to be unreasonable to continue to provide faith based transport which is a discretionary provision under section 6 of the Measure

Nothing in the proposal contravenes Principle 7 of the United Nation Convention on the Rights of the Child. This is an entitlement for a child to receive education which promotes their general culture. It is not an entitlement to transport.

Also, nothing in the proposal contravenes Article 2 of the European Convention on Human Rights or any legislation on unlawful discrimination. Article 2 of the first Protocol guarantees a right to access to education. The Article also requires all schools to respect parents beliefs. It does not confer an entitlement to transport.

The Equality Act 2010, Schedule 3, provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from school.

Please see response to "The proposal constitutes discrimination on religious grounds" above which covers the Learner Travel Measure and it's Operational Guidance.

**The proposal will affect the long term viability of the Faith schools**

There may be some impact on the number of pupils on roll at Faith schools, however, most Aided schools are currently over-subscribed. Consequently, the Council does not envisage any school becoming non-viable as a result of the proposed transport changes. Furthermore, education provision in the Council is likely to change over the longer term, especially with regard to secondary schools.

There may also be a corresponding increase in numbers at other mainstream schools, providing there are sufficient places. Should there be insufficient capacity it may be necessary to transport children to the next available school.

**Increased traffic congestion across the City**

It is thought that the overriding effect of this policy is more likely to be less travel rather than more. It is true that in the shorter term there may be increased drop off traffic at some schools, but this will be mitigated by the transitional implementation of the new policy.

It is possible that there might be increased numbers of pupils travelling by public transport, resulting in overloading of public transport vehicles at peak times but this is difficult to quantify as the numbers of pupils involved are uncertain, as are their future choice of travel mode.

There could also be areas where there is no public transport available at all or none available at appropriate times. The areas most affected would be very rural and the most likely scenario is that pupils will have longer journeys involving a change of bus, probably in the city centre.

### **Impact on those Not in Education, Employment or Training (NEETS)**

It is possible that if pupils are not able to take up the option of faith based education because of the inconvenience and costs of travelling then some pupils may be discouraged from attending school. They will however have the option of attending their local school.

We have a good track record of working with those at risk of becoming NEET and we would continue to provide support to ensure that students are supported.

### **Administrative impact on the Local Authority**

There would be a significant increase in administration costs if the Council chose to in future charge or means test parents for Aided transport, however, this is not what is being proposed here.

#### **4.10 Projected savings**

Modelling the savings which would be realised from this change of policy requires some assumptions to be made:

- (i) The spread of pupils across all age ranges in the school remains the same.
- (ii) Pupils lose entitlement to free transport at each school life event e.g. at transition from primary to secondary school.

The costs at September 2013 are estimated to be £806,540 including an estimated 3% indexation factor which is applied annually from 1 September. The potential savings have been modelled as pupils drop out during the transitional period. Passenger numbers will therefore fall and vehicle sizes can be reduced based upon current costs and the numbers of pupils in each year group.

Whilst the proposal would be a significant change to policy, using current attendance and travel records it can be demonstrated that the change will affect approximately 40% of children at Bishop Vaughan, 60% at St David's, 34% at St Joseph's Cathedral, 26% at St Illtyd's and 18% at Christchurch schools.

There would be some increases in transport costs to other schools if pupils move to alternative mainstream provision but it is anticipated that if the policy change is implemented from September 2015, a saving of £683,000 might be delivered by 2022/23. Savings in earlier years will be modest due to the need to protect existing pupils through the remaining years of their education at their chosen school until the respective point of transition.

Savings would commence from September 2015 when these could amount to £22.5k (part year effect in 15/16). This could rise to £67.7k in 2016/17, £138.4k in 2017/18, £209.6 in 2018/19, £371.5k in 2019/20, £471.5k in 2020/21 and £601.7k in 2021/22.

The possibility of means testing pupils for entitlement has been considered, but this would involve considerable extra administration as there would need to be continual monitoring of entitlement as families incomes change. This would reduce the potential savings outlined above. In addition pupils who may be entitled as a result of means testing are likely to be relatively small numbers at scattered locations across the County. The provision of transport on this basis is likely to be expensive as taxis and small minibuses would be needed compared to the current costs of providing transport using buses and minibuses for larger groups of pupils who live in the same area.

#### 4.11 Equalities Implications

An EIA Screening Form was previously completed with the agreed outcome that a full EIA report was required. The completed EIA report is attached (Appendix B).

It is recognised that this proposal will only impact on the Voluntary Aided schools and it is regrettable that the financial position of the Council has made this proposal necessary. The Council can offer assurances that no child currently in receipt of free transport who is attending any of these schools would have their transport removed for the remainder of their time at that school with the exception of Bishop Vaughan School when pupils move from compulsory school age to post 16 provision at the same site. The phased introduction of the change will ensure this. Legal advice states that these changes do not contravene any statutes including the Equality Act 2010.

The potential saving over time is very significant, although the need to protect existing pupils means that the full savings could not be realised until 2022/23.

#### **Proposal 3: Financial Assistance for Post 16 Transport – Introduction of a common charge.**

The 2013/14 budget of £546k included £321k in financial assistance to Gower and Neath Colleges, a further £195k in respect of SEN transport, and a further £29k in respect of assistance in transport to sixth forms.

#### 4.12 Current Policy

*School Sixth Forms:* Currently all post 16 pupils attending a Swansea school sixth form who live more than 3 miles from the school are provided with free home-to-school transport.

*Gower College, Swansea:* The majority of Swansea students opting to study at post 16 at Gower College are required to pay *between £205 and £220 per annum* towards the cost of their transport. The Local Authority makes an annual payment to Gower College Swansea of £272k and £49k to NPT College to subsidise the costs of transport provision for students – a total annual grant of £321k.

*Further Education Colleges outside the City and County of Swansea:* Some post 16 students opt to attend a Further Education (FE) College outside the City and County of Swansea area i.e. NPT College if a particular course is not available in the area. Students are provided with a free bus pass to attend these destinations, but have to make a financial contribution of £100 per annum towards transport and other college services.

#### 4.13 Proposal on which we've consulted

**To seek to introduce a common charge across the City and County of Swansea with Gower College Swansea for all post 16 students eligible through distance criteria to the nearest appropriate school except for those students who still have a statement of special educational needs.**

This proposal would apply to English medium, Welsh medium and Voluntary Aided provision.

The level of charge would need to be set at a level broadly consistent with charges for College students and also those charges levied by the Council for the sale of spare seats on contracted School Transport services. Assuming a charge of around £300 per academic year, this would actually result in a lower charge for spare seats on school transport services than is currently levied (£400) and would only marginally affect the overall saving to the Council. This would equate to **£1.58 per day for a return journey of over 3 miles for post 16 learners.**

#### 4.14 Key points raised in consultation

The most significant areas of concern highlighted include:

**The proposed charge is too expensive / financially unfair.**

The average cost to the Council of a pupil's seat on school transport is £750 per year so on this basis the proposed charge of £300 is reasonable. For families with a low income or for students with a low income living independently, the Education Maintenance Allowance (EMA) is available to help with further education costs.

Currently students eligible for transport attending Swansea school sixth forms are provided with free home-to-school transport. In contrast, students attending Gower College Swansea have to pay £205 plus an administration fee of £15 per annum towards transport costs. The proposal to introduce a standard rate of around £300 per student living more than 3 miles from the school or college destination would seek to ensure equity across the student base.

**Charging will be a disincentive to pupils staying on in sixth form.**

As explained above, an EMA is available to support students from low income families. There are already students attending College paying transport costs at more than £200. The proposal will help towards keeping post 16 students in education (as opposed to a removal of support altogether).

**The proposal discriminates against language and/or religious choice.**

The proposal is to introduce a common charge to all post 16 students. We recognise the possible greater impact on students attending faith and Welsh medium schools as they have less choice of establishments and therefore travel further. Presently the students of the Welsh medium and Catholic sixth forms have enjoyed free transport whereas students attending College are charged.

**There is no evidence that the Authority has paid due attention to Clause 10 of the Measure to promote access to education and training through the medium of the Welsh Language**

When a Council is using its powers under Section 6 of the Measure to offer discretionary travel arrangements for learners not entitled to free transport provision, a charge can be made for these arrangements. The Council is



promoting access to Welsh education by treating the Welsh medium and English medium post 16 pupils the same, i.e. they will all have to pay the same charge. The Council is proposing to continue to provide transport for Welsh Medium provision but a charge will be made. As explained above, an EMA is available to support students from low income families.

#### **This proposal adversely affects choice**

With the new proposed charge, the cost will be equitable for all post 16 across the borough. Any student living more than three miles from the nearest provision will pay the same price.

#### **There needs to be concessions for those in receipt of certain benefits / low income families**

The Education Maintenance Allowance remains available for these families and this provides up to £30 per week during term time for eligible students. The possibility of means testing pupils for entitlement has been considered, but this would involve considerable extra administration as there would need to be continual monitoring of entitlement as families incomes change. This would reduce the potential savings outlined above.

#### **Will encourage greater student vehicle traffic, congestion and parking issues**

There is no evidence to suggest this might be the case. If students elect to transport themselves, it is highly likely that the cost of personal transport will exceed the proposed cost per annum.

#### 4.15 Projected Savings

Gower College Swansea receives an annual income from the City and County of Swansea of £272k. This is a discretionary allowance to provide subsidised transport for post 16 students going to Gower College Swansea. In addition an amount of £49k per annum is allocated for post 16 students living in the City and County of Swansea who attend destinations outside Swansea, the total annual amount being £321k.

Therefore, a policy change to introduce a charge for post 16 students could result in savings, once fully implemented of around £321k per annum ie. the annual payment to the Colleges. During the first year the savings would be £187,250 – that is 7/12 of the overall grant total for the financial year 2015/16. The full financial gain of £321k would be made during the financial year 2016/17.

Additional savings would be achieved in relation to students aged 11-16 years who travel on home-to-school transport to school. The income generated by the charge of around £300 per student would offset current costs. However, it would be necessary to put in place administrative support to cope with the additional workload to administer the charge levied on each eligible individual student ie. those living more than 3 miles from the school/college destination and also for those students travelling outside the area in order to pursue a particular course not being offered within the area. The estimated cost of this additional support is £10,000 per annum

It could also be possible to introduce a means tested system to assess eligibility to pay the £300 annual fee; however, the costs anticipated to operate a system would significantly reduce any potential savings. Eligible students are in receipt of an Educational Maintenance Allowance as previously stated.

#### 4.16 Equalities Implications

An EIA Screening Form was previously completed with the agreed outcome that a full EIA report was required. The completed EIA report is attached (Appendix B).

Whilst the potential impact on take up of post 16 education is uncertain and of concern, the potential saving is significant. The Education Maintenance Allowance will provide support to those students and families who are eligible to receive this support. It is recognised that the biggest impact of this change will be on the Welsh Medium and Voluntary Aided sectors.

There is no duty to provide transport or make transport arrangements for those over 16. Section 6 of the Learner Travel Measure allows for this discretionary service to be provided and for it not to be free of charge. In making any change, regard must be had for the 2009 Learner Travel Operational Guidance.

However, the Measure (section 10) does require each local authority to promote access to education and training through the medium of Welsh when exercising their functions under the Measure. There is no further mitigation for young carers, disabled students without an SEN statement or those disproportionately affected i.e. Welsh Medium students and Faith students.

### 5. How did the Authority consult?

5.1 Consultation took place between Monday 3rd March and Friday 11th April on the three areas of discretionary transport. We offered response by online version, tick box proforma, letter, or email and also face to face meetings where appropriate. All comments and feedback received have been evaluated in order to be represented to Cabinet in this report and inform the final transport policy.

5.2 During the consultation we engaged with the following stakeholders:

<b>Audience</b>	<b>Method</b>
Pupils	Pupil questionnaire via email to all School Councils
Parents/carers	Local media, social media, CCS website
Governors	Email to all Governing Bodies
Headteachers	Email to all Headteachers
The Council's Executive Board	Email
Cabinet	Formal process
All Councillors	Email
Trade Unions	Email
Evening Post	Press Release
Diocese	Email and meetings as appropriate
Gower College Swansea	Email and invitation to meet
Neath Port-Talbot College	
Coleg Sir Gar	Email
Welsh Government	Email
Estyn	Email
AMs	Email
MPs	Email
School Staff	Email, Local Media, Twitter, Social Media, CCS Website

Other Media	Press release
Senior Managers in Education	Email
All Council Staff	Staffnet
Swansea Residents	Local Media, CCS website, social media
Local Businesses	Local Media, CCS website
Bus Companies and Taxi Operators	Email
Neighbouring Authorities – ERW plus Bridgend and Vale of Glamorgan	Email
RhAG	Email
Children’s Commissioner	Email
SNAP Cymru	Email
Scrutiny Board	Email
Out of County Establishments e.g. Heronsbridge School	Email
School Councils	Email

5.2 In total, 884 people responded to the consultation and their views on the three proposals were as follows:

	<i>I agree with this proposal</i>	<i>I disagree with this proposal</i>	<i>I neither agree nor disagree with this proposal</i>	<i>Did not respond</i>
<i>Passenger Assistants</i>	105	431 (49%)	310	38
<i>Transport to Voluntary Aided Schools</i>	89	741 (84%)	39	15
<i>Charging for Post 16 Transport</i>	62	482 (55%)	300	40

5.3 A summary of the responses received from School Councils is attached at Appendix C. Detailed responses have also been received from Bishop Vaughan School and RhAG which provide a good summary on objections to two of the three proposals (attached as Appendices D and E, respectively). For the purposes of this report, comments have been summarised into the most common themes. In summarising the comments, each communication was reviewed. Some made a single comment on a single aspect/proposal and others several comments over the course of a multi-page letter.

5.4 The following table summarises the **most frequently made** comments for each proposal.

<b>PROPOSAL 1 Total comments = 224</b>	<b>Number of comments for this category</b>
Removal of passenger assistants is detrimental to safety	70
General agree comments (no specific reason)	7
General neither agree or disagree comments	6
General disagree comments (no specific reason)	136
Removal of passenger assistants will make journeys too stressful for children (and their parents)	5
<b>PROPOSAL 2 Total ALL comments = 253</b>	<b>Number of comments for this category</b>
The Proposal constitutes discrimination on religious grounds	<b>162</b>
There will be a restriction on freedom of choice especially for less wealthy families	<b>16</b>
The proposal is unfair as Welsh schools are not being treated the same	<b>12</b>
The proposal will cause parents financial difficulties / financially unfair / general disagreement	<b>59</b>
The proposal goes against Statute (Use of section 6 of Education Act, or Learner Travel (Wales) Measure or Operational Guidance)	<b>4</b>
<b>PROPOSAL 3 Total Comments =125</b>	<b>Number of comments for this category</b>
The proposed charge is too expensive / financially unfair	<b>9</b>
Charging will be a disincentive to pupils in staying on to sixth form	<b>15</b>
Discriminates against language and / or religious choice	<b>23</b>
Adversely effects choice	<b>73</b>
There needs to be concessions for those in receipt of certain benefits / low income families	<b>5</b>

## 6. Implementation Timescales

- 6.1 It would be possible to implement a changed policy for new pupils / students only with effect from September 2015, subject to Council agreement of the proposals at its meeting on the 15<sup>th</sup> July 2014. This would provide sufficient time for schools and parents to be notified prior to the new academic year 2015

and would enable the Council's transport policy statement to be amended accordingly by the due date of 1<sup>st</sup> October 2014. In this way, changes could then be implemented from September 2015.

## 7. Financial Implications

7.1 The estimated potential savings set out within the report, necessarily make a range of assumptions as to contractual and customer behavioural responses to the proposed changes in policy. Whatever action is taken to change current transport policies, the resulting savings are likely to be offset to some extent at least by the continuing cost pressures and potentially significant implications of changes in national guidance in relation to available walking routes.

7.2 The table below summarises the potential scale and phasing of savings:

Option	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23
Passenger Assistants	-	£70k	£131k	£131k	£131k	£131k	£131k	£131k	£131k
Aided Transport	-	£22.5k	£67.7k	£138.4k	£209.6k	£371.5k	£471.5k	£601.7k	£683k
Post 16 Transport	-	£187k	£321k	£321k	£321k	£321k	£321k	£321k	£321k

7.3 The existing MTFP cumulatively sets out total transport related savings requirements (and therefore wider than these specific proposals) of;

15-16 £138k  
 16-17 £333k  
 17-18 £1,418k

It is recognised that *these total net savings include additional proposals not specifically addressed at this time by the proposals in this report (especially around future efficiencies)*. Nevertheless, the end values are less than required and flow at a later time than required and so it remains a necessity and inevitability that, if the Authority is to balance its medium term plan, even on the basis of current forecast resources (which are likely to deteriorate further as the public finances come under further strain), all of the existing planned savings are required by value and on time. Any shortfall will need to be addressed by compensating alternative savings.

## 8. Equality and Engagement Implications

8.1 EIA Screening Forms were previously completed for all three proposals with the agreed outcome that a full EIA report was required. The full EIA reports are attached (Appendix B). It should be noted that the following information are areas extracted from each of the EIA reports in relation to some of the impacts and justification – each EIA should be considered in its entirety for the full detail of the assessment and impact.  
 In summary:

**Proposal 1** was found to be relevant to age, disability, race, religion, sexual orientation, Welsh language, poverty/social exclusion and carers.

Pupils would only be supervised on their home to school transport journeys by the driver which could result in a negative impact upon pupil behaviour. In addition journeys could take longer if drivers have to get in and out of the vehicle to help children get on and off.

This proposal will not affect SEN pupils who qualify for free transport on grounds of their specific needs but could affect disabled pupils without a statement of SEN e.g. those with mobility difficulties.

This proposal could affect pupils who may be at risk of bullying because of their protected characteristics eg young carers, those of different ethnicities, disabled pupils, pupils of different (or perceived) sexual orientations, pupils who don't speak English or Welsh

*Justification:* The provision of passenger assistants in future would be on the basis of a risk assessment where it is assessed that there would be a significant risk to passenger safety if a Passenger Assistant was not provided. This would be for all categories of passengers.

For children with statements of SEN this would be done as part of their annual review and for other pupils this would be carried out annually when routes are reviewed for the start of the new academic year.

The risk assessment proposed would also be subject to an Equality Impact Assessment.

**Proposal 2** was found to be relevant to age, disability, religion, sex, poverty/social exclusion, carers and community cohesion.

Some parents wishing their child to receive a faith education may be deterred from participating if free transport provision is ceased due to increased costs and less convenient transport arrangements involved in getting to and from the faith medium school of choice.

There could also be an impact on young carers with disabled parents and their ability to get to school.

The proposal will not affect SEN pupils who qualify for free transport on the grounds of their specific needs but could affect disabled pupils without a statement of SEN eg those with mobility difficulties.

Numbers of pupils attending faith medium schools could potentially fall and pupils could transfer to alternative maintained schools within the City and County of Swansea affecting projected pupil numbers used to forecast future education provision across the local authority area.

It could also impact upon the numbers of pupils attending faith medium schools and have impact upon falling roles at these schools.

*Justification:* It is recognised that this proposal would only impact on the Voluntary Aided schools and it is regrettable that the financial position of the Council has made this proposal necessary. The Council can offer assurances that no child currently in receipt of free transport who is attending any of these schools would have their transport removed for the remainder of their time at that school. The phased introduction of the change will ensure this. Legal advice states that these changes do not contravene any statutes including the Equality Act 2010.

**Proposal 3** was found to be relevant to age, disability, race, religion, sex, Welsh language, poverty/social exclusion, carers and community cohesion.

£300 per annum would be a barrier to some potential students wishing to pursue post 16 education options. It is possible that the charge could have an impact on the long-term viability of 6<sup>th</sup> Forms in the area. Young Carers could also be impacted by the charges leading to them becoming NEET (Not in Education, Employment or Training). The proposal will not affect SEN pupils who are still covered by a Statement and qualify for free transport on grounds of their specific needs, however could affect students who have other disabilities not addressed by SEN provision. Possible greater impact on students attending faith and Welsh medium schools as they have less choice of establishments and therefore travel further.

*Justification:* Whilst the potential impact on take up of post 16 education is uncertain and of concern, the potential saving is significant. The Education Maintenance Allowance will provide support to those students and families who are eligible to receive this support. There is no duty to provide transport or make transport arrangements for those over 16. Section 6 of the Learner Travel Measure allows for this discretionary service to be provided and for it not to be free of charge. In making any change, regard must be given to the 2009 Learner Travel Operational Guidance. However, the Measure (section 10) does require each local authority to promote access to education and training through the medium of Welsh when exercising their functions under the Measure. There is no further mitigation for young carers, disabled students without an SEN statement or those disproportionately affected i.e. Welsh Medium students and Faith students.

## **9. Legal Implications**

- (i) The statutory requirements are set out in the body of the report and confirm that the Council is given both statutory duties and discretionary powers to provide transport. The Welsh Government's Learner Travel (Wales) Measure 2008 (the Measure) sets out, amongst other things, the duties on Local Authorities to assess learner travel needs and to make transport arrangements for school pupils and young people in education or training aged 16-19 in Wales. The requirements of the Measure and associated Learner Travel Operational Guidance (the 2009 Guidance) must be followed when formulating the Local Authority's Travel Arrangements or making amendments to existing policy.
- (ii) The 2009 Guidance states that:

*"An authority should only change an existing transport policy and / or arrangements at the beginning of a school year (unless an emergency such as road works necessitates change). Any changes that reduce discretionary provision of free school transport should only apply to pupils reaching compulsory school age or changing school. An authority could be judged to be acting unreasonably if entitlement to free school transport were withdrawn during a pupil's education at a particular school and parents had not been aware of this possibility at the time their application for admission was accepted. An authority could also be judged to have acted unreasonably if it changed other aspects of its arrangements, such as timing of services or pick up/drop off points, if it failed to give parents adequate and timely notification of the change.*

If an authority is considering changing its school transport policy, the Welsh Government recommends that, as a matter of fairness and good practice, there should be consultation with the schools, parents of pupils, and any other relevant parties likely to be affected, before a decision is taken." Consultation should also take place with pupils.

The 2009 Guidance is Statutory, and the Authority must take it into consideration when making decisions on reviewing its Policy. There would be a strong likelihood of a challenge if the Authority chose to ignore it e.g. if it did not protect existing pupils.

Also, before coming to its decision, the Authority must carry out proper consultation and give conscientious consideration to the results of the consultation. A full consultation has been carried out and the responses are contained within this report for consideration.

(iii) Section 149 of the Equality Act 2010 (Public Sector 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 Authority must have due regard to the impact of any of the proposals on those with a protected characteristic.

The Authority 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 Community and Equality Impact Assessments would be evidence that the Authority has paid due regard to its legal obligations in making the decision on the recommendations in this report.

iv) In respect of the 3 proposals regarding the discretionary provision:

*Proposal 1 – Passenger Assistants on School Transport Services -*

Under the Measure the Authority is under a duty to assess learner travel needs and to make travel arrangements. Travel arrangements may include provision of persons to escort a child when travelling. In making an assessment the Authority must have regard to the needs of disabled learners, learners with learning difficulties, the age of child and nature of routes. Transport arrangements are not suitable if they cause unreasonable level of stress on a child or are unsafe. In order to comply with the duty under the Measure and to ensure the continued safety of children travelling to school the Authority will undertake risk assessments on routes and consider the needs and risks posed. The risk assessment will include any risk posed by the age of the pupils, any special educational needs, disabilities, any other areas of vulnerability and general standards of behaviour on the route. Any risk identified will be assessed and a decision made as to whether a passenger assistant should be provided on that route. This will ensure that the duty under the Measure and general duty of care is discharged.



*Proposal 2 – Transport to Voluntary Aided Schools (Catholic & Church in Wales)*

A full Equality Impact Assessment has been completed. It is considered that the proposal is not discriminatory. Free transport to faith schools is a discretionary provision in exercise of the discretionary power under section 6 of the Measure (unless either section 3 applies by virtue of the relevant walking distance to the nearest suitable school or section 4 applies by virtue of the Council considering it necessary in any given case that travel arrangements, including transport, were necessary to facilitate attendance of a child). As free transport to faith schools is discretionary, it is possible to withdraw this provision. However, in order to do this, it is essential that the Authority are satisfied that it has considered all the matters set out in the 2009 Guidance and in particular paragraphs 2.18 – 2.20. These paragraphs state:

“Transport to Denominational Schools

2.18 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 parents so far as that is compatible with the provision of effective instruction and training and the avoidance of unreasonable public expenditure. Consequently, many authorities in Wales have a policy of providing free transport to pupils attending church schools who live beyond the walking distances set in the Measure and these policies have been developed to meet local circumstances and needs. Section 6 of the Measure will allow local authorities to continue to be able to provide such transport and Welsh Ministers expect this to be the case.

2.19 The Welsh Assembly Government, like local authorities, recognise the value and role of faith based education and want local authorities to continue to use their discretionary powers to make transport arrangements which take account of parental preferences for schools with a religious character. This reflects current policy on entitlement to free transport and Welsh Ministers are not currently inclined to legislate further on arrangements at local level. However, if there should be any changes in learner travel arrangements at the local level, which adversely impacts on choice, then Welsh Ministers will consider taking action such as further guidance, directions or regulations.

2.20 If an authority provides free or subsidised transport to church schools, it must be non-discriminatory.”

The Authority must therefore consider whether the withdrawal of free transport to a faith school complies with the 2009 Guidance and consider in particular whether it would adversely impact on parental choice but also considering the avoidance of unreasonable public expenditure. The Authority must also ensure it complies with paragraph 2.5 of the 2009 Guidance:

“2.5 If a local authority does make use of the powers in section 6 of the Measure, it must ensure that any policies are fair, reasonable and comply with relevant legislation including equality legislation and the Human Rights Act 1998. Local Authorities must not discriminate unlawfully between learners when using their section 6 powers”

As stated in the Report, nothing in the proposal contravenes Principle 7 of the United Nation Convention on the Rights of the Child. This is an entitlement for a child to receive education which promotes their general culture. It is not an entitlement to transport.

Also, nothing in the proposal contravenes Article 2 of the European Convention on Human Rights or any legislation on unlawful discrimination. Article 2 of the first Protocol guarantees a right to access to education. The Article also requires all schools to respect parent's beliefs. It does not confer an entitlement to transport.

The Equality Act 2010, Schedule 3, provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from a school.

In respect of the different treatment of transport to Welsh medium schools, the Learner Travel Operational Guidance 2009 states at paragraph 1.23:

“Neither the child's or parents language preference or mother tongue, nor religious faith or conviction of the child or his or her parent have any bearing on whether a school is suitable. However the Measure (Section 10) does require each Local Authority to promote access to education and training through the medium of Welsh when exercising their functions under the Measure.”

It is the view of the Education Department officers that travel assistance is required to meet the requirements to promote access to education and training through the medium of Welsh under section 10 of the Measure, and therefore it follows that Welsh medium transport provision cannot be withdrawn.

However, there is no case in law on the interpretation of the provision in the Measure and the Guidance and therefore any decision could be open to challenge by way of Judicial Review.

*Proposal 3 – Financial Assistance for Post 16 transport – Introduction of a Common Charge*

Section 3 and 4 of the Measure do not apply to children over compulsory school age. There is no duty to provide transport or make transport arrangements for those over 16. Section 6 allows for this discretionary service to be provided and to charge for it. In making any change, regard must be had to the 2009 Guidance

- v) Any decision by the Council to change its current policy, may be challenged by way of Judicial Review. Therefore Council will have to ensure that it acts lawfully. The grounds for Judicial Review are: Illegality; Irrationality; Procedural unfairness and legitimate expectation.

### **Background papers**

Learner Travel (Wales) Measure (2008) and Operational Guidance (2009)

### **Appendices**

Appendix A: Proposed New Home to School Transport Policy (reflecting recommendations of Cabinet at meeting on 1<sup>st</sup> July 2014)

Appendix B: Equality Impact Assessments

Appendix C: Summary of School Council Responses

Appendix D: Detailed response received from Bishop Vaughan RC School

Appendix E: Detailed response received from 'Parents for Welsh Medium Education' (RhAG)

**Proposed City and County of Swansea, Home to School Travel Policy**

The Learner Travel (Wales) Measure 2008 requires Local Authorities to provide home to school transport for eligible children. Your child will be entitled to receive free school transport if the following apply:

**1. Primary school age pupils:**

- Of compulsory school age (i) and
- Resident in the authority or is looked after by the authority (ii) and
- Attending their nearest suitable or designated school (iii) and
- Living two miles or more from their school. The distance is measured according to the shortest available walking route, and may include footpaths. (iv)

**2. Secondary school age pupils:**

- Who are of compulsory school age (v) and
- Resident in the authority or looked after by the authority (ii) and
- Attending their nearest suitable or designated school (iii) and
- Living three miles or more from the school. (iv) The distance is measured by the shortest available walking route.

**3. Other pupils, and who are:**

- Of compulsory school age; and
- Resident in the authority or looked after by the authority; and
- Attending their nearest suitable or designated school; but
- Who live within the walking distance of their school but whose route is deemed unavailable because it would be unsafe, even if they were accompanied as necessary given the age of the child and his/her abilities and any disabilities or learning difficulties.(vi)

The Local Authority may in wholly exceptional circumstances exercise its discretion to provide free transport to pupils who do not meet the above criteria. (vii)

**Transport arrangements for eligible pupils/learners**

Transport arrangements for eligible pupils are in accordance with the Learner Travel (Wales) Measure 2008 and the Learner Travel Operational Guidance (2009).

The type of transport and any supervision provided will be dependent upon the needs of the child/learner, and his/her age (viii). The most cost effective and suitable mode(s) of transport will be used. This could include a ticket for use on a local bus service, a place on a contracted vehicle, parental allowance or cycle allowance. Transport arrangements and pupils' transport needs will be reviewed on a regular basis (ix) to ensure they are suitable and cost effective.

For eligible children transport will be provided from home to school (or college) at the start and end of the day. It is not provided for part time/lunchtime or travel between school sites. (xi) The Authority will provide transport from reasonably near the child's home to reasonably near school/college. (xii) A child, depending upon their age and ability may be required to walk to a pick up and set down point.

The Authority may withdraw transport if they are satisfied that a learner has failed to comply with the Code of Conduct. (xiii)

## **How to apply**

Application forms are available from your child's school or college, or on City and County of Swansea's website. [www.swansea.gov.uk](http://www.swansea.gov.uk)

## **Appeals**

If free transport is refused, parents/carers may challenge that decision either if it is thought the authority has not applied the policy correctly, or because there are exceptional circumstances.

Appeals should be made in writing setting out the reasons for the appeal, and providing copies of any supporting information. Full details of the Appeals process can be obtained by writing to the address below:

The Manager School Governor and Student Services  
School and Governor Support Unit  
Education Department  
Civic Centre  
SWANSEA SA1 3SN

or by e-mail to: [Schoolgovernorunit@swansea.gov.uk](mailto:Schoolgovernorunit@swansea.gov.uk)

## **Local Arrangements**

### **Post 16 students**

The Learner Travel Measure (Wales) 2008 requires Local Authorities to consider the needs of learners who are aged 16-19 years; however, there is **no** requirement for Local Authorities to provide school or college transport free of charge to any learner who is more than compulsory school age. The authority, however, uses its discretionary powers and will provide transport for learners over compulsory school age who meet the criteria of minimum distance or lack of a safe/ available route to their designated school or college, or special educational need. transport. No transport will be provided for post 16 learners attending VA schools where there is nearer mainstream school for that pupil based on the statutory distance criteria. The Council provides eligible learners with bus passes to travel to their designated school.

The Council delegates funding and responsibility for the provision of post-16 college transport to the two Further Education colleges.

If the designated school or linked college does not offer the particular course of study that the student requires, transport will be provided to the nearest school/college that offers the course if it meets the minimum distance criteria.

### **Transport to Welsh/English Medium Schools**

In considering whether a school is suitable, the Learner Travel Wales Measure 2008 states that neither the child's or parent's language preference or mother tongue should have any bearing on whether a school is suitable. However, the measure requires Local Authorities to promote access to education and training through the medium of Welsh. For this reason, City and County of Swansea will provide free transport to the nearest suitable school which provides education through the medium of either Welsh or English provided that the pupil meets the distance criteria or non availability of a safe walking route. **Welsh Government Learner Travel Operational Guidance (2009) 1.23/ 2.9-2.17.**

### **Transport to Faith Schools**

The Learner Travel Wales Measure, Operational Guidance states that the child's or parent's religious faith or conviction should have no bearing on whether a school is suitable. For this reason City and County of Swansea does not provide free transport to a faith school unless it is the nearest suitable provision and the distance criteria are met or there is no safe/ available walking route. **Learner Travel Operational Guidance (2009) 1.23**

### **Transport for learners with Special Educational Needs**

Pupils who have a statement of Special Educational Need (or equivalent level of educational need should Statements be replaced with a different assessment and provision mechanism following the outcome of any proposals by Welsh Government for ALN reform).

Not all pupils with special educational needs will automatically receive transport and the same eligibility criteria will apply to children with special educational needs as for all pupils of statutory school age.

City and County of Swansea recognises that children and young people with special educational needs are likely to have a range of additional transport needs and these needs may change during their school careers. For this reason, a child or young person who has a statement who may meet the criteria for free school transport will be individually considered by the LA to ascertain their transport requirements. Some children who do not meet the criteria for free school transport may also be assessed and considered if their special needs suggest that they may require support with transport to and from school.

Learners with special educational needs will have their transport needs reviewed at the Annual Review.

### **Children and Young People who attend Pupil Referral Units, Inclusion Centres, or Tuition Centres**

Free home to school transport is provided for pupils who attend these establishments who meet the qualifying distances in respect of primary and secondary aged pupils. Such children who live less than the minimum distance from their nearest suitable provision may also be offered transport if it is considered necessary for their successful attendance. This will require individual consideration and use of the LA's discretionary powers. Any transport provision would be subject to regular review.

### **Looked After Children**

The Authority has a responsibility as a corporate parent for Looked After Children. All efforts are made to provide continuity and stability for those children as far as school provision is concerned. If Social Services decide that the child should continue to attend their normal school, free home to school transport will be provided to maintain attendance at the child's normal school where the carer's home is further than 2 miles away in the case of a primary school child or 3 miles in the case of a secondary school child. This arrangement will also be made available for those children who are being cared for at addresses in neighbouring authorities. However, Social Services should be mindful of the recommended maximum travel times/distances when deciding the needs of the child. Public transport will be used whenever possible. **See Learner Travel Operational Guidance (2009) 1.30, 1.46, 1.47**

### **Passenger Assistants**

Routes will be assessed on an individual basis but passenger assistants will not normally be provided on mainstream routes for either secondary or primary pupils. Travellers will be expected to conform to the code of conduct and it will be the responsibility of the parents/carers to ensure that their child gets onto the bus safely and that the child is met off the bus after school as necessary. They will however, be employed to support pupils on certain routes and the decision to employ a passenger assistant on a specific route will depend on a number of factors in accordance with the Learner Travel Operational Guidance. These include the individual needs of the pupils, the length and nature of the route etc. **See Learner Travel Operational Guidance (2009) 1.58**

### **Promoting Independent Travel**

City and County of Swansea supports a number of initiatives which are designed to ensure that as many of our pupils as possible become confident users of public transport and other sustainable travel methods such as walking or cycling by the time they leave school.

### **Absent Parents or Carers**

Vulnerable children such as very young children or some children with Special Educational Needs who have no one to meet them when they arrive at their destination will be kept on the vehicle so that other children on the route are not delayed. The Authority will be informed by the driver and arrangements will be made for the child to be collected by their parent or carer at the end of the route. If a parent or carer cannot be contacted either the Social Services Duty Officer or police will be contacted. **(See SWWITCH Home to School Code of Conduct page 12 or SWWITCH Special Educational Needs Transport Code of Conduct page 15).**

### **Payment of mileage allowance**

Where an entitlement to school transport exists or discretion has been exercised, in certain circumstances e.g. where it is the most economic option, or if the needs of the child demand it, the Authority may agree to offer a mileage allowance where the parent/carer of a child/ren transports the child/ren themselves. If a mileage allowance has been agreed with the parent or carer to take their child to school, the rate would be for two return journeys per day. Please note that any agreement would be subject to the parent or carer having a driving licence, the vehicle having an MOT (if applicable depending on the age of the vehicle) and evidence of appropriate insurance (either class 1 business use or a letter from their insurers waiving the need for class 1 business use to transport their child for an allowance).

### **Sale of Spare Seats on School Transport**

School transport is provided taking into account the efficient and effective use of the Authority's resources. The LEA will group pupils to share vehicles and this may result in some vehicles having spare capacity. These additional seats are offered for sale to parents and carers of children who would not otherwise be entitled to free transport. These seats are offered on a termly or annual basis. No seats are sold for pre school age pupils.

If during the course of the year, a child starts at the school with an entitlement to free transport through the statutory criteria of minimum distance or the lack of a safe walking route it could become necessary to rescind the decision to sell a spare seat if the vehicle is full. The decision on how this seat is chosen will be taken by the Transport Team in accordance with the Sale of Spare Seats Scheme. For further information on the purchase of spare seats, please contact the Transport Team, Civic Centre, Swansea, SA1 3SN.

## **GUIDANCE NOTES**

**i. Transport for those under compulsory school age:** City and County of Swansea extends the entitlement to full time pupils below compulsory school age from the commencement of the academic year in which they achieve their fifth birthday.

**ii. Residence:** Residence is the child's permanent home i.e. residence is not temporary such as staying with relatives on a short term basis. Transport is provided between home and school only, not for example between child minders' and school.

Where there are shared custody arrangements/looked after arrangements and the child is eligible to transport from both addresses (both satisfying the distance criteria, or the route is not available/ unsafe , etc) transport will be provided if this is a regular, on-going and permanent arrangement i.e. for more than one term. Application for transport from more than one address should be supported by evidence of residence.

**iii. Nearest suitable or designated school:** The child must be a registered pupil at the school. The nearest suitable or designated school includes the named school for a child with special educational needs or additional needs, a maintained school or a PRU

Transport will not be provided where a parent chooses a more distant school and there is a place available at a school nearer home.

Note that the nearest school may be in an adjacent authority.

**iv. Measurement of two/three miles:** The walking distance of two/three miles should be measured by the shortest available walking route. This may include footpaths.

It is measured from where home meets highway/boundary of the property i.e. end of drive or private lane to the front or nearest school gate. Note that many schools have large grounds and if there is a pedestrian entrance to school premises/grounds this may be the nearest gate rather than the main entrance, if that is useable.

**v. Compulsory school age:** Transport will be provided for eligible pupils to the end of the academic year in which the child reaches age 16.

**vi. Safety of route/availability of walking route:** A walking route is deemed to be available if it can be walked in relative safety by the child/learner alone or accompanied by an adult, as necessary, taking into account the nature of the route and the age and abilities of the child/learner.

The safety of the route should be assessed with reference to the Road Safety GB guidelines to determine whether a route is unavailable irrespective of whether a parent accompanies a child, given the age of the child. This takes into account factors such as speed limit, traffic volume etc.

In determining whether a route is available or unavailable, officers will need to consider the nature of the route, the ability of an adult to accompany and the child's abilities/age.

There is no particular guidance on personal safety. The case law and the guidance focus solely on road safety.

The key questions are:

#### 1 Route safety

- Is the route safe for any child even if they were unaccompanied?
- Is the route safe for a child accompanied as necessary?
- Could the route be improved e.g. new crossing, to make it safe for any child unaccompanied or accompanied as necessary?

If the answer to these is yes then it will be necessary to consider the ability/disability of a parent/guardian/carer to accompany and the ability/disability and specific needs of the child and their age.

#### 2. Adult to accompany as necessary

**Even if a parent is working this does not fail to make them available to accompany their child as necessary.** Many parents will say they are unavailable to accompany their child. Unfortunately the guidance and case law have concluded that just because a parent is working, the Authority does not have to provide transport.

However, there may be circumstances where an appropriate adult is not available to accompany the child – for example if the parent is so disabled they themselves are unable to walk the route, or the authority is already requiring the parent to accompany another sibling to ensure their route is safe to travel to school.

3. The child's disabilities/learning difficulties are such that they are unable to walk even accompanied along a safe route?

- If this is the case, can travel training and/ or support be provided to develop child's ability?
- If travel training is not appropriate then transport will be required, and the Authority will need to look at the needs of the child, but review regularly the child's ability and any opportunity to train/support them.

**vii. Other discretionary circumstances:**

The type of transport and entitlement to transport provision should be regularly reviewed.

It is likely there will be some limited discretionary exceptions where free transport will be provided to pupils who would ordinarily not be entitled. These may include temporary medical condition, supported by medical (normally at consultant level) evidence that confirms the conditions, its impact on travel to school and the expected duration of the condition, or where a child is a young carer and where attendance at school would be unlikely without additional travel support. Specific discretions will depend on local practice/circumstances.

**viii. Suitable transport/specific needs assessment:**

The guidance is that transport should be 'non stressful' and safe.

Transport should be provided in accordance with the Learner Travel Operational Guidance.

For pupils with additional needs their transport requirements will be assessed on an individual basis at least annually. This will determine the suitable vehicle, route and need for any specialist equipment and/or supervision, based on information provided as part of the statutory assessment process, and / or annual review.

**ix. Review of transport arrangements:**

For pupils who are applying for transport on the basis of an unavailable/ unsafe route, transport entitlement and transport needs will be reviewed on an annual basis. For those with special educational needs this will form part of their Annual Review.

**x. Transport to a Residential Placement:**

Where the child is in a residential placement transport will be provided at the beginning and the end of the week/half term or termly as appropriate. Assistance will be provided with the cost of one return trip for one adult each half term for visiting purposes and one return trip for the Annual Review. Reimbursement will be paid either as a mileage allowance or as standard class public transport fares supported by receipts.

**xi. Transport provided for the Am and Pm journey only:**

For those eligible to receive free transport, it is provided to and from school or college at the start and end of the school day. Transport is not provided for part time attendance or for pupils to attend at other hours for example to attend an evening class. There is also no duty on the Authority to provide travel during the day or between sites. Transport will not ordinarily be provided for those on assessment.

**xii. Pupils will usually be expected to walk to the nearest pick up point:**

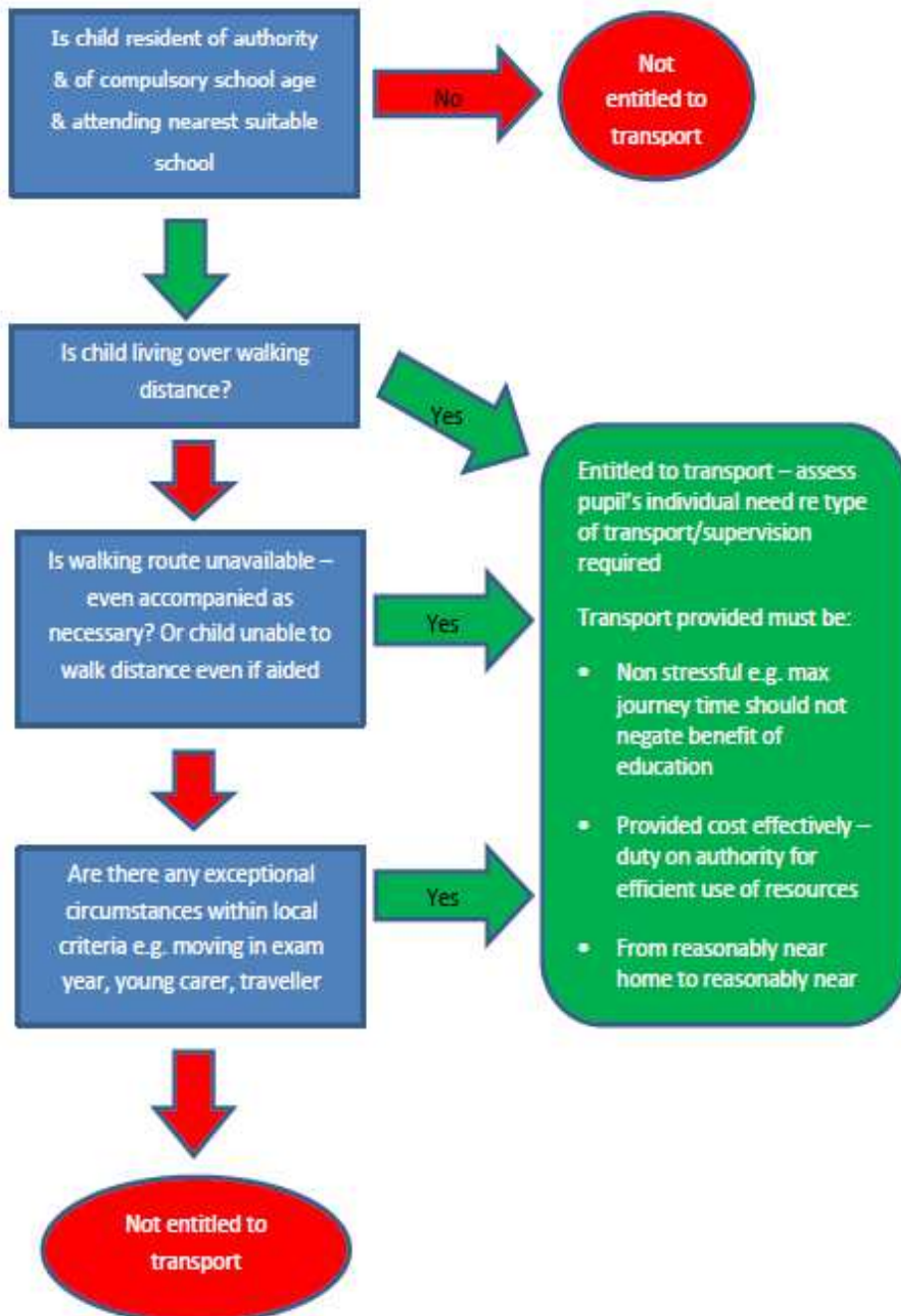
The Authority will consider the needs of the child, but it would be expected for parents to accompany the child as necessary to any pick up point. (see also vii)

**xiii. Withdrawal of transport:**



The process for withdrawal of transport is set out in the Welsh Government Travel Behaviour Code Statutory Guidance 2009

## FLOW CHART FOR SCHOOL TRANSPORT ENTITLEMENT



**Equality Impact Assessment (EIA) Report**

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to Equality and Diversity.

**Please refer to the ‘Equality Impact Assessment Guidance’ while completing this form. If you would like further guidance please contact the Access to Services Team (see Guidance for details).**

<b>Where do you work?</b>
Service Area: Education
Directorate: People

**(a) This EIA is being completed for a...**

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**(b) Please name and describe below...**

**Home to School Transport (Passenger Assistants)**

Only provide passenger assistants on home to school transport services where there is assessed to be a significant risk to passenger safety if one was not provided.

**(c) It was initially screened for relevance to Equality and Diversity on 03/10/2013**

**(d) It was found to be relevant to...**

Age .....	<input checked="" type="checkbox"/>	Sex .....	<input type="checkbox"/>
Disability .....	<input checked="" type="checkbox"/>	Sexual orientation .....	<input checked="" type="checkbox"/>
Gender reassignment .....	<input type="checkbox"/>	Welsh language .....	<input checked="" type="checkbox"/>
Marriage & civil partnership .....	<input type="checkbox"/>	Poverty/social exclusion .....	<input checked="" type="checkbox"/>
Pregnancy and maternity .....	<input type="checkbox"/>	Carers .....	<input checked="" type="checkbox"/>
Race .....	<input checked="" type="checkbox"/>	Community cohesion .....	<input type="checkbox"/>
Religion or (non-)belief .....	<input checked="" type="checkbox"/>		

**(e) Lead Officer**

**Name:** Rhodri Jones

**Job title:** Stakeholder and Communications Manager

**Date (dd/mm/yyyy):** 11/06/2014

**(f) Approved by Head of Service**

**Name:** Brian Roles

**Date (dd/mm/yyyy):** 13/06/14

## Section 1 – Aims (See guidance):

Briefly describe the aims of the function, service, policy, procedure, strategy, plan, proposal or project:

### What are the aims?

To reduce the provision of passenger assistants on free home to school transport services and only provide them where there is an identified risk to passenger safety.

### Who has responsibility?

Council, Cabinet, Executive Board, Director of People and Chief Education Officer.

### Who are the stakeholders?

Pupils who live more than 2 miles from their primary sector school and more than 3 miles from their secondary sector school qualifying for free home to school transport. Pupils with Special Educational needs will not be affected by this proposal.

## Section 2 - Information about Service Users(See guidance):

Please tick what information you know about your service users and provide details/ evidence of how this information is collected.

Age .....	<input checked="" type="checkbox"/>	Race .....	<input type="checkbox"/>
Disability .....	<input checked="" type="checkbox"/>	Religion or (non-)belief .....	<input checked="" type="checkbox"/>
Gender reassignment .....	<input type="checkbox"/>	Sex .....	<input type="checkbox"/>
Marriage & civil partnership .....	<input type="checkbox"/>	Sexual orientation.....	<input type="checkbox"/>
Pregnancy and maternity .....	<input type="checkbox"/>	Welsh language.....	<input checked="" type="checkbox"/>
Carers .....	<input type="checkbox"/>		

### What information do you know about your service users and how is this information collected?

Currently passenger assistants are provided on transport for 5 English medium primary, 1 English medium secondary, 20 Welsh medium primary and 17 faith primary contracts. Passenger assistants are provided to supervise children during their home to school transport journeys and when they get on and off the vehicles.

#### Breakdown of School Transport that currently has Passenger Assistants

Route Nos.	School	Vehicle Capacity	Passenger Assistant
315	C'church C in W Pri.	16	Yes
317	C'church C in W Pri.	7	Yes
337	Pontarddulais Primary	16	Yes
339	YGG Bryniago	16	Yes
341	YGG Pontybrenin	16	Yes
342	YGG Pontybrenin	8	Yes
343	YGG Pontybrenin	35	Yes
344	YGG Pontybrenin	16	Yes
345	YGG Pontybrenin	16	Yes
661	YGG Y Login Fach	16	Yes
662	YGG Y Login Fach	16	Yes
663	YGG Y Login Fach	Page 35	Yes
664	YGG Y Login Fach	16	Yes












666	YGG Y Login Fach	16	Yes
670	St David's RC Pri.	16	Yes
671	St David's RC Pri.	16	Yes
672	St David's RC Pri.	47	Yes
673	St David's RC Pri.	49	Yes
681	YGG Llwynderw	16	Yes
682	YGG Llwynderw	16	Yes
683	YGG Llwynderw	16	Yes
684	YGG Llwynderw	16	Yes
685	YGG Llwynderw	16	Yes
686	YGG Brynymor	8	Yes
687	YGG Brynymor	47	Yes
693	St Joseph's Cath. Pri.	16	Yes
694	St Joseph's Cath. Pri.	16	Yes
695	St Joseph's Cath. Pri.	60	Yes
696	St Joseph's Cath. Pri.	49	Yes
697	St Joseph's Cath. Pri.	70	Yes
698	St Joseph's Cath. Pri.	16	Yes
699	St Joseph's Cath. Pri.	29	Yes
701	Cila Primary/Olchfa	16	Yes
717	Llanrhidian Primary	55	Yes
735	Pennard Primary	16	Yes
751	Knelston Primary	57	Yes
752	Knelston Primary	53	Yes
814	St Illtyd's Primary	7	Yes
815	St Illtyd's Primary	16	Yes
816	St Illtyd's Primary	33	Yes
829	YGG Lonlas	16	Yes
840	YGG Gellionen	16	Yes
<b>Totals</b>		<b>1030</b>	

**Any Actions Required?**

- 
- 

**Section 3 - Impact on Protected Characteristics (See guidance):**

Please consider the possible impact on the different protected characteristics. This could be based on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

	Positive	Negative	Neutral	Needs further investigation
Age	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh language	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Thinking about your answers above, please explain in detail why this is the case?**

Pupils will only be supervised on their home to school transport journeys by the driver which could result in a negative impact upon pupil behaviour.

Journeys could take longer if drivers have to get in and out of the vehicle to help children get on and off.

This proposal will not affect SEN pupils who qualify for free transport on grounds of their specific needs but could affect disabled pupils without a statement of SEN eg those with mobility difficulties.

This proposal could affect pupils who may be at risk of bullying because of their protected characteristics eg young carers, those of different ethnicities, disabled pupils, pupils of different (or perceived) sexual orientations, pupils who don't speak English or Welsh.

**What consultation and engagement has been undertaken (e.g. with the public and/or members of protected groups) to support your view? Please provide details below.**

A full statutory consultation has taken place, as required by Welsh Government. The following groups were consulted using the recorded method.

<b>Audience</b>	<b>Method</b>
Pupils	Pupil questionnaire via email to all School Councils
Parents/carers	Local media, social media, CCS website
Governors	Email to all Governing Bodies
Headteachers	Email to all Headteachers
The Council's Executive Board	Email
Cabinet	Formal process
All Councillors	Email
Trade Unions	Email
Evening Post	Press Release
Diocese	Email and meetings as appropriate
Gower College Swansea	Email and invitation to meet
Neath Port-Talbot College	
Coleg Sir Gar	Email
Welsh Government	Email
Estyn	Email
AMs	Email
MPs	Email
School Staff	Email, Local Media, Twitter, Social Media, CCS Website
Other Media	Press release
Senior Managers in Education	Email
All Council Staff	Staffnet
Swansea Residents	Local Media, CCS website, social media
Local Businesses	Local Media, CCS website
Bus Companies and Taxi Operators	Email
Neighbouring Authorities – ERW plus Bridgend and Vale of Glamorgan	Email
RhAG	Email
Children's Commissioner	Email
SNAP Cymru	Email
Scrutiny Board	Email
Out of County Establishments e.g. Heronsbridge School	Email
School Councils	Email

In total, 884 people responded to the consultation and their views on this proposal were as follows:

	<i>I agree with this proposal</i>	<i>I disagree with this proposal</i>	<i>I neither agree nor disagree with this proposal</i>	<i>Did not respond</i>
<i>Passenger Assistants</i>	105	431 (49%)	310	38

### Who responded

Parent	(63.8%)
Pupil / Student	(13.9%)
School / College Staff	(9.3%)
Councillor	(0.7%)
Governor	(2.0%)
Transport Provider	(0.0%)
Other, please state	(10.3%)

Male	239 (35.3%)
Female	439 (64.7%)

(86.1%)	White - British, any other White background		
(1.2%)	Mixed - White & Black Caribbean, White and Black African, White & Asian, any other Mixed background		
(10.5%)	Asian or Asian British- Indian, Pakistani, Bangladeshi, any other Asian Background		
(1.5%)	Black or Black British - Caribbean, African, any other Black background		
(0.7%)	Chinese or Other ethnic group		
(13.9%)	No religion / belief	(0.0%)	Jewish
(82.4%)	Christian (including Church of England, Catholic Protestant and all other Christian denominations)	(0.8%)	Muslim
(0.0%)	Buddhist	(0.0%)	Sikh
(0.2%)	Hindu	(2.7%)	Prefer not to say

The key points raised in consultation were:

1. The removal of passenger assistants is detrimental to the safety of pupils  
*Before any route has its passenger assistant removed it will be assessed to ensure that no unacceptable risks are being placed on the children.*

*In order to comply with the duty under the Measure and to ensure the continued safety of children travelling to school the Authority will undertake risk assessments on routes and consider the needs and risks posed. The risk assessment will include any risk posed by the age of the pupils, any special educational needs, disabilities, any other areas of vulnerability, and general standards of behaviour on the route. Any risk identified will be assessed and a decision made as to whether a passenger assistant should be provided on that route. This will ensure that the duty under the Measure and general duty of care is discharged.*



*necessary in the majority of cases.*

The removal of passenger assistants will make journeys too stressful for children and their parents

*Routes will be carefully inspected before any passenger assistants are removed and possible causes of stress for the passengers and parents will be considered before a decision is made*

2. Safeguarding and child protection concerns for children, particularly on their way home, and in terms of the vulnerability of the driver, which would need to be mitigated  
*All staff that work on school transport services have to be checked through the Disclosure and Barring Service and approved by the Council prior to employment. School transport services carrying pupils of secondary school age do not currently have passenger assistants travelling on them and so the proposal would be consistent with this approach. There may be occasions when there is no responsible adult at the drop off point to collect a primary aged child. A procedure for dealing with this circumstance is already included in the school transport contract terms and conditions and also in the School Transport Code of Conduct. Pupils are not allowed off the vehicle if there is no responsible adult there to meet them*
3. Safety concerns in terms of ensuring the use of seatbelts, supervision of children and opportunities for bullying  
*The size of the vehicle used on the service will be a factor to be considered as part of the risk assessment process alongside the number and age of pupils as it would be easier for the driver to supervise a smaller number of pupils on a minibus or car than on a larger bus or coach*
4. The potential impact on school admissions and particularly the choices of pre-school parents  
*Approximately 20 pupils of pre school age purchase spare seats on school transport. Most of these are mainstream pupils who would not be able to purchase seats if this proposal is implemented. There is no legal requirement for the Council to provide transport for pupils under statutory school age, but the removal of this facility is likely to be unpopular with parents who will have to make alternative arrangements to get their pre school aged children to and from school. Most of the pre school age pupils who purchase spare seats attend Welsh Medium or Voluntary Aided provision and therefore the impact of withdrawing this concession is likely to have a greater impact on these schools than English medium schools. The Measure (section 10) does require each local authority to promote access to education and training through the medium of Welsh when exercising their functions under the Measure.*
5. The Council does not have the ability to assess routes effectively  
*The Council employs qualified road safety officers, transport professionals and health and safety officers and in the case of pupils with SEN employs an officer with many years' experience of working with children with the full range of SEN. This officer also has access to the educational psychology team and the wider resources of the Additional Learning Needs team if necessary*

**Any actions required (to mitigate adverse impact or to address identified gaps in knowledge).**

- Monitoring of pupil behaviour on home to school transport as part of the risk assessment prior to the removal of any passenger assistants.
-

## Section 4 - Other Impacts:

Please consider how the initiative might address the following issues.

You could base this on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

<b>Foster good relations between different groups</b>	<b>Advance equality of opportunity between different groups</b>
<b>Elimination of discrimination, harassment and victimisation</b>	<b>Reduction of social exclusion and poverty</b>

**(Please see guidance for definitions on the above)**

**Please explain any possible impact on each of the above.**

Potential to impact upon vulnerable pupils on home to school transport journeys as supervision will be by the driver only.

Risk of driver being distracted (safety issue) and/or driver complaints about the situation.

The proposal will not impact upon poverty as transport will continue to be provided, however social inclusion/exclusion issues eg potential for bullying, vulnerability on home-to-school transport could increase.

**What work have you already done to improve any of the above?**

**Is the initiative likely to impact on Community Cohesion (see the guidance for more information)?**

Reduced opportunity for adult intervention on home to school transport journeys to resolve conflict of pupils.

**How will the initiative treat the Welsh language in the same way as the English language?**

Passenger assistants to be removed on all faith, English and Welsh medium home to school transport services across the Local Authority area. If a driver is not Welsh speaking and is transporting Welsh speaking pupils who do not speak English they may be at an increased risk.

**Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

- Mitigation to be considered as part of the risk assessment
- 

## Section 5 - Monitoring arrangements:

**Please explain the arrangements in place (or those which will be put in place) to monitor this function, service, policy, procedure, strategy, plan or project:**

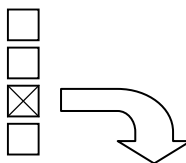
- **Monitoring arrangements:** If Cabinet and Council approve the change to the policy the risk assessments carried out on each of the routes will act as our monitoring arrangement

**Actions:** Carry out risk assessment prior to the removal of any passenger assistants.

## Section 6 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to guidance for further information on this section).

- Outcome 1: Continue the initiative...
- Outcome 2: Adjust the initiative...
- Outcome 3: Justify the initiative...
- Outcome 4: Stop and remove the initiative...



For outcome 3, detail the justification for proceeding here:

It is regrettable that the financial position of the Council has made this proposal necessary. However, the provision of passenger assistants in future will be on the basis of a risk assessment where it is assessed that there would be a significant risk to passenger safety if a Passenger Assistant was not provided. This would be for all categories of passengers. This is currently the practice in around half of the Local Authorities in Wales. For children with statements of SEN this would be done as part of their annual review. For other pupils this would be carried out annually when routes are reviewed for the start of the new academic year.

The risk assessment will also be subject to an Equality Impact Assessment.

## Section 7 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. Forward this EIA report and action plan to the Access to Services Team for feedback and approval – [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)
2. Make any necessary amendments/additions.
3. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council's website - this is a legal requirement.

## Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress
Monitoring of pupil behaviour on home to school transport as part of the risk assessment to consider impact upon behaviour, health and safety of travellers.	Transport Team	Ongoing	Include as part of route risk assessment if the Policy is approved by Council	
Carry out Equality Impact Assessment on the proposed Risk Assessment	Transport Team (with support from the Access to Services Team)	December 2014	EIA completed and mitigation put in place where possible	
Carry out risk assessment prior to the removal of any of the passenger assistants	Transport Team	Ongoing	Each route will have been risk assessed prior to the removal of any passenger assistants	

\* Please remember to be 'SMART' when completing your action plan (Specific, Measurable, Attainable, Relevant, Timely).

## Equality Impact Assessment (EIA) Report

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to Equality and Diversity.

**Please refer to the ‘Equality Impact Assessment Guidance’ while completing this form. If you would like further guidance please contact the Access to Services Team (see Guidance for details).**

<b>Where do you work?</b>
Service Area: Education
Directorate: People

**(a) This EIA is being completed for a...**

Service/ Function <input checked="" type="checkbox"/>	Policy/ Procedure <input type="checkbox"/>	Project <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>	Proposal <input type="checkbox"/>
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**(b) Please name and describe below...**

**Home to School Transport (Voluntary Aided Schools)**

Only to provide free transport to Voluntary Aided (faith) sector schools where pupils meet the statutory distance criteria and where there is no nearer Mainstream school.

**(c) It was initially screened for relevance to Equality and Diversity on...03/10/2013**

**(d) It was found to be relevant to...**

Age ..... <input checked="" type="checkbox"/>	Sex ..... <input checked="" type="checkbox"/>
Disability ..... <input checked="" type="checkbox"/>	Sexual orientation ..... <input type="checkbox"/>
Gender reassignment ..... <input type="checkbox"/>	Welsh language ..... <input type="checkbox"/>
Marriage & civil partnership ..... <input type="checkbox"/>	Poverty/social exclusion ..... <input checked="" type="checkbox"/>
Pregnancy and maternity ..... <input type="checkbox"/>	Carers ..... <input checked="" type="checkbox"/>
Race ..... <input type="checkbox"/>	Community cohesion ..... <input checked="" type="checkbox"/>
Religion or (non-)belief ..... <input checked="" type="checkbox"/>	

**(e) Lead Officer**

**Name:** Rhodri Jones

**Job title:** Stakeholder and Communications Manager

**Date (dd/mm/yyyy):** 11/06/2014

**(f) Approved by Head of Service**

**Name:** Brian Roles

**Date (dd/mm/yyyy):** 13/06/14

## Section 1 – Aims (See guidance):

Briefly describe the aims of the function, service, policy, procedure, strategy, plan, proposal or project:

### What are the aims?

Only to provide transport to voluntary aided (faith schools) for pupils living more than 2 miles from a primary sector and 3 miles from a secondary sector voluntary aided school if there is no nearer alternative mainstream school.

### Who has responsibility?

Council, Cabinet, Executive Board, Director of People and Chief Education Officer

### Who are the stakeholders

Pupils of parents seeking faith medium education for their children.  
Faith medium schools across the City and County of Swansea.

## Section 2 - Information about Service Users(See guidance):

Please tick what information you know about your service users and provide details/ evidence of how this information is collected.

- |                                    |                                     |                                |                                     |
|------------------------------------|-------------------------------------|--------------------------------|-------------------------------------|
| Age .....                          | <input checked="" type="checkbox"/> | Race .....                     | <input type="checkbox"/>            |
| Disability .....                   | <input type="checkbox"/>            | Religion or (non-)belief ..... | <input checked="" type="checkbox"/> |
| Gender reassignment .....          | <input type="checkbox"/>            | Sex .....                      | <input type="checkbox"/>            |
| Marriage & civil partnership ..... | <input type="checkbox"/>            | Sexual orientation .....       | <input type="checkbox"/>            |
| Pregnancy and maternity .....      | <input type="checkbox"/>            | Welsh language .....           | <input type="checkbox"/>            |
| Carers .....                       | <input type="checkbox"/>            |                                |                                     |

### What information do you know about your service users and how is this information collected?

Currently there are 683 pupils aged between 5 and 16 plus a further 113 pupils in sixth form provision who receive free home to school transport to attend faith medium schools across the City and County of Swansea.

Further information on each pupil is available on our SIMS system including age, disability, race and sex. Work is required to match the pupils currently receiving free home to school transport against the SIMS system. The wider demographic of our faith schools are as follows:

<b>School</b>	<b>WIMD (Welsh Index of Multiple Deprivation) – Percentage of pupils living in the most deprived 30% of all areas</b>	<b>Claiming Free School Meals</b>	<b>Those pupils with a Statement of Special Educational Need (SEN)</b>	<b>Ethnic Background (not White British)</b>
<b>Bishop Vaughan</b>	54.6%	22.1%	13.5%	20.4%
<b>Christchurch</b>	60.9%	14.1%	20.6%	30.6%
<b>St David's</b>	17%	3.4%	13.8%	35.9%
<b>St Illtyd's</b>	74.5%	26.3%	37.3%	13.2%
<b>St Joseph's Cathedral (Greenhill)</b>	50.7%	16.3%	25.6%	35%
<b>St Joseph's Catholic (Clydach)</b>	17.3%	4.6%	10.6%	21%












**Any Actions Required?**

- 
-



### Section 3 - Impact on Protected Characteristics (See guidance):

Please consider the possible impact on the different protected characteristics. This could be based on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

	Positive	Negative	Neutral	Needs further investigation
Age	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh language	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Thinking about your answers above, please explain in detail why this is the case?**

Some parents wishing their child to receive a faith education may be deterred from participating if free transport provision is ceased due to increased costs and less convenient transport arrangements involved in getting to and from the faith medium school of choice. There could be an impact on young carers with disabled parents and their ability to get to school.

The proposal will not affect SEN pupils who qualify for free transport on the grounds of their specific needs but could affect disabled pupils without a statement of SEN eg those with mobility difficulties.

Numbers of pupils attending faith medium schools could potentially fall and pupils could transfer to alternative maintained schools within the City and County of Swansea affecting projected pupil numbers used to forecast future education provision across the local authority area.

It could also impact upon the numbers of pupils attending faith medium schools and have impact upon falling roles at these schools.

**What consultation and engagement has been undertaken (e.g. with the public and/or members of protected groups) to support your view? Please provide details below.**

A full statutory consultation has taken place, as required by Welsh Government. The following groups were consulted using the recorded method. In addition to this a number of the schools that are potentially impacted by this proposal carried out specific consultation with their pupils and parents.

<b>Audience</b>	<b>Method</b>
Pupils	Pupil questionnaire via email to all School Councils
Parents/carers	Local media, social media, CCS website
Governors	Email to all Governing Bodies
Headteachers	Email to all Headteachers
The Council's Executive Board	Email
Cabinet	Formal process
All Councillors	Email
Trade Unions	Email
Evening Post	Press Release
Diocese	Email and meetings as appropriate
Gower College Swansea	Email and invitation to meet
Neath Port-Talbot College	
Coleg Sir Gar	Email
Welsh Government	Email
Estyn	Email
AMs	Email
MPs	Email
School Staff	Email, Local Media, Twitter, Social Media, CCS Website
Other Media	Press release
Senior Managers in Education	Email
All Council Staff	Staffnet
Swansea Residents	Local Media, CCS website, social media
Local Businesses	Local Media, CCS website
Bus Companies and Taxi Operators	Email
Neighbouring Authorities – ERW plus	Email

Bridgend and Vale of Glamorgan	
RhAG	Email
Children's Commissioner	Email
SNAP Cymru	Email
Scrutiny Board	Email
Out of County Establishments e.g. Heronsbridge School	Email
School Councils	Email

In total, 884 people responded to the consultation and their views on this proposal were as follows:

	<i>I agree with this proposal</i>	<i>I disagree with this proposal</i>	<i>I neither agree nor disagree with this proposal</i>	<i>Did not respond</i>
<i>Transport to Voluntary Aided Schools</i>	89	741 (84%)	39	15

### Who responded

Parent	(63.8%)
Pupil / Student	(13.9%)
School / College Staff	(9.3%)
Councillor	(0.7%)
Governor	(2.0%)
Transport Provider	(0.0%)
Other, please state	(10.3%)

Male	239 (35.3%)
Female	439 (64.7%)

(86.1%)	White - British, any other White background		
(1.2%)	Mixed - White & Black Caribbean, White and Black African, White & Asian, any other Mixed background		
(10.5%)	Asian or Asian British- Indian, Pakistani, Bangladeshi, any other Asian Background		
(1.5%)	Black or Black British - Caribbean, African, any other Black background		
(0.7%)	Chinese or Other ethnic group		
(13.9%)	No religion / belief	(0.0%)	Jewish
(82.4%)	Christian (including Church of England, Catholic Protestant and all other Christian denominations)	(0.8%)	Muslim
(0.0%)	Buddhist	(0.0%)	Sikh
(0.2%)	Hindu	(2.7%)	Prefer not to say

The key points raised in consultation were as follows and a summary of the Local Authority's response follows each point. The full Local Authority response is available in the main report which is available here (ENTER WEB ADDRESS):

1. Restriction on learner and parental choice, especially for less wealthy families.  
*It cannot be denied that poorer families may find it more difficult to find the resources to get their children to a VA school. They will however, have access to a good local school.*
2. Perceived discrimination on religious grounds and will treat Aided schools differently than Welsh medium schools.  
*The proposal to remove this transport is not viewed as discriminatory. The Council is currently treating the voluntary aided sector more favourably than the other English medium schools and the new policy will treat both groups equally. It is recognised that this proposal will only impact on the VA schools and it is regrettable that the financial position of the Council has made this proposal necessary. The Council can offer assurances that no child currently in receipt of free transport who is attending a VA school will have their transport removed for their time at that school. As such, the policy is not unlawfully discriminatory, however, the new policy does include the removal of certain long standing discretionary provisions for faith. However, the Measure (section 10) does require each local authority to promote access to education and training through the medium of Welsh when exercising their functions under the Measure.*
3. The proposal will cause parents financial difficulties / financially unfair / general disagreement.  
*There may be a cost to parents. This cost is likely to be the same as the cost for any other parent deciding not to send their child to the nearest mainstream local school. A good education will be available locally should the parents not be able to meet the transport costs. We understand that this may cause difficulties, hence the phasing in over 6 years.*
4. The proposal goes against Statute i.e. Section 6 of Education Act, or Learner Travel (Wales) Measure or Operational Guidance, UNCRC, Human Rights Act, Equality Act 2010.  
*The Legal view highlighted in the report assures us that we are not contravening any of the above statutes.*
5. The proposal will affect the long term viability of the Faith schools.  
*There may be some impact on the number of pupils on roll at Faith schools, however, most Aided schools are currently over-subscribed. Consequently, the Council does not envisage any school becoming non-viable as a result of the proposed transport changes.*
6. Increased traffic congestion across the City  
*It is thought that the overriding effect of this policy is more likely to be less travel rather than more. It is true that in the shorter term there may be increased drop off traffic at some schools, but this will be mitigated by the transitional implementation of the new policy*
7. Impact on NEETS  
*It is possible that if pupils are not able to take up the option of faith based education because of the inconvenience and costs of travelling then some pupils may be discouraged from attending school. They will however have the option of attending their local school*
8. Administrative impact on the Local Authority  
*There would be a significant increase in administration costs if the Council chose to in future charge or means test parents for Aided transport, however, this is not what is being proposed here*

**Any actions required (to mitigate adverse impact or to address identified gaps in knowledge).**

- Monitor numbers at all Faith Schools to review impact of the policy (if approved)
- Consider the impact on young carers and disabled pupils (those without SEN) and what mitigation (if any) could be put in place

## **Section 4 - Other Impacts:**

**Please consider how the initiative might address the following issues.**

**You could base this on service user information, data, consultation and research or professional experience (e.g. comments and complaints).**

<b>Foster good relations between different groups</b>	<b>Advance equality of opportunity between different groups</b>
<b>Elimination of discrimination, harassment and victimisation</b>	<b>Reduction of social exclusion and poverty</b>

**(Please see guidance for definitions on the above)**

**Please explain any possible impact on each of the above.**

It is possible that families wishing a faith education for their children who are disadvantaged by poverty will not be able to afford transport costs for their children and will therefore have to seek a place at the local mainstream school as an alternative. Additional pupils will need to travel on public transport which is less convenient and in some cases there may not be capacity on buses to accommodate additional pupils at peak times, it is also possible that the timings of public transport would not fit with school start and finish times. Families could be disadvantaged by reduced equality of opportunity.

Potential for conflict between the Local Authority and Diocese representatives.

The Diocese is hugely supportive of the poverty agenda and provide financial support to a number of initiatives in deprived areas. There is a risk of damage to both the relationship and the initiatives in the future if this proposal goes ahead.

Pupils who would be unable to travel to a faith school as a result of the changes due to eg carer responsibilities or low income would need to consider attending a local mainstream school which would be closer to their home this would be a reduction in the equality of opportunity in terms of choice of Education available to pupils and their families.

**What work have you already done to improve any of the above?**

**Is the initiative likely to impact on Community Cohesion (see the guidance for more information)?**

The following issues are considered pertinent to this proposal:

- Not everybody has an equal chance to take part
- Not everybody gets equal use of services
- People feeling left out or isolated
- Potential to impact upon Christian community

**How will the initiative treat the Welsh language in the same way as the English language?** There are no Welsh medium faith schools in Swansea. No impact is therefore anticipated.

**Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

- Investigate timings of public transport on routes to faith schools.

\*Unfortunately, due to the nature of the proposal, no further action is possible to mitigate the potential impacts identified above.

**Section 5 - Monitoring arrangements:**

**Please explain the arrangements in place (or those which will be put in place) to monitor this function, service, policy, procedure, strategy, plan or project:**

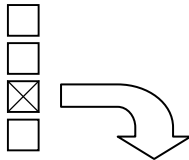
**Monitoring arrangements:** If Cabinet and Council approve the change to the policy there will be regular monitoring of the impact on pupil numbers at these schools.

**Actions:** Ongoing monitoring of pupil numbers at all faith schools.

**Section 6 – Outcomes:**

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to guidance for further information on this section).

- Outcome 1: Continue the initiative...
- Outcome 2: Adjust the initiative...
- Outcome 3: Justify the initiative...
- Outcome 4: Stop and remove the initiative...



For outcome 3, detail the justification for proceeding here:  
 It is recognised that this proposal will only impact on the Voluntary Aided schools and it is regrettable that the financial position of the Council has made this proposal necessary. The Council can offer assurances that no child currently in receipt of free transport who is attending any of these schools will have their transport removed for the remainder of their time at that school. The phased introduction of the change will ensure this. Legal advice states that these changes do not contravene any statutes including the Equality Act 2010.

**Section 7 - Publication arrangements:**

**On completion, please follow this 3-step procedure:**

4. Forward this EIA report and action plan to the Access to Services Team for feedback and approval – [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)
5. Make any necessary amendments/additions.
6. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council’s website - this is a legal requirement.

## Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress
Monitor numbers at all Faith Schools to review impact of the policy (if approved)	Education Department	Annually		
Consider the impact on young carers and disabled pupils and what mitigation (if any) could be put in place	Education Department	December 2014	Young Carers and disabled pupils (those without SEN) identified and mitigation considered and implemented where possible	
Investigate timings of public transport on routes to faith schools	Transport Department	December 2014	Routes assessed and matched against faith schools to identify any gaps	

\* Please remember to be 'SMART' when completing your action plan (Specific, Measurable, Attainable, Relevant, Timely).

## Equality Impact Assessment (EIA) Report

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to Equality and Diversity.

**Please refer to the 'Equality Impact Assessment Guidance' while completing this form. If you would like further guidance please contact the Access to Services Team (see Guidance for details).**

<b>Where do you work?</b>
Service Area: Education
Directorate: People

**(a) This EIA is being completed for a...**

Service/ Function <input checked="" type="checkbox"/>	Policy/ Procedure <input type="checkbox"/>	Project <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>	Proposal <input type="checkbox"/>
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**(b) Please name and describe below...**

**Home to School Transport (post-16)**

Remove free transport provision for post 16 students at Swansea schools and Gower College Swansea and introduce contributory payment.

**(c) It was initially screened for relevance to Equality and Diversity on 03/10/2013**

**(d) It was found to be relevant to...**

Age ..... <input checked="" type="checkbox"/>	Sex ..... <input checked="" type="checkbox"/>
Disability ..... <input checked="" type="checkbox"/>	Sexual orientation ..... <input type="checkbox"/>
Gender reassignment ..... <input type="checkbox"/>	Welsh language ..... <input checked="" type="checkbox"/>
Marriage & civil partnership ..... <input type="checkbox"/>	Poverty/social exclusion ..... <input checked="" type="checkbox"/>
Pregnancy and maternity ..... <input type="checkbox"/>	Carers ..... <input checked="" type="checkbox"/>
Race ..... <input checked="" type="checkbox"/>	Community cohesion ..... <input checked="" type="checkbox"/>
Religion or (non-)belief ..... <input checked="" type="checkbox"/>	

**(e) Lead Officer**

**Name:** Rhodri Jones

**Job title:** Stakeholder and Communications Manager

**Date (dd/mm/yyyy):** 11/06/2014

**(f) Approved by Head of Service**

**Name:** Brian Roles

**Date (dd/mm/yyyy):** 13/06/14



## Section 1 – Aims (See guidance):

Briefly describe the aims of the function, service, policy, procedure, strategy, plan, proposal or project:

<p><b>What are the aims?</b> To remove provision of free transport for post 16 education and to introduce a contribution of £300 per student per annum for travel on transport provided by the Council</p>
<p><b>Who has responsibility?</b> Council, Cabinet, Executive Board, Director of People and Chief Education Officer</p>
<p><b>Who are the stakeholders?</b> Post 16 students, Swansea schools, Gower College Swansea, Neath Port Talbot College, Bridgend College, Coleg Sir Gar and University of Wales Trinity Saint David.</p>

## Section 2 - Information about Service Users(See guidance):

Please tick what information you know about your service users and provide details/evidence of how this information is collected.

Age .....	<input checked="" type="checkbox"/>	Race .....	<input type="checkbox"/>
Disability .....	<input checked="" type="checkbox"/>	Religion or (non-)belief .....	<input type="checkbox"/>
Gender reassignment .....	<input type="checkbox"/>	Sex .....	<input type="checkbox"/>
Marriage & civil partnership .....	<input type="checkbox"/>	Sexual orientation.....	<input type="checkbox"/>
Pregnancy and maternity .....	<input type="checkbox"/>	Welsh language.....	<input type="checkbox"/>
Carers .....	<input type="checkbox"/>		

### What information do you know about your service users and how is this information collected?

Currently there are 1,582 students attending Swansea sixth form school provision of which 525 are eligible for free transport and 4,631 students attending Gower College Swansea of which 1,953 are eligible for free transport. This figure includes 113 pupils who attend sixth form provision in Voluntary Aided schools. Numbers also include some pupils with SEN but any post 16 students who have a Statement of Special Educational Need may be awarded specific transport entitlement as part of their Statement. This will not change under the proposals.

Further information on each pupil is available on our SIMS system including age, disability, race and sex. The wider demographic of our 6<sup>th</sup> Forms are as follows:












School	WIMD (in the most deprived 30% of all areas) <i>Whole School</i>	Those with a Statement of Special Educational Need (SEN) - Whole School	Ethnic Background (not White British)	
			Y12	Y13
Bishop Gore	46.2%	22.1%	39.3%	36%
Gowerton	23.2%	25.2%	8%	4.8%
Morrison	43.1%	34.3%	10.9%	13.2%
Olchfa	12%	10.5%	14.7%	13.7%
Bishop Vaughan	54.6%	13.5%	16.5%	21.9%
Bryn Tawe	32.7%	21.5%	1.9%	0.9%
Gwyr	15.3%	15.7%	1.6%	0%

**Any Actions Required?**

- Source demographic data for those attending Gower College Swansea
- Source geographical data for those attending 6<sup>th</sup> Forms

### Section 3 - Impact on Protected Characteristics (See guidance):

Please consider the possible impact on the different protected characteristics. This could be based on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

	Positive	Negative	Neutral	Needs further investigation
Age	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh language	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers	 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Thinking about your answers above, please explain in detail why this is the case?**

£300 per annum would be a barrier to some potential students wishing to pursue post 16 education options. It is possible that the charge could have an impact on the long-term viability of 6<sup>th</sup> Forms in the area. Young Carers could also be impacted by the charges leading to them becoming NEET (Not in Education, Employment or Training). The proposal will not affect SEN pupils who are still covered by a Statement and qualify for free transport on grounds of their specific needs, however could affect students who have other disabilities not addressed by SEN provision. Possible greater impact on students attending faith and Welsh medium schools as they have less choice of establishments and therefore travel further.

**What consultation and engagement has been undertaken (e.g. with the public and/or members of protected groups) to support your view? Please provide details below.**

A full statutory consultation has taken place, as required by Welsh Government. The following groups were consulted using the recorded method. In addition to this a number of the schools and colleges that are potentially impacted by this proposal carried out specific consultation with their pupils, parents and students. RhAG (Rhieni dros Addysg Gymraeg) also carried out a survey (the findings of which are reported back in the Cabinet report).

<b>Audience</b>	<b>Method</b>
Pupils	Pupil questionnaire via email to all School Councils
Parents/carers	Local media, social media, CCS website
Governors	Email to all Governing Bodies
Headteachers	Email to all Headteachers
The Council's Executive Board	Email
Cabinet	Formal process
All Councillors	Email
Trade Unions	Email
Evening Post	Press Release
Diocese	Email and meetings as appropriate
Gower College Swansea	Email and invitation to meet
Neath Port-Talbot College	
Coleg Sir Gar	Email
Welsh Government	Email
Estyn	Email
AMs	Email
MPs	Email
School Staff	Email, Local Media, Twitter, Social Media, CCS Website
Other Media	Press release
Senior Managers in Education	Email
All Council Staff	Staffnet
Swansea Residents	Local Media, CCS website, social media
Local Businesses	Local Media, CCS website
Bus Companies and Taxi Operators	Email
Neighbouring Authorities – ERW plus Bridgend and Vale of Glamorgan	Email
RhAG	Email
Children's Commissioner	Email

SNAP Cymru	Email
Scrutiny Board	Email
Out of County Establishments e.g. Heronsbridge School	Email
School Councils	Email

In total, 884 people responded to the consultation and their views on this proposal were as follows:

	<i>I agree with this proposal</i>	<i>I disagree with this proposal</i>	<i>I neither agree nor disagree with this proposal</i>	<i>Did not respond</i>
<i>Charging for Post 16 Transport</i>	62	482 (55%)	300	40

### Who responded

Parent	(63.8%)
Pupil / Student	(13.9%)
School / College Staff	(9.3%)
Councillor	(0.7%)
Governor	(2.0%)
Transport Provider	(0.0%)
Other, please state	(10.3%)

Male	239 (35.3%)
Female	439 (64.7%)

(86.1%)	White - British, any other White background		
(1.2%)	Mixed - White & Black Caribbean, White and Black African, White & Asian, any other Mixed background		
(10.5%)	Asian or Asian British- Indian, Pakistani, Bangladeshi, any other Asian Background		
(1.5%)	Black or Black British - Caribbean, African, any other Black background		
(0.7%)	Chinese or Other ethnic group		
(13.9%)	No religion / belief	(0.0%)	Jewish
(82.4%)	Christian (including Church of England, Catholic Protestant and all other Christian denominations)	(0.8%)	Muslim
(0.0%)	Buddhist	(0.0%)	Sikh
(0.2%)	Hindu	(2.7%)	Prefer not to say

The key points raised in consultation were as follows and a summary of the Local Authority's response follows each point. The full Local Authority response is available in the main report which is available here (ENTER WEB ADDRESS):

1. The proposed charge is too expensive / financially unfair.  
*The average cost to the Council of a pupil's seat on school transport is £750 per year so*

*on this basis the proposed charge of £300 is reasonable. For families with a low income or for students with a low income living independently, the Education Maintenance Allowance (EMA) is available to help with further education costs*

2. Charging will be a disincentive to pupils staying on in sixth form.  
*EMA is available to support students from low income families. There are already students attending College paying transport costs at more than £200. The proposal will help towards keeping post 16 students in education (as opposed to a removal of support altogether).*
3. The proposal discriminates against language and/or religious choice.  
*We recognise the possible greater impact on students attending faith and Welsh medium schools as they have less choice of establishments and therefore travel further. Currently the students of the Welsh medium and Catholic sixth forms receive free transport whereas students attending College are charged.*
4. There is no evidence that the Authority has paid due attention to Clause 10 of the Measure to promote access to education and training through the medium of the Welsh Language.  
*When a Council is using its powers under Section 6 of the Measure to offer discretionary travel arrangements for learners not entitled to free transport provision, a charge can be made for these arrangements. The Council is promoting access to Welsh education by treating the Welsh medium and English medium post 16 pupils the same, i.e. they will all have to pay the same charge. The Council is proposing to continue to provide transport for Welsh Medium provision but a charge will be made.*
5. This proposal adversely affects choice  
*With the new proposed charge, the cost will be equitable for all post 16 across the borough. Any student living more than three miles from the nearest provision will pay the same price*
6. There needs to be concessions for those in receipt of certain benefits / low income families  
*The Education Maintenance Allowance remains available for these families and this provides up to £30 per week during term time for eligible students. The possibility of means testing pupils for entitlement has been considered, but this would involve considerable extra administration as there would need to be continual monitoring of entitlement as families incomes change*
7. Will encourage greater student vehicle traffic, congestion and parking issues  
*There is no evidence to suggest this might be the case. If students elect to transport themselves, it is highly likely that the cost of personal transport will exceed the proposed cost per annum*

**Any actions required (to mitigate adverse impact or to address identified gaps in knowledge).**

- If the proposal goes ahead, more detailed monitoring of NEETS (not in education, employment or training) would be necessary compared to previous years to assess if a higher number of the post 16 population have opted out of further education opportunities as a result of increased costs. This would also monitor against the protected characteristics.

## Section 4 - Other Impacts:

Please consider how the initiative might address the following issues.

You could base this on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

<b>Foster good relations between different groups</b>	<b>Advance equality of opportunity between different groups</b>
<b>Elimination of discrimination, harassment and victimisation</b>	<b>Reduction of social exclusion and poverty</b>

**(Please see guidance for definitions on the above)**

**Please explain any possible impact on each of the above.**

This proposal could result in inequality for post 16 students disadvantaged by poverty who will not be able to afford to pay the contribution in order to engage in further education opportunities. However, the proposal will mean that there will be the same charge for post 16 students accessing transport to school or college.

In addition, the proposal could impact upon social exclusion and inability to compete in the workplace at a later stage and therefore be a threat to individuals who are trying to break cycles of family poverty.

If the proposal goes ahead it could further increase the inequality gap in attainment, life chances, education opportunities, social mobility which contradicts the Council's priority to tackle poverty.

The only post 16 provision in Swansea East is at Morriston Comprehensive School, therefore there could be a disproportionate impact in this area.

**What work have you already done to improve any of the above?**

For students from families on a low income, the Education Maintenance Allowance is available to assist with these costs.

**Is the initiative likely to impact on Community Cohesion (see the guidance for more information)?**

The following issues are considered pertinent:

- not everybody has an equal chance to take part
- not everybody gets equal use of services
- people feeling left out or isolated
- poverty can lead to poor community cohesion
- potential for a higher demand on public services

**How will the initiative treat the Welsh language in the same way as the English language?**

All post 16 students will be affected regardless of whether they attend an English medium or Welsh medium or faith provision. Possible greater impact on students attending Welsh medium schools as they have less choice of establishments and therefore travel further.

**Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

- \*Unfortunately, due to the nature of the proposal, no further action is possible to mitigate the potential impacts identified above.

## Section 5 - Monitoring arrangements:

Please explain the arrangements in place (or those which will be put in place) to monitor this function, service, policy, procedure, strategy, plan or project:

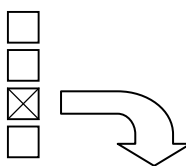
**Monitoring arrangements:** If Cabinet and Council approve the change to the policy there will be regular monitoring of the impact on post-16 student numbers and the number of youngsters who are NEET

**Actions:** Ongoing monitoring of post-16 numbers and NEETS

## Section 6 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to guidance for further information on this section).

- Outcome 1: Continue the initiative...  
Outcome 2: Adjust the initiative...  
Outcome 3: Justify the initiative...  
Outcome 4: Stop and remove the initiative...



Should this be an Outcome 4?

## Section 7 - Publication arrangements:

On completion, please follow this 3-step procedure:

7. Forward this EIA report and action plan to the Access to Services Team for feedback and approval – [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)
8. Make any necessary amendments/additions.
9. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council's website - this is a legal requirement.

For outcome 3, detail the justification for proceeding here:

Whilst the potential impact on take up of post 16 education is uncertain and of concern, the potential saving is significant. The Education Maintenance Allowance will provide support to those students and families who are eligible to receive this support. There is no duty to provide transport or make transport arrangements for those over 16. Section 6 of the Learner Travel Measure allows for this discretionary service to be provided and for it not to be free of charge. In making any change, regard must be given to the 2009 Learner Travel Operational Guidance. However, the Measure (section 10) does require each local authority to promote access to education and training through the medium of Welsh when exercising their functions under the Measure. There is no further mitigation for young carers, disabled students without an SEN statement or those disproportionately affected i.e. Welsh Medium students and Faith students. .



## Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress
Source demographic data for those attending Gower College Swansea	Education Department	September 2014	Full breakdown available of the student' demographics	
Source geographical data for those attending 6 <sup>th</sup> Forms	Transport Department Education Department	July 2014	Full breakdown available of location students are currently travelling from	
If the proposal goes ahead, monitoring of NEETS (not in education, employment or training) would be necessary compared to previous years to assess if a higher number of the post 16 population have opted out of further education opportunities as a result of increased costs	Education Department	Annually	No increase in the number of NEETS 16-18 Action taken to reduce the number of NEETS 16-18 if an increase is evidenced	

\* Please remember to be 'SMART' when completing your action plan (Specific, Measurable, Attainable, Relevant, Timely).

**School Councils Responses**

**Terrace Road Primary**

20 children on school council (Years 2-6)

- We think that passenger assistance should stay for safety reasons. They are a reassuring link person especially for primary aged children. These assistants sometimes bring the children into school and collect them from the yard at the end of the school day and this is a good thing. They ensure that parents are less worried about their children's safety.
- We think that there should be free transport to all schools not just religious schools.
- We think that everyone should pay the same amount to go to any college. This would mean more choice of where and what to study. It must be fair for everyone.
- We think that every school should have their own mini bus. We should walk to school because it saves petrol, there would be less pollution and you wouldn't get fat. Cycle lanes to school would be a great idea too.

**Ysgol Gynradd Gymraeg Bryniago**

14 Children on school council.

- We strongly believe that passenger assistance should stay on every bus that is travelling to a school. For example what if the bus goes on fire? Or what if a child is ill on the bus? The bus driver can't ensure that everybody is safe and well. Pupils may not wear seatbelts. If there are a lot of buses, how will the pupils know that they are on the correct bus? What if someone opens the fire door? It could cause a huge accident.
- As we attend a Welsh school, there are no welsh schools near to us so free school transport is a must. The City and County of Swansea should provide transport to all primary and secondary schools. A lot of parents work and are unable to take their children to school.
- We disagree with the proposal stopping free school transport for over 16's for college/sixth form because it is unfair. What if they don't have enough money? Then they would have to finish with their education. We believe that 3 miles is a long way to walk with all of your school stuff such as files and books etc.
- Finally without free school transport a lot of pupils would not be able to get to school which would mean no education.

**Ysgol Pen-y-Bryn**

12 children on school council.

- We think you should keep escorts for certain people. Some people rely on the escorts. Some escorts and drivers do not sit in the back or wear seatbelts. Some escorts ignore us and won't speak to us.
- We do not think we should pay for our transport. We would have to spend all our EMA money on transport. We would lose our independence. We use our EMA money to pay for our school trips and socialising with friends.
- Some further comments on school transport: they are either too late or too early, my driver smokes inside my taxi before I get in the taxi, I don't like some of the people I am in the taxi with, I am in the taxi for a long time because there are lots of people on the taxi.

## **St Joseph's Cathedral Primary**

20 children on school council.

- 20 out of 20 disagree with the proposal to stop school passenger assistants for the reasons below. Because of the size of the bus some children may not behave well because there is no one to supervise them.
- Seatbelts might be taken off and the little ones might walk around the bus or if the seatbelt is jammed or doesn't work there is no one to help the children sort this problem out when seatbelts are the law.
- If it is noisy the driver may lose concentration and crash the bus. Children could get hurt and there is no one to help them. Also if the bus crashes by accident and the driver is hurt there is no one to calm the children down or get the children off the bus safely.
- If there are younger children they might open windows and stick their hands out and get hurt.
- The guides sometimes have to pass important messages onto our parents from the teachers or the school, for example if we are unwell or have been naughty.

We also disagree with the second proposal that free school transport will be stopped to Catholic schools because:

- My parents want me to have a Catholic education because this is our faith. We believe that it is unfair that we cannot go to a church school.
- The other schools close to where we live are not Catholic and this is very important to our family and the reason that they chose the school.
- I come to this school because my parents think that this is a safe, good school and teaches us the Catholic faith.
- It means that our school numbers will fall because everyone on the school council lives closer to another school and then the school will get smaller and smaller and some jobs might also have to be cut.
- If our parents are living in different houses how do they then agree on the school that we go to? It could cause arguments.
- It is discriminatory against our religion. Welsh schools are not more important than faith schools. Why should they have school buses and we don't?

Regarding the proposal to take away free transport to post 16 students we disagree and feel that you are making it unfair for poor families to attend college.

- They might have to go out and get a job instead of being able to stay in school to learn and have the chance to get better jobs and have better futures. You are taking peoples decisions and the right to have an education away.

## **Gwyrosydd Primary School**

12 children on school council

- We think there should be passenger assistants on the bus because children might distract the driver – this could cause an accident.
- In regards to stopping free school transport to Catholic schools we think that you could ask for a small donation once a week.
- We believe regarding post 16 education that it will be fair to pay the same amount.

- Lastly we think that children have the right to an education and the council should help children get to school.

### **Dunvant Primary**

24 children on school council

- We disagree with the proposal to stop passenger assistance on school buses because someone might feel ill and need help. We were shocked to hear that you would think about removing the assistants from the buses because we wouldn't feel safe without them.
- There may be trouble with bullying
- Some children may need a grown up to feel safe-somebody they know.
- We also need someone to check seatbelts.

We disagree with the 2<sup>nd</sup> proposal to stop free school transport to Catholic schools because:

- We think all schools should be treated the same because it's not fair for some to be paid for and not others.
- In regard to the 3<sup>rd</sup> proposal to stop post 16 education we think they should help because going to college is important.

### **Bishop Vaughan**

Sixth Form Committee:

- We understand that cuts need to be made, however we believe that the financial cuts proposed would have dramatic and negative effects on the community as a whole.
- We see this as discrimination against the children who attend this school because they've chosen, with the legal rights they have, to attend a Catholic school which will support and nurture the faith they have chosen to follow.
- We would like to know why has the council decided to take away the funding to provide buses to the thousands of children (40%) of Bishop Vaughan pupils attending Catholic school while those in Welsh-medium schools have been allowed to keep the same service even if they have a closer school to attend.
- In taking away this service you are infringing on their rights, as parents, to decide which school they should send their children to. They may end up sending them to a school that they're less happy with in order to avoid the sum of up to £400 per child, per year.
- A lot of the schools population come from deprived background and 20% of the pupils at Bishop Vaughan qualify for free school meals so with this additional cost they may not have the funds for breakfast and dinner meals either.
- Dangers of global warming- there will be more cars on the road if parents are forced to take their children, which will lead to more emissions that the council are supposed to be working to reduce. Very few bus routes would be suitable and most would require multiple bus changes which is impractical, costly and unsafe.
- Also concerned about charging buses for all post 16 pupils. With this additional charge future generations will choose to not attend post 16 education in either a school or Catholic school community as many parents would expect them to pay.

Since the work in post 16 education is tough it is not always possible to work for long periods to earn enough to cover the bus fees-especially when most jobs are minimum wage.

- Carmarthenshire council have withdrawn from instating similar policies (which we also object to) which means that there are clearly some real concerns with the structure of plans and the local community would not benefit from the changes.

### **Townhill Community School**

14 pupils on school council

- We think that it would be very difficult for the bus driver to keep an eye on all the children if some children are misbehaving. Also, children could take their seatbelts off and the driver wouldn't know.
- We feel that older children shouldn't need an assistant as they should be able to be sensible on a bus.
- In response to the proposal to stop free school transport to Catholic schools the children felt that there were lots of schools in our area so they would be able to walk to either Comprehensive school. However, they did say you could get a public bus to school instead if you went to a school further away from your home.
- Regarding the proposal to change post-16 education fees for colleges and sixth forms some of the children felt it was fair for both to pay. However, if the sixth form is chosen because it is closer to their house then they shouldn't have to pay.
- Most of the children felt that school transport should be free because children need to go to school and that there should be a bus provided for each school. They also said that for some of them, even though they go to our school they have moved out of the area but still travel back and forth every day because they don't want to move schools.

### **Bishop Vaughan**

Number of pupils on school council not stated

- As individuals we have the basic right to practise our faith. If your remove free school transport from Bishop Vaughan School, one of our most fundamental principles as a Catholic school is endangered. Many Catholic families will not be able to afford to pay for school transport for their son/daughter. Our reputation consists of our catholic faith accepting all those who choose to come here and if this is changed, our faith's ethos is not as widely spread in the city and cannot serve its greater purpose. If free school transport is removed then our basic human right to practise a religion of our choice is undermined.
- Not providing free school transport will have a huge impact on all families who want to go to any catholic school. This will affect families of all sizes, big or small, as the cost of around £390 will all add up, depending on the number of children in the family. Sadly, not all families can afford this and this will then lead to the fragmentation of our Catholic community.
- Future generations of Catholic families will also be affected, and are likely to go to a closer non-Catholic school. Removal of the free transport will therefore also affect the future generations' opportunity to practise the Catholic faith and grow in a Christian

lifestyle. So if you take the free transport away now, it will not only effect the current youth but will leave a legacy for the Catholic Community of Swansea.

- We strongly feel that depriving Catholic Schools of free transport is an appalling act of discrimination. This will effect individuals dramatically. This will be stopping them from fully practising their faith. Do you really think this is right? Why should we be affected just because we are Catholic?
- We understand that you are only thinking of applying this rule to Catholic Schools and not to Welsh Schools. We believe that the current proposals are wholly unfair and on balance the financial savings are at a large social cost for the city of Swansea. We urge you to reconsider the current plan to remove free school transport.

### **St Joseph's Catholic Primary**

Number of pupils on school council: 17

- We need to continue having a guide on the bus to help us on and off the bus. Also a person we can tell if we are feeling unwell or having problems that can be sorted without the driver having to stop and increasing our journey time.
- We are a Rights Respecting School and so fully believe that we have the Right to our own religion and have an education in our religion. We are a Christian Country and should be allowed free transport to those schools, just as we are Welsh and would have free transport to a Welsh Medium School.
- If the proposals go ahead to charge for post-16 transport to sixth forms then it will be an additional cost to parents who have chosen to keep their children in 6<sup>th</sup> form because they cannot afford to send their children to college. If there was a charge imposed there would be fewer children from deprived backgrounds being given the chance of Higher Education.
- Transport to our schools is vital important to ensure these schools that have been fought for, for many years continue to thrive and flourish.

### **Gowerton Comprehensive**

Number on school council: 14

- In response to the first issues re passenger assistants. We believe that we need someone at all times for the following reasons: stop misbehaving, stop them opening windows, ensure seat belts are worn, prevent any other dangers.
- Regarding the proposal to remove free school transport to the Catholic and church of Wales schools we disapprove because Catholic religion is important in Wales as it is our national heritage. Therefore it is unfair to ask pupils to pay/find their own way, purely due to religious belief. Maybe they should co-ordinate one route to cover most pupils. It would reduce traffic and environmental problems.
- In response to the proposal to remove post-16 free transport to sixth form pupils who live more than 3 miles from their school we think that they are all in full time education and with the cost of university etc increasing-should allow them to save up! Also prevent them driving their own cars.
- We would like to add that buses are always breaking down and have inconsistent arrival times. Pupils who live 'closer' to school but outside of catchment have to pay very expensive travel expenses. Also we believe that there should be CCTV on comprehensive buses.

## Ysgol Gyfun Gwyr

Number on school council: 14

- From the point of view of the younger pupils in the school we understand that passenger assistants are important in order to ensure confidence for the passenger. Despite this we understand that this costs a lot of money and on the assumption that most primary school pupils wouldn't travel without their parents then we do not consider this proposal to be unreasonable.
- In regards to the 2<sup>nd</sup> proposal- to stop providing free school transport we are completely against this proposal as we are a school with pupils coming from all parts of Swansea as we have a large catchment area. Therefore we believe that this will affect our brothers and sisters that will study here in the future.
- Regarding the proposal to stop post-16 education transport to sixth forms we do not believe that this is a good idea for us as pupils who will be attending the sixth form class in future. Most of the pupils at Ysgol Gyfun Gwyr live more than 3 miles from the school. Therefore we believe that if there was a charge to attend a Welsh sixth form then pupils would choose to attend an English sixth form within the 3 mile radius. This proposal is disadvantageous to Welsh schools and to some it shows a tendency to favour English medium schools.
- We believe that school transport is extremely important because of our choice of school which has a large catchment area and many pupils travel 3 miles or further. We have pupils travelling from as far as Pontarddulais or Oxwich. During these tough economic times we believe that it is unfair to ask parents and children to pay for transport. Primary and Secondary education is not for the elite and we need to ensure that this continues.

## Pontarddulais Comprehensive

No on school council: 15

- Regarding the proposal to remove a passenger assistant we believe that if there are very young children then there needs to be an assistant on board. Pupils usually travel to primary with parents or walk. It seems ok but if something went wrong with say a 5 year old, it would be said: why was there no supervision?
- We believe that the proposal to stop free school transport seems sensible.
- We think that the proposal to remove post-16 education sounds fair, as college is the same as sixth form.
- We would like to add that the safety is compromised on secondary school transport as there is no assistant. Pupils can misbehave on the busses, getting out of seats, throwing things around. This makes it unsafe. One time, the driver had to stop on the hard shoulder.

**Response to the Home to School Transport Policy Proposals**

Bishop Vaughan School is most strongly opposed to these proposals for several reasons. These include:

- 1) the impact upon learner and parental choice and rights
- 2) the particularly significant impact upon learner and parental choice for those facing some measure of deprivation
- 3) the disparity between provision for Welsh-medium schools and that for denominational schools
- 4) our observations regarding the financial savings to be made
- 5) the potential effect upon NEETS in the Local Authority
- 6) further practical consequences for the Local Authority

**1) The impact upon learner and parental choice and rights**

The inevitable outcome of this proposal will be a reduction in parental choice, and in the long term, a possible reduction in the diversity of educational provision within the Local Authority. Neither national nor local elected members have a mandate from the electorate to do this.

It has been recognised since the debate on the 1944 Education Act, that schools with religious character will, in many instances, have a natural catchment area of much larger size than community schools. This is reflected in the provision of the Education Act 1944 which is still in the Statute Book.

The UN declaration on the Rights of the Child states:

**Principle 7**

*The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which promotes his general culture and enables him on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society. The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.*



The European Convention of Human Rights as incorporated in the Human Rights Act 1998 states:

#### Article 2

*No person should be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.*

These instruments outline the concept that parents are foremost educators of their children and that the state should be a facilitator to ensure that all children as far as practicable can be educated in accordance with their parents' religious and philosophical convictions.

The proposal to discontinue discretionary provision of free transport for the VA sector places at risk the whole concept of parents being in a position to educate their children according to their beliefs and convictions.

#### 2) The particularly significant impact upon learner and parental choice for those facing some measure of deprivation

VA schools serve some of the most deprived and disadvantaged communities, achieving good academic outcomes. It is a Welsh Government priority to reduce the impact of poverty on educational achievement. This proposal places significant and fundamental obstacles to some children attending schools which help them overcome the impact of deprivation. It means some parents will have to substitute personal household financial considerations for fundamental beliefs and convictions regarding their children's schooling.

Catholic schools were set up in partnership with Local Authorities as part of their provision to serve a particular community. The removal of dedicated transport loosens their partnership arrangement and the historical tradition on which it was based.

This tradition includes such tenets of the Catholic Church as:

*Parents as well as those who take their place are obliged and enjoy the right to educate their offspring; Catholic parents also have the duty and the right to select those means and institutions through which they can provide more suitably for the Catholic education of the children according to local circumstances.*

*Parents also have the right to make use of those aids to be furnished by civil society which they need in order to obtain Catholic education for their children.*

*It is necessary that parents enjoy true freedom in selecting schools; the Christian faithful must therefore be concerned that civil society acknowledge this freedom for parents and also safeguard it with its resources in accord with distributive justice.*

It is very important to remember that Catholic families paid to have Catholic schools built, often funding 25% or more of the building costs, and that Catholic parents currently have to find 15% of the capital costs of Catholic schools. In other words, Catholic schools already cost Catholic parents money, money which they were glad to contribute to ensure a Catholic education. This proposal means an extra financial burden on Catholic families - a burden that other families living less than three miles from their appropriate primary or secondary schools, would not have to find. Catholic parents have already paid tax to provide schools – Catholic, Welsh Medium, and other – and then had to find a further 25% and later 15% on top of that.

It is therefore the case that Catholic parents will be charged twice for a right enshrined in the 1944 Education Act and hitherto supported by the partnership in school provision between the Local Authority and the Diocese.

Plainly, learners facing economic disadvantage and deprivation will not be able to sustain the financial burdens imposed by these proposals and will not enjoy the same choices regarding faith education as their more affluent peers. This is unacceptable on every level and seriously contradicts the commitments made by the Welsh Government to reduce the impact of poverty.

### **3) The disparity between provision for Welsh-medium schools and that for denominational schools**

We would draw your attention to page 51 of the 'Proposed Guidance on Learner Travel Statutory Provision and Operational Guidance' document. Here, in outlining the current measures in place, it states in paragraph 5.7 that:

*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.*

This reflects paragraph 1.26 of the Learner Travel Operational Guidance:

*If the school is not the nearest suitable school, the pupil generally does not have a right to free school transport even if they live beyond walking distance. In such cases, parents are responsible for making their own transport arrangements, although an authority has discretion (using its*

*powers under section 6 of the Measure) to provide free or assisted transport for such pupils.*

In clarifying what constitutes exercise of parental preference, paragraph 5.8 of the 'Proposed Guidance on Learner Travel Statutory Provision and Operational Guidance' document states:

*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.*

If it is conceded that choosing a school for either language or faith-based reasons constitute an exercise of parental preference, then the position where Local Authorities use their discretionary "power" to fund one set of parental preferences whilst removing provision for another set of parental preferences is most contentious and, we would argue, an indefensible position.

Paragraph 2.19 makes reference to the fact that:

*The Welsh Assembly Government, like local authorities, recognise the value and role of faith based education and want local authorities to continue to use their discretionary powers to make transport arrangements which take account of parental preferences for schools with a religious character.*

This consultation, sadly and tellingly, makes no reference to the contribution of faith schools being valued.

Paragraph 2.5 of the Learner Travel Operational Guidance clearly states that:

*If a local authority does make use of the powers in section 6 of the Measure, it must ensure that any policies are fair, reasonable, and comply with relevant legislation including equality legislation and the Human Rights Act 1998. Local authorities must not discriminate unlawfully between learners when using their section 6 powers.*

We would argue, therefore, that making financial provision for one set of parental preferences and removing provision for another is subject to legal challenge under the Equality Act 2010 and the Human Rights Act 1998.

#### **4) Our observations regarding the financial savings to be made**

While we contest the proposals for their infringements of the rights of learners, we must also point out at this early stage a number of practical considerations for the Local Authority. These proposals can not produce the desired outcomes

in terms of savings to the Local Authority, and will seriously impact upon the success achieved in areas of key importance to the Authority.

The proposals relating to provision for Voluntary Aided schools aim to achieve savings of the following sums, these having been projected by the LA and representing the maximum possible savings in each given year: £22.5k in 2015-16, £87.7k in 2016-17, £138.4k in 2017-18 and rising to a maximum of £683k in 2022-23. The phased introduction dictates that savings will be modest for a considerable period, yet costs associated with this proposal will be immediate and significant.

It was agreed at a recent meeting of the working group called to consider these proposals that removal of transport provision, with its associated requirement that families pay up to £400 p.a. for each seat will require the employment of two administrative assistants to manage the payment system, allocations, contracts, etc. The salaries, on-costs, etc., will be in excess of £40k p.a., thus resulting in a loss in the first year, and the rather indefensible position for several years to come of money being diverted from where it is truly needed and can justifiably be spent to be spent instead on administration.

#### 5) The potential effect upon NEETS in the Local Authority

The great successes that the Authority has been able to report with reducing NEETS figures, increasing learner choice and the Swansea Guarantee are jeopardised by the threats to post-16 transport provision. Here it is absolutely inevitable that a proportion of learners will not continue to post-16 education if faced with the need to pay £300 p.a. (although at the working group the figure was actually calculated as being up to £400 p.a.) for transport costs alone to access it. The burden of this goes beyond the proportion of pupils in receipt of EMA, the families of whom already find the additional costs associated with remaining in education difficult to bear. We are often faced with the very real concerns of families about their inability to pay the one-off UCAS fee of £26 in order to make applications to universities. It has been a success on the Authority's part and on that of post-16 schools to keep such students in education in order to allow them to fulfil their potential and make a meaningful contribution to society as they progress. We have no doubt whatsoever that the number of NEETS post-16 will rise if transport provision is removed.

Linking to point 4 above, we would ask what the cost to the Authority of each NEET pupil is; we are aware that the cumulative costs of identifying, tracking and engaging them are extremely high. These costs, added to those of the administration posts, make these proposals impractical. We also suggest that this undermines the work of the Swansea Guarantee which, while costly, has been effective. The inevitable effects upon learners in Swansea mean not only unnecessary spending on increased levels of NEETS in the years ahead, but also that the spending on this project to date has been, at least to some degree, wasted, as the NEETS figures will go on to demonstrate negative trends.

We urge you to look also at the consequences for learner choice: fewer learners remaining in post-16 education will mean smaller numbers in options classes. With the significant budgetary cuts facing schools, this of course means that these subjects will not be offered. Effective partnership working between the schools and colleges across Swansea means that staffing and resources are currently being used to optimum effect. Removing subjects, therefore, in any one of these schools narrows learner choice not only within the school itself but for learners across Swansea, who benefit from being able to access these courses. In our own case, for example, we work closely in partnership with Morriston Comprehensive. Should Sixth Form classes in certain subjects be cut because of a falling roll post-16, Bishop Vaughan learners will have a narrower choice of pathways, and this will also limit the choices for Morriston students. It will not be straightforwardly the case that these learners will instead apply to the colleges. Transport costs will be prohibitive there also, whilst most students accessing Bishop Vaughan courses from our partner school are within walking distance or make use of their own school's minibus service. Certain groups of learners, therefore, whom we have been able to keep in education due to the accessibility of their post-16 education, and due to the continuity offered by the school overcoming many of their concerns regarding their ability to continue in education, will no longer find it possible to continue their learning post-16. With no institutions offering funded transport, many will choose to leave education at this level; it is fair to say that a percentage of these young people will be unable to find employment or training opportunities and will therefore become NEET.

#### **6) Further practical consequences for the Local Authority**

We further contend that these proposals do not consider the inevitable consequent effects. It is the case that over 20% of Bishop Vaughan's pupils qualify for free school meals. Plainly, those families, and indeed many who are perhaps just above the threshold for qualifying for these, will be unable to pay up to £400 p.a. for transport for each child using it. With over 40% of pupils currently using the school transport, there is the potential for up to 40% of those currently on roll having to transfer to what is described in the proposals as the 'nearest mainstream school'. We are aware that there is not the scope for large numbers of learners being accommodated elsewhere - quite apart from the concerns that this raises about learner choice and the position that this sets up with families only being able to access education at a faith school if they are sufficiently affluent to pay for it.

While there is not scope, then, to accommodate these learners in other Swansea schools, this school, with the staffing and provision already in place, will face making staff cuts when numbers inevitably fall, and narrowing provision, a concern highlighted in section 5, above. Further, it is likely that due to the smaller numbers of pupils using even those transport services that they will then have to

pay for, some private hire companies and/or service routes will either not be able to provide transport due to the losses that they will incur or will set higher charges for doing so. This further limits access and choice for all learners, not only those unable to pay for the transport.

We would add that those pupils able to remain at Bishop Vaughan but denied transport will in some cases make use of private transport, where able to do so, with the consequent environmental and resourcing concerns that are associated with this. The environmental implications of this proposal need to be considered carefully, especially in the context of carbon reduction targets.

We ask therefore that a detailed costing of the actual savings that might be made is undertaken; we ask for a realistic projection of the costs of the administration that will be required if current provision is removed; we ask that the likely expenditure for increased numbers of NEETS is assessed. With the potential savings balanced against these costs, we believe that it will be deemed as not being in the Authority's interest to further consider these proposals, particularly when considered within the context of the negative impact upon learner choice and the additional concerns outlined above.

We feel that the savings to be made cannot possibly be used as justification for narrowing provision, as justification for discrimination against one set of parental preferences whilst funding another and as justification for increasing – contrary to the Welsh Government's priorities – the barriers presented by poverty.

In light of the above concerns we contest the proposals wholeheartedly.

**TRANSPORT  
AND POST-16 WELSH MEDIUM EDUCATION**

**A review of the effect of charging for transport for pupils to attend  
post-16 Welsh medium education in Swansea**



Hafan Language Consultancy

Parents for Welsh Medium Education (RhAG)



With the assistance of Ysgol Gyfun Gymraeg Gŵyr and YGG Bryn Tawe

April 2014

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## CONCLUSIONS

1. An annual charge of £300 for transporting post-16 pupils to Gŵyr and Bryn Tawe will probably mean the end of viable post-16 education at these schools.
2. Charging for transport will disproportionately affect those receiving post-16 education through the medium of Welsh in the county. This will affect 8 out of 10 pupils attending Gŵyr and Bryn Tawe.
3. Charging for school transport will penalise those from less affluent backgrounds more than anyone else, and mean that pupils from poorer backgrounds will be unable to continue in Welsh medium education.
4. Post-16 English medium education is much more accessible for the majority of pupils, therefore a charge of £300 puts Welsh medium education at a clear disadvantage.
5. The county has not investigated the effect charging for school transport will have on post-16 Welsh medium education, on post-16 education in general or on less affluent families.
6. The Learner Travel Measure (Wales) 2008 places a duty on local authorities to arrange transport to schools whose aim is to promote Welsh medium education. The proposal currently being discussed would have the opposite effect, and be very harmful to Welsh medium education.

## Findings

1. There is a very strong desire among Gŵyr and Bryn Tawe pupils to continue their post-16 education at these schools.
2. If their parents had to pay £300 a year for transport to a post-16 Welsh medium setting, only 19% would definitely send their children to these schools, with a further 19% saying they would probably choose this option.
3. Effective transport is vital for ensuring equality for Welsh medium education, as the majority of pupils who choose this option live at some distance from the provision.
4. A higher percentage of pupils travel by bus to Welsh medium schools than to English medium schools, therefore the effect of charging £300 for transport costs would be more detrimental to Welsh medium education than to English medium education.
5. Parents are generally concerned that their children's education would suffer.
6. Parents are worried that their financial circumstances would mean they could not afford the school bus.
7. A number of pupils live within walking distance from English medium post-16 provision and requiring them to pay £300 to attend a Welsh medium establishment would put Welsh medium education at a significant disadvantage.
8. 81% of survey respondents said their children depended on the bus to travel to Gŵyr and Bryn Tawe, with three quarters of pupils living more than 3 miles from their school.
9. There is no convenient public bus service to Gŵyr and Bryn Tawe, therefore the vast majority of pupils

depend on school buses provided by the authority.

## 1. Background

In February 2013, Swansea County Council launched a public consultation on transport to school or college for post-16 pupils. The proposal under discussion is to charge £300 a year for transport to post-16 education in the county.

It is apparent that the authority has not investigated the effect charging for school buses to post-16 education would have on:

- Welsh medium education
- Low income families
- Remaining in post-16 education in general.

The Learner Travel Measure (Wales) 2008 allows local authorities to pay travel costs in full or partially for pupils where there is no statutory obligation to provide free travel. Part of the authority's duty is to provide transport which does not cause unreasonable levels of long-term stress for pupils which would prevent them from taking advantage of the education provided.

Clause 10 of the Measure states:

**Promoting access to education and training through the medium of the Welsh language**

Each local authority and the Welsh Ministers must promote access to education and training through the medium of the Welsh language when exercising functions under this Measure.

There is no evidence that the authority has paid due attention to this clause, and no consideration has been given to how the present proposal would promote education through the medium of Welsh.

## 2. Geography

The county of Swansea is fairly compact compared with some other counties in Wales. The distance from west to east is about 15 miles and about 9 miles from north to south.

The population is concentrated in the urban area of Swansea with its extremely busy roads and traffic, which has a bearing on ease of walking to an educational establishment.

The county has some more remote areas, including the Gower peninsula and some parts of the north.

Ysgol Gŵyr takes pupils from primary schools within 3 miles, such as Pontybrenin and Login Fach and others which are further away such as Bryn-y-môr, Llwynderw and Bryn Iago.

Ysgol Bryn Tawe pupils come from primary schools within 3 miles, such as Tirdeunaw and Felindre, as well as others which are further than 3 miles such as Gellionnen and Lôn-las.

Consequently, a considerable proportion of pupils of both schools live more than 3 miles from the school.

## 3. Survey method

We decided to carry out a survey which would seek the following information from respondents:

1. School year of the pupil
2. Place of residence
3. Approximate distance from school
4. Method of travel to school
5. Desire to receive post-16 education at the school
6. The sum the parent would be willing to pay for school transport

7. The pupil's right to free school meals
8. The likelihood of returning for post-16 education at the schools if a charge of £300 were levied.

Parents were also asked how they felt about the idea of charging £300 a year for school transport.

We are grateful for the co-operation of Ysgol Gyfun Gŵyr and Ysgol Gyfun Gymraeg Bryn Tawe in conducting the survey. The completed questionnaires were processed using SPSS software which enabled us to compare different variables.

The following report outlines the main findings which arose from the questionnaires and includes additional comments from 98 parents.

## 4. Responses

Responses were received from 62 parents of Ysgol Gyfun Gŵyr pupils and 71 responses from parents of pupils at Ysgol Gyfun Gymraeg Bryn Tawe. The parents' responses reflected the location of their homes, with a higher number received from those who live further from the school.

It could be that the response rate was greater from those who already have an interest in the subject, which is a common occurrence with such questionnaires. This may mean that there is some degree of bias in the responses towards those who wish to continue post-16 education through the medium of Welsh or those who are generally interested in Welsh medium education. Having said that, the clear patterns which emerged from the responses demonstrate that there is a keen interest in the issue and considerations which must be taken on board.

## 5. Place of residence and method of travel to school

### 5.1 Ysgol Gyfun Gŵyr

Respondents' children attended the following schools:

	Percentage	Number
Pontybrenin	13%	8
Bryn Iago	29%	18
Login Fach	5%	3
Llwynderw	18%	11
Bryn-y-môr	34%	21

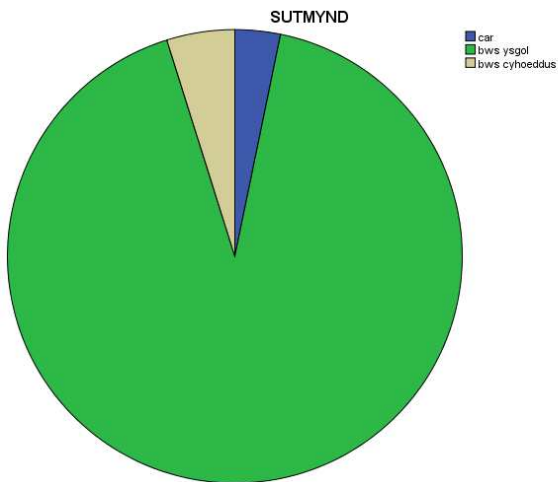
The comparatively high response from Bryn Iago, Llwynderw and Bryn-y-môr reflects the concern of parents who live more than 3 miles from their child's school.

The majority of respondents said their child travelled to school by bus:

	Percentage	Number
Car	3%	2
School bus	92%	57
Service bus	5%	3

58 respondents said their child was entitled to free school transport. This is one more than the number who travel by bus but it would be fair to conclude that free school bus travel is essential for most pupils to get to school.

### Graph 1 How Gŵyr pupils travel to school



**Method of Transport** [translator's note – unable to edit graph key. Green represents school bus, beige service bus and blue car]

## 5.2 Ysgol Gyfun Gymraeg Bryn Tawe

Respondents' children attended the following schools:

	Percentage	Number
Tirdeunaw	13%	9
Lôn-las	61%	43
Gellionnen	21%	15

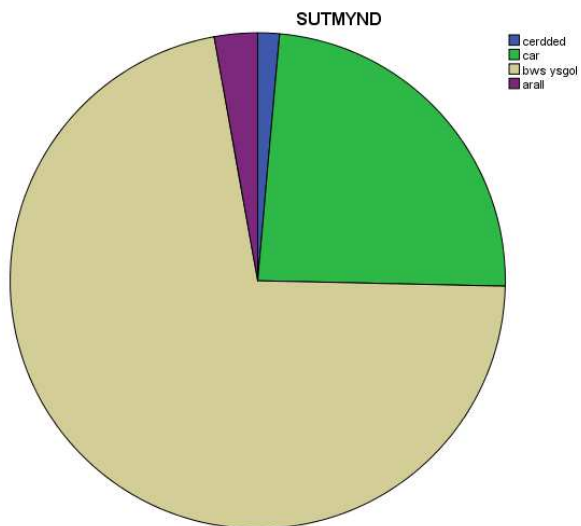
The comparatively high response from Lôn-las reflects the concern of parents who live more than 3 miles from Ysgol Gyfun Gymraeg Bryn Tawe.

The majority of respondents said their child travelled to school by bus:

	Percentage	Number
Car	24%	17
School bus	72%	51

The percentage who travel by car is greater than for Ysgol Gyfun Gŵyr, probably because a higher percentage live within 3 miles of the school. 51 (72%) respondents said that their child was entitled to free school transport. It is fair to conclude that free school transport is essential for the majority to travel to school.

**Graph 2 How Bryn Tawe pupils travel to school**



[Beige represents school bus, green car, purple other and blue walking]

**Conclusion:**

Welsh medium education at Ysgol Gyfun Gŵyr and Ysgol Gyfun Gymraeg Bryn Tawe depends, to a great extent, on the provision of a school bus.

## 6 Distance from school

### 6.2 Ysgol Gyfun Gŵyr

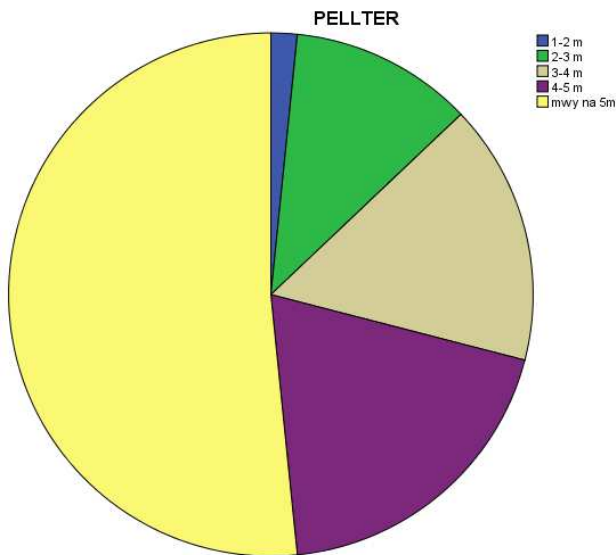
77% of respondents live more than 3 miles from the school:

	Percentage	Number
Less than 2 miles	1.6%	1
2-3 miles	11%	7
3-4 miles	16%	10
4-5 miles	19%	12
More than 5 miles	52%	32

Distance patterns are very different from overall patterns in the county; in general, the vast majority of pupils in English medium education live within 3 miles of their comprehensive school.

To ensure that access to Welsh medium education is as convenient as access to English medium education, there needs to be easy access to transport.

**Graph 3 Ysgol Gŵyr pupils' distance from school**



**Distance** [Yellow represents more than 5 miles; purple 4-5 miles; beige 3-4 miles; green 2-3 miles; blue 1-2 miles]

### 6.3 Ysgol Gyfun Gymraeg Bryn Tawe

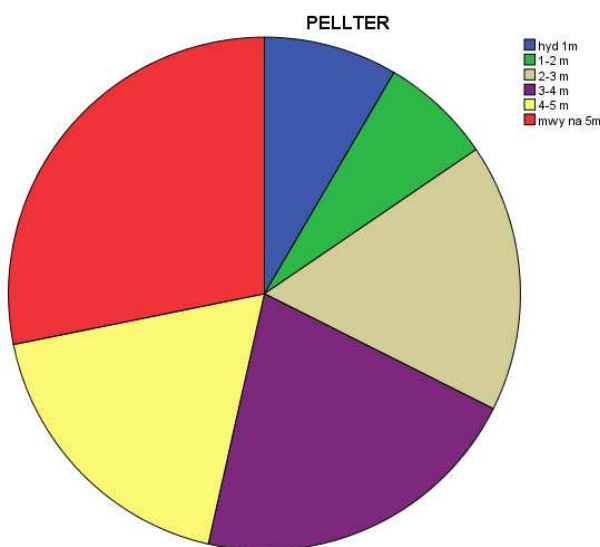
68% of respondents live more than 3 miles from the school:

	Percentage	Number
Less than 2 miles	15.56%	11
2-3 miles	17%	12
3-4 miles	21%	15
4-5 miles	18%	13
More than 5 miles	28%	20

Distance patterns are very different from overall patterns in the county; in general, the vast majority of pupils in English medium education live within 3 miles of their comprehensive school.

To ensure that access to Welsh medium education is as convenient as access to English medium education, there needs to be easy access to transport.

**Graph 4 Ysgol Gyfun Gymraeg Bryn Tawe pupils' distance from school**



**Distance** [Red represents more than 5 miles; purple 3-4 miles; yellow 4-5 miles; beige 2-3 miles; blue one mile or less; green 1-2 miles]

**Conclusion:**

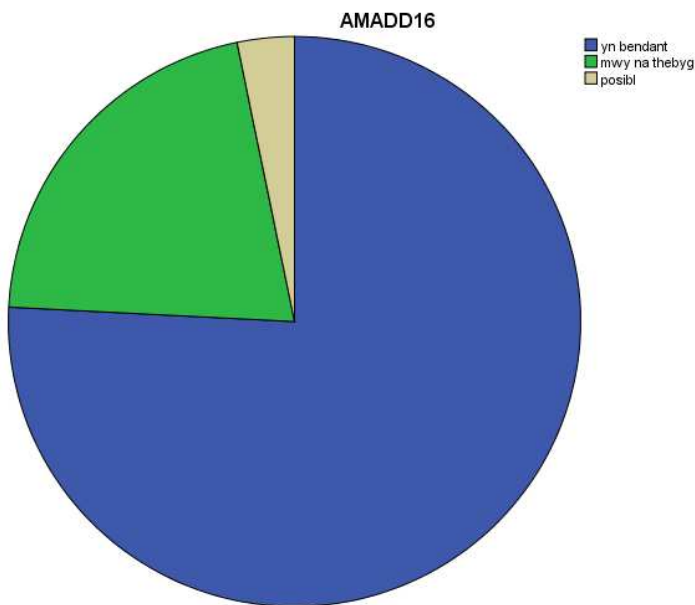
Among the respondents, a high percentage of pupils at Welsh medium comprehensive schools in Swansea live more than 3 miles from their school and are eligible for free transport to statutory education. Taking both schools into account, 77% of pupils live more than 3 miles away. Approximately three quarters of pupils at both schools will be affected by the authority's decision to charge for transport to post-16 education.

## 7 Desire to receive post-16 Welsh medium education

### 7.1 Ysgol Gyfun Gŵyr

There was a very positive response to the question enquiring about the desire to receive post-16 education through the medium of Welsh. 76% said yes, definitely, and 21% said they would probably wish to receive Welsh medium education.

**Graph 5 Desire to receive post-16 education at Ysgol Gŵyr**

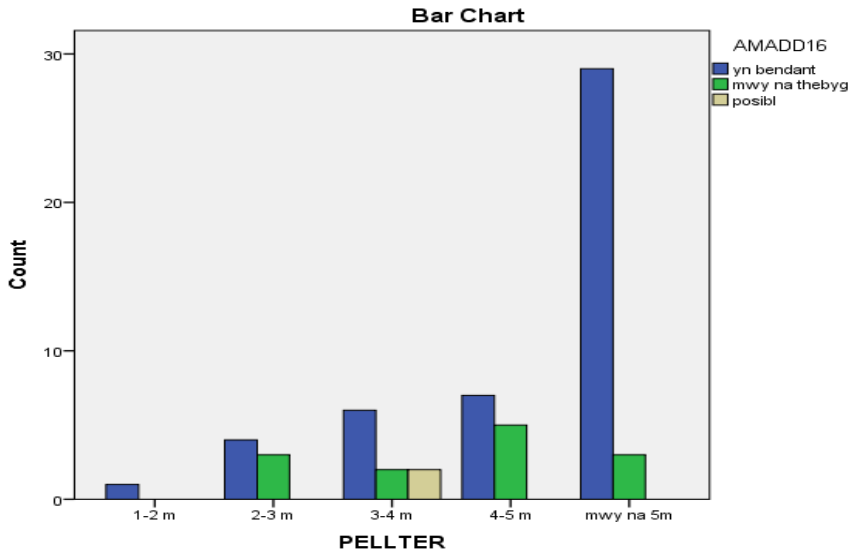


[Blue represents definitely; green probably; beige possibly]

As will be shown further on, this positive pattern will be wiped out by the introduction of a charge for school transport.

It can be seen that the desire to receive post-16 education at Gŵyr does not diminish according to distance between home and school. Of the 32 who live more than 5 miles away, 29 said they would definitely wish to receive post-16 education at the school.

**Chart 1 Distance from school and desire to receive post-16 education at the school**

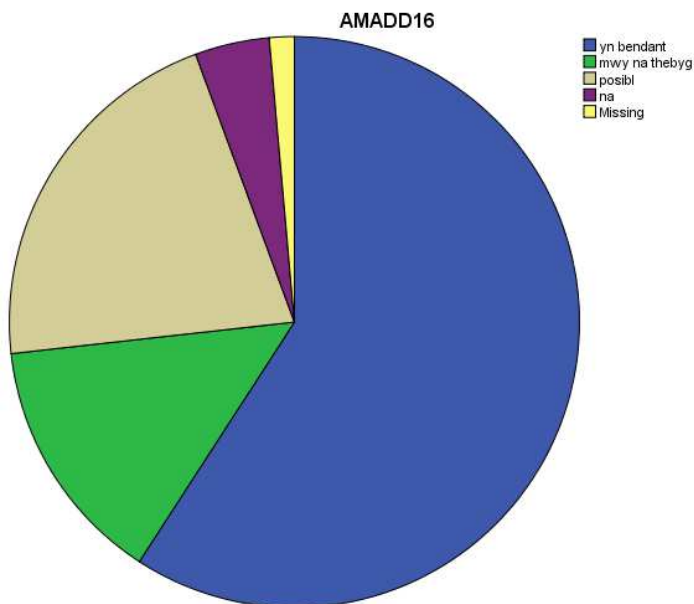


[Blue equals definitely; green probably; beige possibly]

### 7.2 Ysgol Gyfun Gymraeg Bryn Tawe

There was a very positive response to the question enquiring about the desire to receive post-16 education through the medium of Welsh. 60% said yes, definitely, and 14% said they would probably wish to receive Welsh medium education. A further 21% said they would possibly want to receive Welsh medium education.

**Graph 6 Desire to receive post-16 education at Ysgol Gyfun Gymraeg Bryn Tawe**



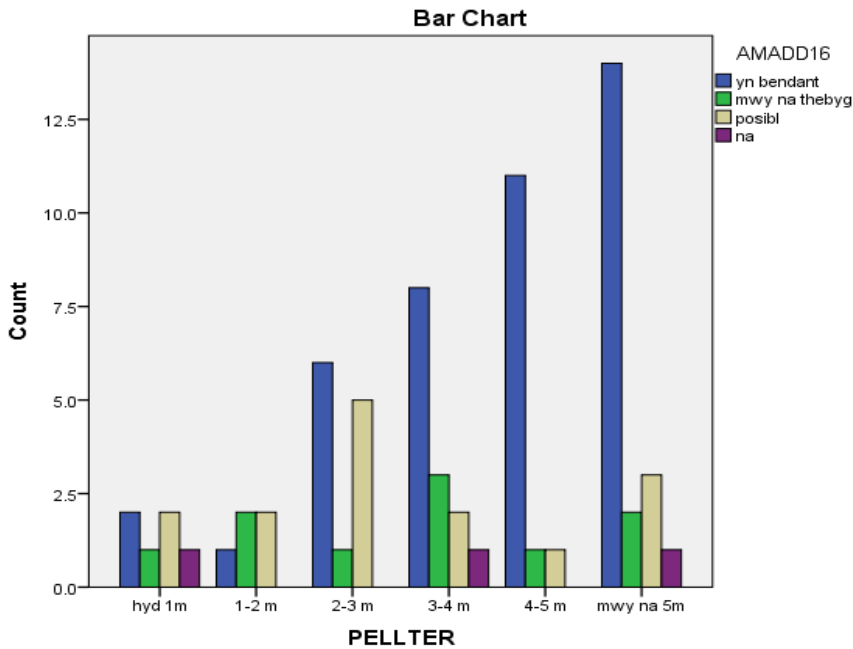
[Blue equals definitely; green probably; beige possibly; purple no; yellow missing]

As will be shown further on, this positive pattern will be wiped out by the introduction of a charge for school transport.



It can be seen that the desire to receive post-16 education at Bryn Tawe does not diminish according to distance between home and school. Of the 33 who live more than 4 miles away, 24 said they would definitely wish to receive post-16 education at the school.

**Chart 2 Distance from school and desire to receive post-16 education at the school**



[Blue equals definitely; green equals probably; beige equals possibly; purple equals no]

**Conclusion:**

Desire to receive post-16 education is as great among pupils who live some distance from the schools as it is among pupils who live nearby, if not greater. The authority's decision to introduce a charge for pupils in post-16 education will affect those who live further away from the schools.

## 8 Willingness to pay

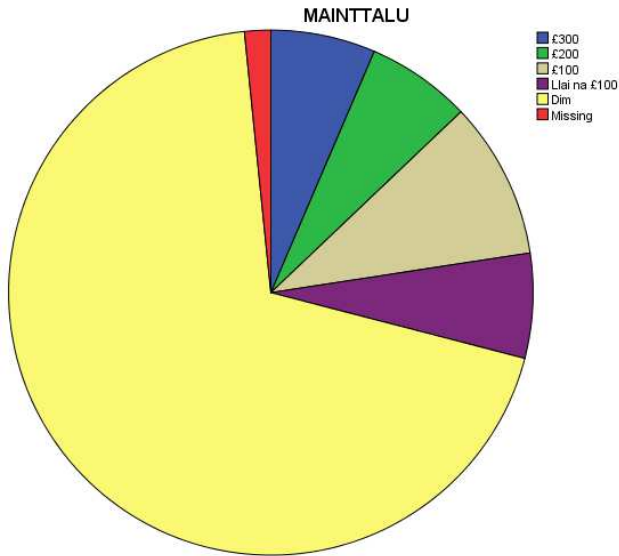
### 8.1 Ysgol Gyfun Gŵyr

It was evident that asking parents who have always received free transport to pay £300 for transport to post-16 education has provoked a very negative reaction. The survey enquired about their willingness to pay other sums, including less than £100, £100, £200 or £300.

69% said they were unwilling or unable to pay at all.

	Percentage	Number
Willing to pay £300	6.5%	4
Willing to pay £200	6.5%	4
Willing to pay £100	10%	6
Willing to pay less than £100	6.5%	4
Unwilling to pay anything	69%	43

**Graph 7 Willingness to pay for transport for post-16 education at Ysgol Gyfun Gŵyr**



**Willingness to pay** [yellow equals nothing; purple equals less than £100; beige equals £100; green equals £200; purple equals £300; red equals answer missing]

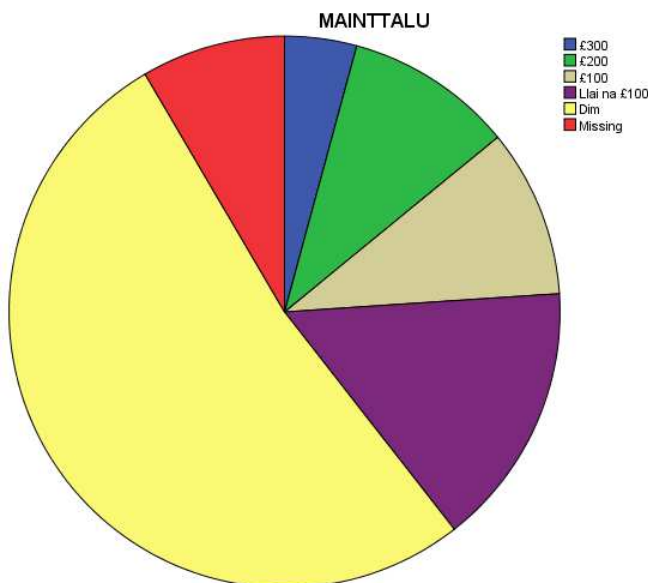
**8.2 Ysgol Gyfun Gymraeg Bryn Tawe**

It was evident that asking parents who have always received free transport for post-16 education to pay £300 for transport to post-16 education has provoked a very negative reaction. The survey enquired about their willingness to pay other sums, including less than £100, £100, £200 or £300.

57% said they were unwilling or unable to pay at all.

	Percentage	Number
Willing to pay £300	4.5%	3
Willing to pay £200	11%	7
Willing to pay £100	11%	7
Willing to pay less than £100	17%	11
Unwilling to pay anything	57%	37

**Graph 8 Willingness to pay for transport for post-16 education at Ysgol Gyfun Gymraeg Bryn Tawe**



**Willingness to pay** [yellow equals nothing; purple equals less than £100; beige equals £100; green equals £200; blue equals £300; red equals answer missing]

**Conclusion:**

Of 100 respondents with children at both schools who live more than 3 miles at the school, 70 were unwilling or unable to pay anything.

The authority might wish to discuss to what extent asking parents to pay a substantial sum for a service which has always been free has provoked a negative reaction which could have been avoided with a more gradual introduction. It is clear that parents are strongly opposed to the idea, with more than 6 out of 10 refusing to pay or unable to pay and 7 out of 10 who live more than 3 miles from the school giving the same response.

## 9 Desire to receive post-16 Welsh medium education and willingness to pay for school transport

There was a steep drop in the desire to receive post-16 education through the medium of Welsh when faced with the sums required to pay.

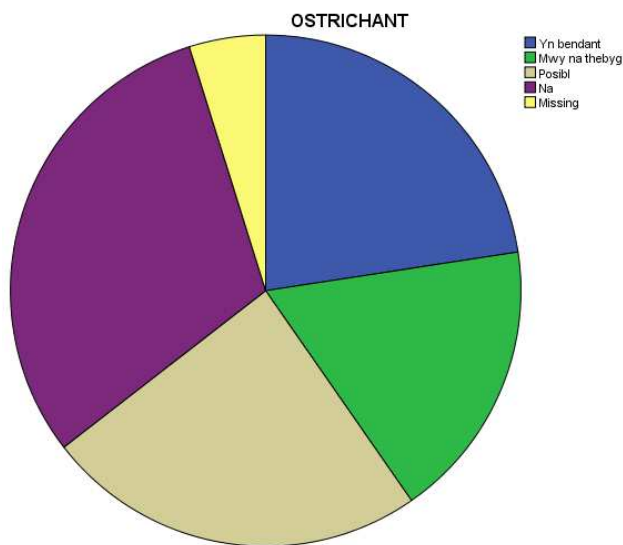
### 10.1 Ysgol Gyfun Gŵyr

There is a clear reduction in the desire to receive post-16 education through the medium of Welsh when faced with the requirement to pay £300 for transport. The percentage who would definitely choose this has changed from 76% to 23%. The other 18% say that they would probably continue. We can predict that the number who choose to continue will be reduced by half at best. It appears that it would be difficult to sustain viable post-16 provision through the medium of Welsh at Bryn Tawe without free school transport.

The table below shows the number of parents who would choose to send their children to Ysgol Gyfun Gŵyr if they had to pay £300 for school transport.

	Percentage	Number
Would definitely continue	23%	14
Probably	18%	11
Possibly	15%	24
Would not continue	31%	19

**Graph 9 Desire to continue in post-16 Welsh medium education and willingness to pay for school transport, Ysgol Gyfun Gŵyr**



[Blue equals definitely; purple equals no; green equals probably; beige equals possibly; yellow equals answer missing]

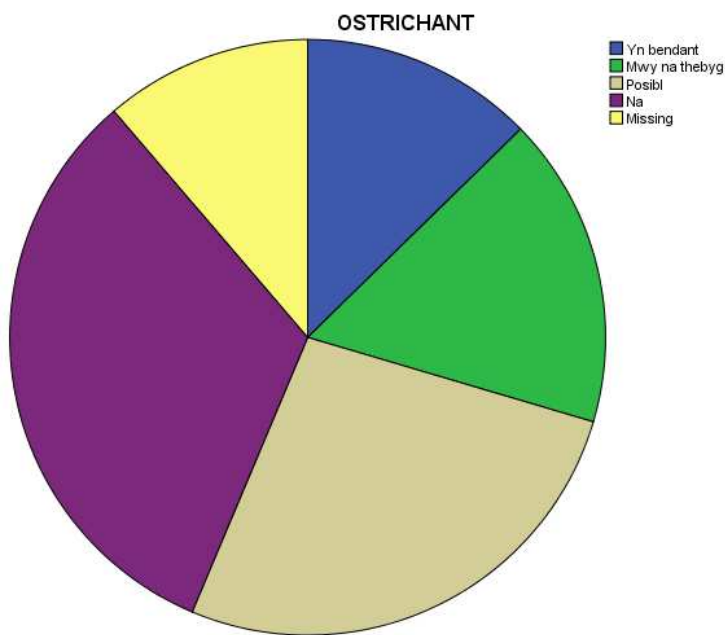
## 10.2 Ysgol Gyfun Gymraeg Bryn Tawe

There is a clear reduction in the desire to receive post-16 education through the medium of Welsh when faced with the requirement to pay £300 for transport. The percentage who would definitely choose this option has changed from 60% to 14%. The other 19% say that they would probably continue. We can predict that the number who choose to continue will be reduced by half at best. It appears that it would be difficult to sustain viable post-16 provision through the medium of Welsh at Bryn Tawe without free school transport.

The table below shows the number of parents who would choose to send their children to Ysgol Gyfun Gymraeg Bryn Tawe if they had to pay £300 for school transport.

	Percentage	Number
Would definitely continue	14%	9
Probably	19%	12
Possibly	30%	19
Would not continue	36%	23

**Graph 10 Desire to continue in post-16 Welsh medium education and willingness to pay £300 for school bus transport to Ysgol Gyfun Gymraeg Bryn Tawe**



[purple equals no; beige equals possibly; green equals probably; blue equals definitely; yellow equals answer missing]

**Conclusion:**

Taking both schools into account, 19% said they would definitely want their child to receive post-16 education at the school if they had to pay and another 19% said they would probably choose this option. We can predict that the number who would be able to continue with their post-16 education through the medium of Welsh would be halved and the provision would be at risk in Swansea.

## 11 Post-16 English medium establishments and other establishments

There is ample provision of post-16 education through the medium of English in Swansea, particularly in the west of the city. This means that a comparatively low percentage of pupils in west Swansea would pay for transport to post-16 education as there are post-16 educational establishments within reasonable walking distance.

On the other hand, pupils in east Swansea are more likely to need to travel by bus to post-16 education. East Swansea is a more deprived area than west Swansea and the requirement to pay £300 for transport is likely to have a detrimental effect on pupils in that area. This would reinforce disadvantages already existing in east Swansea.

## 12 Parents' comments and social deprivation

Parents' comments centred on 4 main themes:

1. Disadvantage to Welsh medium education
2. Impact on those from less affluent backgrounds
3. The harmful effect on education
4. Lack of savings

Parents mentioned the personal difficulties they would face in paying for transport in the current economic recession. These parents are not necessarily unemployed, but are earning a comparatively low income and an additional charge, where there are cheaper options available, would mean they would be unable to send their children to Welsh medium schools.

Parents are very aware of the effect this will have on the Welsh language and on the promotion of education in general.

Parents' comments raised issues which are regarded as social deprivation. This includes income deprivation but also involves work, health and education deprivation. Distance from education facilities is one of the factors used to measure social deprivation. The authority appears not to have considered these factors in proposing to charge for educational transport. It is possible to predict that the present plan will increase social deprivation in remote areas of the county, particularly among those already considered to be suffering from income and work deprivation.

Parents' comments can be read in **Appendix A**.

## APPENDIX A

This outlines parents' responses to the proposal to charge £300 for transport to post-16 education.

### COMMENTS OF PARENTS WHOSE CHILDREN ATTEND YSGOL GYFUN GŴYR

#### Disadvantage to Welsh medium education

1. Unfortunately there are only two Welsh medium schools in Swansea and therefore travel is essential.
2. We have 5 children who are all in Welsh medium education. It would cost us £10000 to put them through 6<sup>th</sup> form in Gŵyr. This would be a reason to reconsider whether they should remain in Welsh schools.
3. We live within walking distance of Tycoch college and my daughter could attend education provision for free. This would be disappointing as we would prefer her to have education through the medium of Welsh.
4. This is very unfair as it is impossible to walk to any Welsh medium secondary school from Uplands.
5. This will affect our decision on the next stage.
6. 10% Council tax rise this year... my salary is only rising by 1%. College might be an option to consider instead.
7. There will clearly be a reduction in the number of pupils in Welsh medium secondary education. Lack of equal opportunities
8. A £300 charge would be very discouraging. We have Gower College on our doorstep.
9. Where is equal opportunities?
10. This will mean big losses for Welsh medium education as people choose English schools which are closer to home.
11. Distance from school should not disadvantage the pupil.

#### Impact on the less affluent

1. We only have one wage coming to our household. Money is tight enough.
2. The current climate is causing concern for everyone, charging will only cause more stress and hardship.
3. We have two children that this would affect (£600 p.a.).. will have a detrimental affect on our family – ultimately their education.
4. I will be retired with a reduced income by then. Charging will place pressure on my reduced income.
5. Honestly would not be able to afford it, he would have to go to somewhere else where that is cheaper/free. I am a single parent and can't afford the extra expense.
6. I'm barely surviving financially as it is. To pay for school bus on top of that would be impossible.
7. The extra charge would be too much for many people to afford.
8. The charge could have a real impact on low incomes and may put some parents off sending their children to sixth form.
9. This charge would definitely put a financial strain on me.
10. We are a low income family, this is too much as we have 1 other child who we will also have to pay for.
11. There is only one salary coming into the house so I feel that this is a high cost for me to pay each year.
12. I won't be able to afford more.
13. Prohibitively expensive for some.

14. The result of the £300 charge would mean that my son would be unlikely to be taking the bus to school.
15. I have twins in this year and it would cost us £600 which we cannot afford
16. It will most likely discourage lower income households' pupils from attending sixth form. Do you really believe this will benefit the education system?
17. It gives the impression that only those who can afford to pay for transport will be able to continue with post-16 education.
18. We are encouraging young people to continue with education but also placing hurdles for some who will find this charge for transport unacceptable.
19. I could not afford it.
20. A lot of families will not be able to pay this and it will no doubt deter some pupils from going to 6<sup>th</sup> form.
21. Prohibitively expensive for some families, especially if more than one young person.
22. This would have a huge effect.. any pay rise that I have will completely disappear.

#### **Harmful effect on education**

1. I do feel that the council has a moral obligation to support the choice of education we have made for our children.
2. I strongly believe that children are entitled to free post-16 education.
3. Is likely to stop children from entering the 6<sup>th</sup> form.
4. The charge would have a significant impact on my son going to 6<sup>th</sup> form. I am being held to ransom to educate my child.
5. Would be disappointed due to zero encouragement to continue in education... it's hard enough for the age group to find their place in society now.
6. I disagree with the principle of charging for education, which is basically what this charge amounts to.
7. Education is paramount. The cost would adversely affect education.
8. We do not feel that even a nominal cost for school transport is justified for a state school.
9. Feels as though the child is being punished for wanting to stay on in school.
10. Education should be free.

#### **Lack of savings**

1. The bus is running anyway.
2. If there is going to be a free bus supplied for the younger pupils of the school, I don't see why 6th form pupils should be singled out and discriminated against.
3. Why should parents have to pay for a seat on a school bus that is already transporting children to Gŵyr in the lower school?

#### **COMMENTS OF PARENTS WHOSE CHILDREN ATTEND YSGOL GYFUN GYMRAEG BRYN TAW**

##### **Disadvantage to Welsh medium education**

1. I have two boys who will overlap in post-16 education, paying £600 will significantly influence our decision as to where
2. Charging for transport will have a detrimental affect on post-16 Welsh medium education in this area.
3. Unfair as she attends the nearest Welsh medium school.
4. This move jeopardizes 6th form Welsh medium education.
5. It would certainly be a struggle to find £300 each year and we would have to consider other options i.e. college etc.
6. Not everyone will be able to afford to pay, so will remove their children from Welsh medium education.
7. Just can't afford it, I have to take a massive pay cut Alternative option to attend Neath College if we have



to pay.

- 8 I would have to consider a different 6th form.
- 9 Not having to pay for the bus was a major factor in our choice of secondary school.
- 10 I could not afford to pay and would have no choice to change to a closer school.

### **Impact on the less affluent**

- 1 Financially difficult.
- 2 I have 2 children at Bryn Tawe at the moment. I cannot afford to pay for them to travel on the school bus... to add another cost ... would mean cutbacks at home with food or heating.
- 3 I am a single parent with the added cost of school Transport will cost a small fortune to keep J... in further education in 6th form.
- 4 It's a bit expensive. £200 would be more reasonable.
- 5 The £300 yearly fee would have a great impact on our household budget. I'm afraid we simply could not afford it.
- 6 My husband and I wouldn't be able to afford to send him.
- 7 This could be a problem, particularly with more than one child in the sixth form.
- 8 I feel the charge is discriminating sixth formers who are still in full timed education.. why isn't this the same as Neath Port Talbot - £100
- 9 We would not be able to afford to pay £300.
- 10 I will not be able to afford £300 a year for a school bus.
- 11 I'm not in a financial position to pay for school Transport at the moment as it is.. [it] would mean less money for food or heating at home.
- 12 I would envisage that this amount would cause financial hardship to some families especially where they have more than one child in 6th form.
- 13 I will have 2 children in post 16 education at the school and £600 is beyond my budget.
- 14 I am in a bracket whereby our disposable income is rapidly sinking.. by the economic restraints placed upon most working people.
- 15 Not all people can afford it, people are penalised if they can't afford it.
- 16 As a single parent I would find paying this amount out of income would not be ideal.
- 17 Excessive.
- 18 Can't afford it.

### **Harmful effect on education**

- 1 I would love my child to continue till the very end, but would not be able to afford to pay £300 a year to get her there.
- 2 Would not be able to afford £300/year so my child would go without further education.
- 3 Would think twice about going to 6th form.
- 4 There should not be a charge on educating children.
- 5 It makes 6th form education impossible for my household budget.
- 6 These children should be encouraged to attend further education - some will see this sum as a barrier for their children and there's a risk that they won't attend college or the sixth form as a result.
- 7 With the cost of living going up, we as many others are, will find it very difficult to find an extra £300 on top of our outgoings which may result in my child not being able to carry on with his education.

### **Lack of savings**

- 1 By continuing to create larger and larger schools where all other costs can be reduced, except transport, therefore transport costs should be seen as a necessary consequence.

