



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**20<sup>TH</sup> MARCH 2024**

**REVIEW OF THE COUNCIL'S HOME TO SCHOOL TRANSPORT POLICY**

**REPORT OF THE DIRECTOR OF HIGHWAYS, STREETCARE AND TRANSPORTATION SERVICES IN DISCUSSION WITH THE LEADER OF THE COUNCIL, COUNCILLOR ANDREW MORGAN OBE AND THE CABINET MEMBER FOR ENVIRONMENT & LEISURE (COUNCILLOR ANN CRIMMINGS)**

**1. PURPOSE OF THE REPORT**

1.1 The purpose of the report is to:

- (i) Report the results of the public consultation exercise initiated by Cabinet, together with updated Equality and Welsh Language impact assessments in relation to a proposed new Home to School Transport Policy; and
- (ii) Assist Cabinet in its determination of whether or not it wishes to progress with implementation of a new Home to School Transport Policy.

**2. RECOMMENDATIONS**

It is recommended that Cabinet:

- 2.1 Considers the content of the report and outcome of the public consultation, together with the associated Equality and Welsh Language Impact Assessments appended to the report;
- 2.2 Subject to 2.1 above, determines whether or not, and if so how, it wishes to proceed with implementation of a revised Home to School Transport Policy giving consideration to the following preferred option which was consulted upon, namely:
  - providing mainstream English, Welsh and Faith primary school, secondary school and college transport in line with relevant statutory distance criteria,
  - allowing a learner to select their nearest suitable school in accordance with choice of English or Welsh Medium language or preferred religious denomination;
  - continuing to provide discretionary pre-compulsory school age transport and post-16 transport; and

- continuing to provide discretionary Additional Learning Needs transport:
- 2.3 Subject to 2.1 and 2.2 above, considers, in light of the feedback from the public consultation and analysis of the Equality and Welsh Language Impact Assessments, whether it wishes to amend the proposal as consulted upon, including consideration of alternative options presented within section 14 of this report;
- 2.4 Notes that any revised Home to School Transport Policy would need to be published in accordance with statutory requirements by 1<sup>st</sup> October 2024 in order for it to be able to be implemented for the commencement of the 2025/26 academic year; and
- 2.5 Subject to any decision taken to proceed with implementation of a revised Home to School Transport Policy delegates authority to the Director of Highways, Streetcare and Transportation Services to develop, introduce or amend any operational policies/guidance incidental to the implementation of any revised Home to School Transport Policy.

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

- 3.1 The Council is facing significant financial challenges into the medium term and is considering a range of options to contribute to addressing the shortfall in funding.
- 3.2 To consider the results of a public consultation exercise, initiated by Cabinet, together with updated impact assessments, in respect of a proposed new Home to School Transport Policy, which maintains elements of discretionary transport and provides mainstream English, Welsh and Faith primary school, secondary school and college transport in line with relevant statutory distance criteria.
- 3.3 Should the proposed new Home to School Transport Policy be implemented, in respect of the preferred option consulted upon, the Council would continue to provide discretionary Home to School Transport beyond statutory requirements, using discretionary powers to provide transport in a number of areas as outlined in the report, including the provision of transport for pupils with Additional Learning Needs, pupils of pre-compulsory school age and post-16 learners. Further, it would allow a learner to select their nearest 'suitable school' in accordance with their choice of English or Welsh Medium language or preferred religious denomination.
- 3.4 The feedback received through the consultation exercise highlighted a number of recurring themes which are referenced in this report and in the associated impact assessments. Cabinet should have due regard to



these prior to making any final decision in relation to any revised Home to School Transport Policy.

#### **4. BACKGROUND**

- 4.1 At its meeting on 18<sup>th</sup> September 2023 the Cabinet received an update on the Council's Medium Term Financial Plan 2023/24 to 2026/27. This reported an estimated budget gap of £35.005M for 2024/25 financial year, rising to £85.4M (cumulatively) across the next 3 years. This follows the Council having balanced its largest ever budget gap for the current year, 2023/24.
- 4.2 Given the size of the budget gap and with a focus across the medium term, this report sets out an option to reduce the cost base with regard to the provision of Home to School transport.
- 4.3 Moreover, [at its meeting on 20<sup>th</sup> November 2023](#), Cabinet agreed to initiate a public consultation in respect of a proposed new Home to School Transport Policy, which, if approved, would be adopted from the beginning of the 2025/26 Academic year.
- 4.4 The Council currently operates a very generous Home to School Transport policy over and above the statutory distance criteria which is the largest operation of its kind in Wales. The Council currently provides Home to School transport for approximately 9,000 mainstream pupils, 960 Additional Learning Needs ("ALN") learners, and 2,300 College students each day, with approximately 9,000+ of these learners transported on a discretionary basis. This transport is provided through the provision of contracted coaches, minibuses, taxis, and public transport season tickets.
- 4.5 Many Councils have already modified their eligibility criteria in line with the statutory distance. Therefore, the Council now provides discretionary transport for more learners than almost every other Council's entire Home to School transport operations.
- 4.6 Since the Covid-19 pandemic and conflict in Ukraine, bus operators have experienced significant increases in operational costs e.g., fuel, parts, wages etc. These costs have naturally impacted the viability of school bus routes and the affordability to operate them at pre-pandemic rates. As a result, the Council has uplifted its current contract rates significantly to match industry demand and continues to receive tender bids for new/replacement routes far above those received prior to March 2020.
- 4.7 The resultant effect of this has seen the Council's Home to School Transport costs increasing from £8M in 2015 to over £15M for the 2023/24 financial year.

4.8 Factoring in the increasing costs Cabinet determined to initiate a consultation on a proposed new Home to School Transport Policy.

5. **LEGISLATIVE FRAMEWORK: THE COUNCIL'S DUTIES UNDER THE LEARNER TRAVEL (WALES) MEASURE 2008**

5.1 The Council has several statutory duties which are relevant to this policy area which Members are reminded of, and must give due consideration to, before taking any final decision(s) in respect of the implementation of any new Home to School Transport Policy. These are set out in detail below.

5.2 The Welsh Government's Learner Travel (Wales) Measure 2008 (referred to in this report 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 Statutory Provision and Operational Guidance – June 2014 (the "Guidance"). The Measure and the Guidance can be accessed by clicking on the following links: [Measure](#) / [Guidance](#).

5.3 Under the Measure the Council **must**: -

- Assess the travel needs of learners in its area.
- Provide free home to school transport for learners of compulsory school age attending primary school who live 2 miles or further from their nearest suitable school.
- Provide free home to school transport for learners of compulsory school age attending secondary school who live 3 miles or further from their nearest suitable school.
- Assess and meet the needs of "looked after" children in its area.
- Promote access to Welsh medium education.
- Promote sustainable modes of travel.

5.4 The Council must therefore continue to meet these responsibilities in any future policy it adopts.

5.5 The Measure requires the Council to provide learners with free transport to their nearest suitable school if they ordinarily reside beyond a "safe" walking distance to that school. The term "suitable school" applies to the catchment area English, Welsh or dual-language mainstream school, or special school or class as appropriate. Where learners are not entitled to free transport the Council has the power to provide transport on a discretionary basis.

5.6 The definition of nearest "suitable school" is where the "education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have".

- 5.7 The walking distance is measured by the shortest available route. The Guidance states that, “a route is available“ if it is considered to be safe, (as far as reasonably practicable), for a learner without a disability or learning difficulty to walk the route alone, or with an accompanying adult if the learner’s age and levels of understanding requires this.” If a route is not “available” then a learner is entitled to free transport to their nearest suitable school even though the distance from home to school is less than the distance limit that applies to his or her age.
- 5.8 Assessing the travel needs of learners does not mean providing free transport. Learners will only qualify for free transport provision if they meet the entitlement criteria. Whilst the Council is required to assess the travel needs of all learners under the age of 19, there is currently no legal duty to provide free or assisted transport arrangements for non-compulsory school age children, (up to the term in which a child turns 5 or post 16 learners).
- 5.9 Parents and learners may express a preference for a particular school or a particular type of language provision, or Faith school, but the Measure does not confer on those parents and learners any rights to free transport to their preferred school and or location, unless that school is determined by the Council to be the learner’s nearest suitable school and the learner meets the distance criteria. However, Members should note, particularly, the position in relation to Welsh medium education as outlined in paragraphs 5.17 – 5.20 below.
- 5.10 The Council is also required to have regard to: -
- The needs of disabled learners and learners with learning difficulties.
  - Any particular needs of learners who are “looked after” or formerly looked after by the Council.
  - The age of a learner.
  - The nature of the route that the learner is expected to take between home and the places where they receive education or training.
- 5.11 In assessing the travel needs of learners, the Council must take into account the fact that the travel arrangements they make in light of the assessment must not cause unreasonable levels of stress, take an unreasonable amount of time, or be unsafe.
- 5.12 When exercising functions under the Measure, the Council is not required to take account of extra-curricular activities or breakfast and / or after-school clubs when assessing learner travel needs.
- 5.13 If a learner cannot be admitted to their nearest suitable school which results in the learner having to attend the next available nearest suitable

school, the Council has the same duty to provide free transport, if the requisite distance criteria is met.

- 5.14 Free transport for statutory age learners who attend special schools, pupil referral units and learning support classes is provided in accordance with the Council's agreed policy on walking distance and safe routes, (as set out above). This must be supported by appropriate evidence and be confirmed by the Council's Access and Inclusion ALN Panel. Learners with disabilities, (as defined by the Equality Act 2010), may be entitled to assistance with transport from home to an appropriate school or college even though the Council's agreed criteria on safe walking distance, (as set out above), are not met.
- 5.15 There is no statutory duty for the Council to provide free transport to post-16 learners who continue their studies in mainstream further education or training, as well as for learners with a disability or learning difficulty attending post-16 further education or training. Although, in assessing learner travel needs, the Council "must have regard in particular" to the needs of learners who are disabled or with learning difficulties.

#### **Power To Provide Discretionary Provision**

- 5.16 The Measure provides the Council with the power to provide discretionary transport arrangements for non-compulsory school age children.
- 5.17 When deciding which schools are most suitable for learners in its area, the Council and Welsh Ministers have a duty under the Measure to "promote access to education and training through the medium of Welsh".
- 5.18 The Council has the option to provide discretionary transport arrangements for learners who are not attending their nearest suitable school because of language preference.
- 5.19 The Council has to make clear in its Home to School Transport Policy, (which is contained in the annual Starting School Booklet), its arrangements for providing free or assisted travel to schools teaching through the medium of Welsh or English.
- 5.20 Preference for either language should be treated equally. The Council must also take into account its [Welsh Language Promotion Strategy and Action Plan 2022-2027](#) and [Welsh in Education Strategic Plan 2022 – 2032 \(WESP\)](#). The WESP sets out the ten-year plan for the planning and improvement of the provision of Welsh Medium and Welsh Language education. It is the plan for increasing the number of pupils attending Welsh Medium Schools.

- 5.21 A learner is entitled to free transport to a denominational or Faith school, if that school is considered by the Council to be the learner's nearest suitable school, should they meet the relevant distance criteria. However, the Measure also provides the Council with the power to provide discretionary transport arrangements for learners who are not attending their nearest suitable school because of denominational preference.
- 5.22 The Council is also required to make clear in its Home to School Transport Policy its arrangements for providing discretionary, or assisted travel to denominational schools.
- 5.23 If the Council does make use of its discretionary powers, it must ensure that the policy applies to all learners in the same circumstances living in that Council's area. The Council should ensure that any policy is fair, reasonable, and lawful, and complies with relevant equality legislation to ensure it does not discriminate unlawfully between learners when using their discretionary powers.

### **Charging for Transport**

- 5.24 The Council cannot charge for transport arrangements that it is *required* to make for learners of compulsory school age, (i.e., the statutory requirement to provide free home to school transport), except in relation to Children Looked After (CLA), where the Council makes travel arrangements for a child who is looked after by another Authority, (where a charge may be made to another Authority).
- 5.25 However, when the Council uses its Section 6 powers under the Measure to provide discretionary travel arrangements for learners not entitled to free transport provision, a charge can currently be applied for these arrangements.

### **The Public Service Vehicle Accessibility Regulations (PSVAR)**

- 5.26 The Public Service Vehicle Accessibility Regulations (PSVAR) of 2000 and 2005 apply to all new public service vehicles, (buses or coaches), that:
- Have been introduced since 31<sup>st</sup> December 2000.
  - Have a capacity exceeding 22 passengers.
  - Are used to provide a local or scheduled service.
- 5.27 PSVAR applies in England, Scotland and Wales and come under the responsibility of the UK Government's Department for Transport.
- 5.28 Requirements under the regulations have been introduced in phases. The final requirement from the PSVAR was implemented on 1<sup>st</sup> January

2020. This requirement means that any coach used on a scheduled service from that date must provide wheelchair access. The PSVAR apply only to public service vehicles. A vehicle that is not a public service vehicle (i.e., one that is not operated on a commercial basis for hire and reward), is outside the scope of the PSVAR.

- 5.29 The PSVAR apply to transport for learners provided by Local Authorities on a discretionary basis where the Local Authorities collect a fee from the learner, (i.e. impose a charge or sell surplus seats). The regulations do not include transport that Local Authorities provide themselves. In some areas, as a consequence of the PSVAR, some fare paying school buses have been withdrawn.
- 5.30 Medium-term exemptions to the PSVAR have been introduced by the UK Government in respect of in-scope home-to-school services. Those exemptions came into force on 1<sup>st</sup> July 2023 but expire on 31<sup>st</sup> July 2026. The grant of such exemptions requires operators concerned to progressively increase the compliance rate among their vehicles that are available for in-scope home to school transport services. All must be what the UK Government describes as “either fully or partially compliant with PSVAR” by 1<sup>st</sup> August 2026.
- 5.31 There is currently a significant shortfall in the number of buses that meet the PSVAR requirements in the marketplace. Due to the additional time required to operate scheduled school bus routes, and the geographical restrictions along these routes, e.g., a bus with wheelchair lift requires a road to be flat without incline, it is also not practical to operate such vehicles on school contract routes.
- 5.32 As a result of the above, the option of charging for transport under the statutory distance is not available for consideration.

### **Education Act 1996**

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

### **Active Travel (Wales) Act 2013**

- 5.34 The Council needs to have due regard to the Welsh Government’s Active Travel Action Plan for Wales and the Active Travel (Wales) Act 2013.



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

## **6. CURRENT POLICY**

6.1 The Council currently provides Home to School transport for approximately 9,000 mainstream pupils and 2,300 College students<sup>1</sup> each day through the provision of more than 193 routes. This transport is provided through the provision of contracted coaches, minibuses, and public transport season tickets.

6.2 The following table demonstrates how the Council schedules its contracted mainstream and college bus transport provision to ensure the most efficient use of available resources.

Number of learners carried by contracted bus	9,528
Number of school/college bus routes	193
Number of buses in operation	168
Average number of learners per route	49
Overall % of vehicle capacity utilised	81%
Number of learners carried by public transport	1,750

6.3 The Home to School transport budget for 2023/24 is £15m.

6.4 The Council's Learner Travel Policy is contained in its annual [Starting School Booklet](#).

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<sup>1</sup> As at September 2023

6.5 The Council is currently exercising its discretionary powers (referred to in paragraphs 5.16 - 5.23 above) under the provisions of the Measure to make a more generous provision to learners. The comparison to the statutory requirements is shown below: -

<b>Age during Academic Year</b>	<b>User</b>	<b>Statutory Requirement to Provide Free Transport</b>	<b>RCT Provision (as of November 2023)</b>
3 – End of term in which child turns 5	Non-compulsory school age	No statutory provision (although duty to assess needs)	Free transport for pupils attending full time in line with the Council’s admission arrangements if reside 1.5 miles or further safe walking distance to their catchment or nearest suitable school.
Term following 5 <sup>th</sup> Birthday – 11	Learner receiving compulsory primary education (English or Welsh Medium & SEN)	Reside 2 miles or further safe walking distance to their nearest suitable school	Free transport if reside 1.5 miles or further safe walking distance to their catchment or nearest suitable school.
12 – 16	Learner receiving compulsory secondary education (English or Welsh Medium & SEN)	Reside 3 miles or further safe walking distance to their nearest suitable school	Free transport if reside 2 miles or further safe walking distance to their catchment or nearest suitable school
16+	Post-16 learners	No statutory provision, (although there is a duty to assess needs)	Free transport if reside 2 miles or further safe walking distance to their nearest suitable school or college at which the approved course of study they wish to follow is offered (full time attendance) – for 2 years after the end of compulsory education (or 3 years for those who have reached 19

<b>Age during Academic Year</b>	<b>User</b>	<b>Statutory Requirement to Provide Free Transport</b>	<b>RCT Provision (as of November 2023)</b>
			but started a course when under 19 and continue to attend that course).
3 – 19	Learners selecting a school in accordance with their preferred religious denomination	No statutory provision – Measure does not require provision where learner selects a school that is not the nearest ‘suitable school’ (as the definition does not include voluntary aided (Faith) mainstream schools).	Allows learner to select their nearest ‘suitable school’ in accordance with their preferred religious denomination.  Therefore, distance provisions above apply.
3 – 19	Learners selecting a Welsh Medium School	Statutory provision is an issue of interpretation – Measure does not require provision where learner selects a school that is not the nearest ‘suitable school’.	Allows learner to select their nearest ‘suitable school’ in accordance with choice of English or Welsh Medium language.  Therefore, distance provisions above apply.

6.6 Based on a review of all Welsh local authorities, the provision at Rhondda Cynon Taf compares favourably to other parts of Wales. The table in Appendix 1 to the report summarises an analysis of Home to School Transport provision using available information contained in each Authority's starting school booklets for 2023/24, (note: policies may have been subsequently updated and relevant information has been provided in this regard where possible). It is also noted that 18 out of 22 Councils in Wales currently provide Home to School Transport in line with the Welsh Government's statutory distance requirements.

## **7. REVIEW OF SERVICE PROVISION – INITIAL OPTIONS CONSIDERED**

7.1 Three options were initially considered as part of this review<sup>2</sup>, namely:

- A. **Status Quo** i.e., retain the current level of provision resulting in £nil savings.
- B. **Provide mainstream English, Welsh and Faith primary and secondary school and college transport in line with statutory distance criteria.**

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

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

This option has the potential to deliver savings of approximately £2.5M in a full year.

- C. **Removal of all discretionary provision.**

In this option transport would no longer be provided for:

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

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<sup>2</sup> Savings figures based on pupil numbers and service usage as of September 2023



This option has the potential to deliver savings of approximately £6.9m in a full year.

- 7.2 An analysis of the advantages and disadvantages of each initial option, including the impact on pupil numbers as of September 2023, is shown at Appendix 2 to this report.
- 7.3 The proposed preferred option Cabinet initiated a consultation upon was Option B – namely to provide mainstream English, Welsh and Faith primary and secondary school and college, transport, in line with statutory distance criteria. Furthermore, it was proposed that this policy would be implemented from the start of the 2025/2026 academic year.
- 7.4 Option B would deliver a financial saving whilst maintain all other elements of discretionary provision. It would also assist in addressing increasing concerns about market stability in respect of Home to School transport provision. It is anticipated that it would also encourage more pupils onto public transport, add routes, which would help in turn to sustain public transport services, albeit it is acknowledged that for younger pupils there may be safeguarding concerns.
- 7.5 Furthermore, with the electrification of valley lines and improved frequency of services via the South Wales Metro, pupils will have access to improved rail services and integrated public transport network in some areas. However, it would mean approximately 2,750 pupils no longer receiving access to free Home to School transport. From an educational perspective, it was identified that this may raise potential issues in respect of pupil attendance and learner engagement in education should the Council's policy be amended in this way. This is a potential risk given the strong correlation between learner attendance and outcomes, and the continued impact of the pandemic on attendance rates at a local, regional, and national level. These considerations and others are explored in further detail later in the report.
- 7.6 Option B would mean the Council continues to meet the requirements of the Measure, with 18 of the 22 Council's in Wales already adopting the statutory distance requirements.
- 7.7 If implemented Option B would deliver savings of approximately £2.5M per year, which would be fully realised in the 2026/27 financial year. The part-year savings for 2025/26 would be approximately £1.4M.

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

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

- 8.2 In doing so the Council should follow the correct procedures in line with its relevant policy protocols.
- 8.3 If the Council does decide to change or remove the discretionary transport provision it provides, it must publish the information before 1<sup>st</sup> October of the year preceding the academic year in which the changes will come into force.
- 8.4 Therefore, subject to the Cabinet determining how it wishes to progress with the proposed new Home to School Transport Policy, it is proposed that the new policy would be implemented from the start of the 2025/26 Academic year and published prior to 1<sup>st</sup> October 2024.
- 8.5 Should Cabinet determine to progress with the proposed new Home to School Transport Policy as consulted upon in respect of the preferred option, it would mean that the Council's current discretionary distance eligibility criteria for Home to School transport, as set out in the table at paragraph 6.5 above, would be amended in line with the Welsh Government statutory distance eligibility criteria. The overall provision would be as set out in the table below:

<b>Age during Academic Year</b>	<b>User</b>	<b>Statutory Requirement to Provide Transport</b>	<b>to Free Provision from September 2025</b>
3 – End of term in which child turns 5	Non-compulsory school age, learner selecting education through English or Welsh medium.	No statutory provision (although duty to assess needs)	Continue to provide transport for pupils that reside 2 miles safe walking distance to their catchment or nearest suitable school, at the beginning and end of the normal school day and not at lunchtimes
Term following 5 <sup>th</sup> Birthday – 11	Learner receiving compulsory primary education, learner selecting education through English or Welsh medium.	Reside 2 miles or further safe walking distance to their nearest suitable school	Reside 2 miles or further safe walking distance to their nearest suitable school
12 – 16	Learner receiving compulsory secondary education, learner selecting education through English or Welsh medium.	Reside 3 miles or further safe walking distance to their nearest suitable school	Reside 3 miles or further safe walking distance to their nearest suitable school
16+	Post-16 learners, learner selecting	No statutory provision	Continue to provide transport for pupils that reside 3 miles or further

Age during Academic Year	User	Statutory Requirement to Provide Transport to Free	Proposed changes to RCT Mainstream Transport Provision from September 2025
	education through English or Welsh medium.	(although duty to assess needs)	safe walking distance to their nearest suitable school or college.
3 – 19	Learners selecting a school in accordance with their preferred religious denomination	No statutory provision – Measure does not require provision where learner selects a school that is not the nearest ‘suitable school’ (as the definition does not include voluntary aided (Faith) mainstream schools).	Continue to provide transport for pupils that: Reside 2 miles or further safe walking distance to their nearest suitable school for 3–11-year-olds (primary) attending full time in line with the Council’s admission arrangements. Reside 3 miles or further safe walking distance to their nearest suitable school for 11–19-year-olds (secondary).

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

Service Provision	WG Statutory Policy	RCTCBC Proposed Policy
Primary School Distance > 2 miles	✓	✓
Secondary School Distance > 3 miles	✓	✓
Pre-compulsory School Age < 5 years *	✗	✓
Transport to nearest suitable Faith School (Primary and Secondary) **	✗	✓
Transport to nearest suitable Welsh Medium School (Primary and Secondary) **	✗	✓
Post 16 Education Transport (6 <sup>th</sup> form or College) *	✗	✓

\* Subject to a learner meeting relevant distance criteria

\*\* Parents and learners may express a preference for a particular school, a particular type of language provision or faith school, but the Learner Travel Measure does not confer on those parents and learners any rights to free transport to their preferred school and or location, unless that school is determined by the local authority to be the learner’s nearest suitable school and the learner meets the distance criteria. Section 6 of the Measure provides local authorities with the power to provide discretionary transport arrangements for learners who are not attending their nearest suitable school because



of language preference and/or preferred religious denomination. The Council is currently using those powers to provide such discretionary provision (subject to a learner meeting the relevant distance criteria).

- 8.7 Learners would continue to be able to select their nearest “suitable school” in accordance with choice of English or Welsh Medium language or preferred religious denomination.
- 8.8 The same age and distance criteria apply to children looked after as to children who are not looked after. If the Council determines that a child looked after should attend a school other than the nearest suitable school, then transport will be provided upon request by the child’s social worker in accordance with the Council’s agreed policy on walking distance and safe routes.
- 8.9 Pupils living beyond statutory distances attending their nearest or catchment school by choice of language would continue to have the benefit of free transport.
- 8.10 Whilst pupils with additional learning needs and / or disabilities receiving education at their catchment or nearest special school, pupil referral unit or learning support unit are assessed by distance criteria, in practice these pupils would not be affected by this proposed policy change as their transport is based upon their individual needs.
- 8.11 As stated in paragraph 5.12 above when exercising functions under the Measure, the Council is not required to take account of extra-curricular activities or breakfast and / or after-school clubs when assessing learner travel needs. Given that position, such considerations did not form part of the development of the preferred option.
- 8.12 The Council is aware that Welsh Government are in the process of reviewing the Guidance, however it is unclear what, if any, changes will be made. The Council will review any revisions to the Guidance, as and when issued, and consider accordingly.

## **9. THE COUNCIL’S DUTY IN RESPECT OF CHILDREN IN NEED**

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



9.2 For the purposes of the 1989 Act “children in need” are defined as follows:

“A child shall be taken to be in need if:

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

9.3 As previously noted the proposed new Home to School Transport Policy maintains and protects existing and future ALN transport provision.

9.4 Most importantly however the care needs of individual families with “children in need” will inevitably be affected by their particular circumstances at any given point in time and by the particular local services available to them at that point. The Council works with these individual families to identify the specific needs of any child determined to be in need at that point in time.

#### Looked After Children

9.5 As indicated earlier in the report the Council must have regard to, and assess and meet the needs of, “looked after” children and those formally looked after in its area.

9.6 The definition of a ‘looked after’ child is the term used within the Children Act 1989 to describe a person (under the age of 18) who is in the care of the Council, or who is provided with accommodation for more than 24 hours by it in the exercise of its social services functions. This could be a placement with foster carers; in residential homes or with parents or other relatives (‘kinship care’).

9.7 Under the Measure, the same age and distance criteria apply to ‘looked after’ children (learners) as to those who are not looked after. But the provision that the learner must attend their nearest suitable school to their home does not apply to ‘looked after’ learners (in the same way it applies to learners who are not looked after). It is for the Council to determine where the looked after child should go to school. The school decided upon might be a school other than the nearest suitable school due to the need to maintain continuity in education or contact with siblings or friends to promote wellbeing. If that is the case, transport would be provided.

- 9.8 As previously stated the Council may not charge for transport arrangements that it is required to make for learners of compulsory school age under the Measure, except in relation to looked after children where the authority making the travel arrangements for a child who is looked after by another authority. In these cases, it can recoup costs from the placing local authority.
- 9.9 If the Council determines that a looked after child should attend a school other than the nearest suitable school then transport would be provided upon request by the child's social worker in accordance with the Council's agreed policy on walking distance and safe routes.

## **10. CONSULTATION**

- 10.1 Section 9 of the Education Act 1996 places a general duty on local authorities to have regard to the general principle that pupils are to be educated in accordance with the wishes of their parent, however this is "in so far as that is compatible with the provision of efficient instruction and training and with the avoidance of unreasonable public expenditure".
- 10.2 Due to the financial pressures the Council is currently facing, it is considered that changes to its current Home to School Transport Policy, are necessary to align the transport provision more closely with the Welsh Government statutory transport requirements for the Council in order to:
- Maintain affordability within future financial constraints;
  - Continue to be able to meet its statutory requirements; and
  - Maintain discretionary transport for its most vulnerable users (e.g., ALN pupils).
- 10.3 As previously noted, Cabinet determined to initiate a consultation in respect of a preferred option relating to a proposed new Home to School Transport Policy as detailed in section 8 of this report in consideration of the current budget pressures. The Council is not alone in facing these challenges, nor in having to consider such reviews of discretionary areas of current provision.
- 10.4 A comprehensive public consultation exercise was conducted with all key stakeholders such as pupils, parents, carers, transport providers and Elected Members. The consultation originally ran from Monday 27<sup>th</sup> November 2023 until 5pm Monday 8<sup>th</sup> January 2024. Recognising the significance of the proposal for pupils who use and will use home to school transport now or in the future, the consultation was extended for a further three-week period, from Thursday 18<sup>th</sup> January until 5pm Thursday 8<sup>th</sup> February 2024. This period provided a further opportunity for those potentially impacted to take part in the consultation. In total the consultation therefore ran for a period of nine weeks.



- 10.5 The consultation had a dedicated page on the Council's consultation section of its website which provided details of the proposal and a link to the consultation survey. Consultees were also referred to the initial Equality and Welsh Language impact assessments considered by Cabinet prior to initiating the consultation exercise.
- 10.6 A 'frequently asked questions' sheet was developed to provide further information to consultees.
- 10.7 An email was sent to all schools who could be potentially impacted by the proposal to Headteachers and Chair of Governors to be forwarded on to all parents and carers. Further emails were sent to key stakeholders to promote the consultation and encourage participation in the online survey, including public transport operators. School Councils, headteachers and school and college governors were also invited to submit their views on any proposed new policy.
- 10.8 Respondents were also given the option to write in using a dedicated email address HTSConsultation@rctcbc.gov.uk, and a telephone option was also in place through the Council's contact centre.
- 10.9 The Council held 8 public engagement events at venues throughout the County Borough, where officers were on hand to answer any questions on the proposal and encourage or assist people to take part in the survey.
- 10.10 The consultation was widely promoted in the Press and via social media including the Council's Facebook and X (formerly known as Twitter) accounts.
- 10.11 Consultees were therefore able to respond to the consultation through various channels including an online survey/questionnaire, a dedicated consultation email address, a freepost postal address, a telephone option and providing feedback at the local engagement sessions.
- 10.12 The Council's YEPs team developed a young person's version of the proposal and shared with youth forum members. The consultation was undertaken by sharing relevant information with young people through a social media group for youth forum members and they were asked to complete a survey following this.
- 10.13 The proposals were presented and discussed at the Council's Overview and Scrutiny Committee meeting on the 13<sup>th</sup> December 2023. The report and minutes of that meeting can be accessed [here](#) and a letter summarising the Committee's feedback is attached at Appendix 6 to the report.

- 10.14 In total **2858 responses were received to the consultation survey and 39 individual emails/letters.**
- 10.15 A detailed report outlining the methodology used in analysing the responses and the results of the extensive consultation exercise including feedback received is attached at Appendix 3 to the report.
- 10.16 The results of the consultation and feedback received are explored in further detail at Section 13 of this report.
- 10.17 Prior to this Cabinet meeting a facility was made available for Cabinet Members to view all responses received through the various channels as a result of the consultation. This was done to ensure Cabinet gives due regard and conscientious consideration to all elements of the Consultation feedback and responses received. This approach also ensures Cabinet gains a comprehensive and genuine understanding of the wide range of views and opinions expressed by the consultees prior to making any decision.
- 11. ANALYSIS OF CONSULTATION RESPONSES AND KEY THEMES ARISING FROM THE CONSULTATION TO BE CONSIDERED PRIOR TO ANY FINAL DECISION BEING MADE IN RESPECT OF ANY NEW HOME TO SCHOOL TRANSPORT POLICY**
- 11.1 As referenced earlier in the report the full results of the extensive consultation exercise including feedback received is attached at Appendix 3 to the report. For ease, a summary is provided below of the consultation feedback and an analysis of the key themes that emerged from the consultation. This section should also be read in conjunction with the EqIA and WLIA. It is designed to assist Cabinet with any decision it may subsequently take with regards to implementation of the proposed new Home to School Transport Policy.
- 11.2 The majority of respondents to the consultation were a parent/carer of a young person who uses or will use Home to School transport (79.8%). There were a high number of responses from Welsh schools overall (36.8%), considering that there are 17 Welsh medium schools in Rhondda Cynon Taf and 115 schools in total.
- 11.3 79% of respondents disagreed with the preferred option consulted upon namely, to continue to provide a generous discretionary Home to School Transport Provision for over 6000 learners and bring mainstream English, Welsh and Faith primary and secondary school and college transport in line with statutory distance criteria, with the potential to deliver savings of approximately £2.5m
- 11.4 The preferred option would maintain discretionary school transport provision for over 6,000 learners. Respondents were asked if they

agreed that this level of discretionary provision should be retained? 50% agreed that it should be retained, 36% disagreed and 14% stated don't know.

- 11.5 The preferred option would result in savings of approximately £2.5m to help towards safeguarding changes to other discretionary elements of the school transport provision. Respondents were asked if they agreed with the proposal if it helps to maintain future discretionary school transport provision. 70% disagreed.
- 11.6 54% of respondents thought that the proposal would impact the opportunities and promotion of the Welsh Language negatively.
- 11.7 41% of the respondents said that the proposal does not treat the Welsh Language less favourably than the English Language, although 36% thought that it did. The Council considered other options prior to consultation but deemed that they were either unaffordable, i.e. do nothing and risk more significant impacts in future years, or that the impact on learners was too great, i.e. removing all discretionary provision. Respondents were asked if they agreed that the proposal taken forward to consultation is the fairest option available to the Council. 69% responded that they did not agree that it was the fairest option, with 16% agreeing and 15% stated they didn't know.
- 11.8 69% of respondents who disagreed that the proposal was the fairest option were asked to provide any alternative options that they would like the Council to consider.
- 11.9 Consultees were able to provide specific comments as part of responding to the consultation and suggest possible alternative options. The key themes which arose as a result of those comments are set out below:
- General disagreement with the proposal/ transport provision should remain as is currently provided;
  - Financial impact – on family and single/working parents/carers;
  - Respondents said they would be happy to pay a charge (including suggestions of a means tested or subsidised charge);
  - Impact on school attendance;
  - Safety concerns (particularly for younger learners);
  - Increased traffic / congestion and environmental concerns;
  - Unfair to 'exempt' faith and Welsh schools, they should be the same;
  - Impact on Welsh Language learners/Welsh Education standards;
  - Treating Welsh/English Medium and Faith learners equitably;
  - Savings should be found from elsewhere;



- Alternative options should be considered such as looking at other possible distances that would qualify for free transport provision or retaining certain elements of current discretionary provision;
- Issues with existing public transport provision.

11.10 The following responses seek to address each of the points raised above:

**General Disagreement with the proposal/ transport provision should remain as is currently provided.**

As stated within the report, the option to maintain the status quo and do nothing was not proposed as the costs of existing discretionary provision are considered to be unaffordable. The Council is facing significant financial challenges into the medium term and is considering a range of options to contribute to addressing the shortfall in funding. Should the proposed new Home to School Transport Policy be implemented the Council would continue to provide discretionary Home to School Transport beyond statutory requirements.

**Financial impact – on family, single/working parents/carers and post-16 learners**

It is acknowledged that there will be additional financial cost to parents / carers should they decide to transport their child(ren) to school at their own expense, however the walking distances proposed are within the requirements of the Measure, with 18 of the 22 Council's in Wales already adopting the statutory distance requirements.

It is also acknowledged that this proposal may have an impact, or present increased pressures on single parents/carers and working families, especially where they have children of primary school age.

The Welsh Government operate a discounted bus fares scheme for young people in Wales aged 16 to 21 with approximately 1/3 off their bus fare. The 'mytravelpass' can be used at any time of day and on any day of the week that the services operate, including weekends and bank holidays. There is no restriction on the type of journey that users can make, and can be used for school or college, visiting friends and leisure.

The Welsh Government also offer an Education Maintenance Allowance (EMA) to help 16- to 18-year-olds with the costs of further education. This includes transport costs. Entitled pupils receive £40 per week, with payments made every 2 weeks, as long as they meet the school or college's attendance requirements.



## **Respondents said they would be happy to pay a charge (including suggestions of a means tested or subsidised charge)**

As stated at paragraphs 5.27 to 5.33 of this report, the option of introducing a charge for transport under the statutory distance is not available for consideration due to the implementation of the UK Government's Department for Transport PSVAR legislation.

### **Impact on school attendance**

Through the Consultation parents/carers expressed concern that the proposed policy could discourage or inhibit some children and young people from attending school, due to their parents/carers being unable to transport their child to school or state there was no safe route to school for their child. This would mean pupils affected would need to find an alternative way to get to school, such as on foot/cycling, in a car or on public transport. Consultation respondents felt that children and young people could not be expected to walk the distances outlined in the proposed policy and/or could not be relied upon to attend school without the provision of free transport.

It was also stated that some parents/carers may find it difficult to transport children and young people by car, because they may not own a vehicle or have work commitments during the school drop-off and pick-up times.

In addition, consultation respondents felt that the public transport provision and cost was prohibitive to pupils travelling to school on a public bus.

Therefore, overall, parents/carers disagreed with the proposed policy on the grounds that it could have a negative impact on the attendance of children and young people, which would be likely to have a negative affect on pupil achievement.

Parents, or anyone with parental responsibility, have a legal duty to ensure their child of compulsory school age attends school. Failure to do so can result in penalty notices and even prosecution. However, consultation respondents stated that the proposed policy made it more likely that some children and young people not using the Home to School Transport provision would be expected to walk or cycle to school independently of their parents and, therefore, would be more likely to truant.

In assessing the possible impact of the proposed changes on attendance a comparison of the attendance level for those learners receiving home to school transport provision was made against those learners who do not use home to school transport to get to school.



Current attendance levels at RCTCBC mainstream schools receiving school transport.

Overall attendance levels:

	Total
Attendance levels of pupils currently making their own way to school	89.99%
Attendance levels of pupils who are in receipt of school transport	89.43%
Overall difference	-0.56%

Overall, therefore there is a 0.56% average reduction in attendance levels where school transport is provided.

Primary School attendance levels:

	Total
Attendance levels of pupils currently making their own way to school	92.44%
Attendance levels of pupils who are in receipt of school transport	91.99%
Overall difference	-0.44%

Overall, therefore there is a 0.44% average reduction in attendance levels where school transport is provided.

Secondary School attendance levels:

	Total
Attendance levels of pupils currently making their own way to school	87.05%
Attendance levels of pupils who are in receipt of school transport	86.42%
Overall difference	-0.63%

Overall, therefore there is a 0.63% average reduction in attendance levels where school transport is provided.

Attendance data therefore suggests that the provision of free transport within 1.5-2 miles for primary schools and 2-3 miles for secondary schools (as is currently the case in Rhondda Cynon Taf) has little impact on attendance.

The EqIA has identified that as a mitigating action if a revised policy is implemented, officers should continue to monitor attendance on a school





level to ensure that any potential negative affect of the proposed policy is identified, and arrangements put in place to improve the pupil's attendance.

The local authority continues to invest in supporting school attendance via a number of means. Since 2020, Cabinet funding alongside Welsh Government grant has supported the match funding of Family Engagement Officers in 29 of the Council's education settings. In 2022, the Attendance and Wellbeing Service was restructured to ensure more frontline officers were available to support learners, families and schools to improve their attendance. A number of initiatives have also been centrally supported during this time including incentive schemes and marketing campaigns to ensure the importance of school attendance is communicated effectively.

### **Safety concerns (particularly for younger learners)**

All walking routes to school are assessed using the criteria laid down by the Welsh Government Statutory Guidance for the Risk Assessment of Walked Routes to School. As confirmed at the Cabinet meeting on 20<sup>th</sup> November 2023, all routes would be reviewed, and re-assessed where appropriate, prior to eligibility confirmation.

The focus of active travel measures and legislation is on facilitating everyday short-distance walking and cycling journeys such as to schools. As part of the Council's Statutory duties under the Active Travel (Wales) Act, it produced an Active Travel Network Map (ATNM), which was updated and approved by Welsh Government in 2022. This map contains details of existing walking and cycling routes and where improvements or new routes are proposed, which the Council will seek to deliver over the next 15 years. Future proposals also include links to all schools within the County Borough that will connect to either existing or new active travel routes.

### **Increased traffic / congestion and environmental concerns**

The proposal includes the removal of a significant number of buses from the school bus network. Given that these vehicles are some of the most polluting on the Council's highways, it is envisaged that this will help to reduce the carbon impact. However, whilst the Council is unable to determine the precise impact this proposal may have on traffic congestion, it is acknowledged that should it be implemented there may be an increase in vehicular movements around school start and finish times.



### **Unfair to exempt Faith and Welsh schools, they should be the same**

It is assumed that this particular theme is a result of respondents misinterpreting the consultation information as the proposed changes would apply to English/Welsh medium and Faith education provision.

### **Impact on Welsh Language Learners/Welsh Education standards**

The potential impact on Welsh language education is referenced within section 13 of this report and within the WLIA.

### **Treating Welsh/English Medium and Faith learners equitably**

The proposed changes will be applied equally to English medium education provision and Welsh medium education provision.

As part of its discretionary provision, the Council would, as now, allow a learner to select their nearest 'suitable school' in accordance with choice of language and faith/religious denomination should the proposal be implemented.

Further considerations on the potential impact on Welsh language education is referenced within section 13 of this report and within the WLIA.

### **Savings should be found from elsewhere**

At its meeting on 18<sup>th</sup> September 2023 the Cabinet received an update on the Council's Medium Term Financial Plan 2023/24 to 2026/27. This reported an estimated budget gap of £35.005M for 2024/25 financial year, rising to £85.4M (cumulatively) across the next 3 years. This follows the Council having balanced its largest ever budget gap for the current year, 2023/24.

Given the size of the budget gap and with a focus across the medium term, all service areas across the Council have been required to submit service efficiencies resulting in a reduction in the budget gap. The Home to School Transport proposal is in line with the challenges proposed.

### **Alternative Options should be considered such as looking at other possible distances that would qualify for free transport provision or retaining certain elements of current discretionary provision**

The distances proposed are within the requirements of the Measure. A review of the number of pupils living within alternative distances e.g. 2.5 miles for secondary school pupils, would not result in the reduction of transport required to achieve the level of savings required.



## **Issues with existing public transport**

The Covid-19 pandemic has affected the commercial viability of all bus services, with substantial Welsh Government funding being needed to support bus operators to maintain pre pandemic levels of service. Whilst the Welsh Government had made money available to support the bus industry since April 2020 and now beyond April 2024, this funding is intended to maintain as much of the pre pandemic bus network from deregistration, focussing on maintaining current services and transitioning towards a more sustainable commercial network.

## **12. EQUALITY AND DIVERSITY IMPLICATIONS (INCLUDING SOCIO-ECONOMIC DUTY)**

12.1 Cabinet Members will be fully aware and mindful of the general equality duty introduced by the Equality Act 2010 and the specific public sector equality duties applicable to the Council as a local authority in Wales, including the requirements of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and Socio-economic Duty.

12.2 Section 149 of the Equality Act 2010 (Public Sector Single Equality Duty) requires public authorities to demonstrate in decision making that they have paid 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and those who do not.

12.3 The relevant protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The Council must have due regard to the impact of any of the proposals on those with a protected characteristic. The Council has a specific duty to publish information to demonstrate how they have paid due regard to the aims above as part of their decision making. Undertaking an Equality Impact Assessment ("EqIA") would be evidence that the Council has considered its legal obligations in making the decision on the recommendations in this report.

12.4 The Equality Act 2010 outlines that having due regard for advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;

- taking steps to meet the needs of people from protected groups where these are different from the needs of other people; or
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

12.5 In addition to the general duty the Council must:

- assess the likely impact of proposed policies and practices on its ability to comply with the general duty;
- assess the impact of any policy which is being reviewed and of any proposed revision;
- publish reports of the assessments where they show a substantial impact (or likely impact) on an authority's ability to meet the general duty; and
- monitor the impact of policies and practices on its ability to meet that duty.

12.6 A pre-consultation EqIA was completed and included as part of the original Cabinet report before Members. This EqIA was also made available to consultees as part of the consultation process in order for them to comment on some of the initial considerations identified by officers when formulating the proposal.

12.7 The EqIA has been updated following the consultation, utilising the feedback received and additional data gathered to assist Cabinet in reaching any final decision on the proposal. This is attached as Appendix 4 to the report.

12.8 The EqIA has found that there are three negative and eight neutral equality and diversity implications, based on protected characteristics, associated with the preferred option consulted upon.

12.9 A duty to have due regard also arises by section 1 of the Equality Act 2010 when the Council makes a decision of a "strategic nature". The Council accepts that the decision as to which policy to adopt is a decision of a strategic nature and accordingly that particular duty is to have due regard to the desirability of exercising the Council's functions in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

12.10 In deciding how to fulfil a duty which is subject to that socio-economic duty as set out above, regard must be had to the Welsh Government's statutory guidance.

12.11 The EqIA has found that there are two negative and four neutral socio-economic impacts with the preferred option consulted on.

- 12.12 The impacts identified in the EqIA (both equalities and socio-economic related) could be mitigated by a range of actions as detailed in the EqIA and through the potential alternative options put forward in section 14 of this report.
- 12.13 Under the Children and Families (Wales) Measure 2010 the Council must: -
- (a) Prepare and publish a strategy for contributing to the eradication of child poverty which the Council has done through the adoption of the [Cwm Taf Morgannwg Well-being Plan 2023-2028](#); and
  - (b) Take all reasonable steps to perform the actions and functions set out in the strategy for the eradication of child poverty. The actions and functions, and the steps the Council has taken and will take to perform them, are again set out in the Well-being Plan.
- 12.14 It is a priority of the Council, and its partner organisations of the Cwm Taf Morgannwg Public Services Board, to engage with families who have any additional needs as early as possible to support them to make the most of family life and reach their full potential.
- 12.15 The Council has also used as a basis for developing its priority of ensuring that the future generations of Rhondda Cynon Taf live in a safe, healthy and prosperous County Borough the shared set of rights for children and young people set out in the United Nations Convention on the Rights of a Child. A link to a summary of these rights is provided below: -

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

- 12.16 In order to further assist Members and ensure compliance with the Council's duty the rights of children have been specifically considered in respect of the proposed new policy and this assessment forms part of the EqIA. Further consideration of the effect of the proposal for issues of child poverty and social deprivation, utilising feedback received through the consultation and additional data is also explored in Section 13 of the report.

### **13. WELSH LANGUAGE IMPLICATIONS**

- 13.1 Members will be aware that the Welsh language has official status in Wales which means that the Welsh language should not be treated less favourably than the English language in Wales.
- 13.2 The Council must also promote access to education and training through the medium of the Welsh language when exercising the functions under the Measure.

- 13.3 The Council must also take into account its [Welsh Language Promotion Strategy and Action Plan 2022-2027](#) and [Welsh in Education Strategic Plan 2022 – 2032](#) ('WESP'). The WESP sets out the ten-year plan for the planning and improvement of provision of Welsh Medium and Welsh Language education. The Welsh Language (Wales) Measure 2011 includes a requirement to make sure the Welsh language is treated no less favourably than the English language.
- 13.4 The seven main outcomes as outlined within the WESP are as follows:
- Outcome 1: More nursery/three year old learners receive their education through the medium of Welsh
- Outcome 2: More reception/five year old learners receive their education through the medium of Welsh
- Outcome 3: More children continue to improve their Welsh language skills when transferring from one stage of their statutory education to another
- Outcome 4: More learners study for assessed qualifications in Welsh (as a subject) and subjects through the medium of Welsh
- Outcome 5: More opportunities for learners to use Welsh in different contexts in school
- Outcome 6: An increase in the provision of Welsh medium education for learners with ALN in accordance with the duties imposed by the Additional Learning Needs and Education Tribunal (Wales) Act 2018
- Outcome 7: Increase the number of teaching staff able to teach Welsh (as a subject) and teach through the medium of Welsh
- 13.5 Under the Learner Travel (Wales) Measure 2008, when deciding which schools are most suitable for learners in its area, the Council has a duty to promote access to education and training through the medium of Welsh.
- 13.6 A pre-consultation Welsh Language Impact Assessment ('WLIA') was completed and included as part of the original Cabinet report before Members. This WLIA was also made available to consultees as part of the consultation process in order for them to comment on some of the initial considerations identified by officers when formulating the proposal.
- 13.7 The WLIA has been updated following the consultation, utilising the feedback received and additional data gathered, to assist Cabinet in reaching any final decision on the proposal. This is attached as Appendix 5 to the report.

13.8 The WLIA has identified that there will be negative impacts on the Welsh language in respect of the preferred option consulted upon. There is a potential that the additional walking distance from home to school may discourage parents from putting their children into Welsh medium schools, in favour of nearer English medium catchment schools, with a greater risk at the primary school level. Given there are fewer Welsh medium schools compared to English medium schools they are generally further away from learners. Thus Welsh medium learners may be impacted the most by any change to existing policy and particularly with regards to primary aged learners. These risks could be mitigated by a range of actions as detailed in the assessment and through the potential alternative options put forward in section 14 of this report.

#### **14. POTENTIAL ALTERNATIVE OPTIONS ARISING OUT OF THE CONSULTATION FEEDBACK AND IMPACT ASSESSMENT ANALYSIS FOR CABINET'S CONSIDERATION**

14.1 This section of the report sets out alternative options for Cabinet to consider. These options have been developed as a result of considering feedback from the public consultation and an analysis of the EqIA and WLIA. It should be emphasised that other alternative options could be pursued. Implementation of either alternative option detailed below would comply with the provisions of the Measure, particularly the duty to promote access to Welsh Medium education and compliance with other legislation detailed in this report.

14.2 **The first option would be to maintain the Council's current discretionary distance criteria of providing transport for all primary schools, (English, Welsh, and Faith).** Transport provision to all secondary schools and colleges (English, Welsh, and Faith) would change to move in line with the relevant statutory distance criteria as set out in the Measure.

14.3 Whilst the Council would be introducing a change to its secondary school and post-16 eligibility criteria, it would nevertheless continue to provide all other areas of its discretionary transport provision in excess of the current minimum Welsh Government statutory requirement.

14.4 As a result of adopting this proposed policy, based on data as at 1 September 2023, 305 primary school pupils would retain their discretionary entitlement than otherwise would have lost it under the preferred option consulted upon. This is split between 242 Welsh language primary pupils, and 63 faith primary pupils, and would be a positive mitigation against some of the potential impacts identified within the EqIA and WLIA and feedback received as part of the consultation, the themes of which are outlined above. By adopting this proposed option it would further assist the Council in being able to demonstrate ongoing compliance with the requirement in the Measure to promote

Welsh Medium education by maintaining current discretionary transport provision for primary school pupils who live beyond 1.5 miles, which is in excess of the statutory requirement. It might also be a contributing factor in enabling the Council to address several of the outcomes set out in the WESP and thus mitigate against some of the negative aspects of Option B as set out in the WLIA.

- 14.5 If implemented, the Council would continue to offer a more generous eligibility policy than 18 of the 22 Council's in Wales that have already adopted the statutory distance requirements for both primary schools, secondary schools, and colleges.
- 14.6 This option would reduce the potential overall savings achievable through Option B by approximately £200K per year.
- 14.7 **A second option would be to maintain the Council's current discretionary distance criteria of providing transport for all primary schools, (English, Welsh, and Faith) and Welsh secondary schools only.** Transport provision to English and Faith schools and colleges would change to move in line with the relevant statutory distance criteria as set out in the Measure.
- 14.8 As a result of adopting this proposed policy, based on data as at 1 September 2023, 228 Welsh secondary school pupils would retain their entitlement than otherwise would have lost it under the preferred option consulted upon. This is in addition to the 305 primary school pupils as described in section 14.4 above. Implementation of this option might act as further mitigation against some of the potential impacts identified within the WLIA and feedback received as part of the consultation.
- 14.9 The option would reduce the potential overall savings achievable through Option B by approximately £500K per year.

## **15. SCRUTINY ENGAGEMENT**

- 15.1 The Overview and Scrutiny Committee was provided with an opportunity on 18<sup>th</sup> March 2024 to consider the consultation feedback and draft Cabinet report. Feedback from that scrutiny meeting will be provided to Cabinet in advance of the Cabinet meeting to consider this report.

## **16. FINANCIAL IMPLICATIONS**

- 16.1 The cost to the Council of delivering its current Home to School Transport Policy amounts to £15M per year. Of this, the cost of delivering the discretionary provision, that is, at levels above that required by the Measure amounts to £6.9M.



- 16.2 The proposed Option B which was consulted upon would deliver savings amounting to £2.5M in a full year, meaning the Council would continue to provide discretionary provision amounting to £4.4M per year.
- 16.3 Subject to the decision of Cabinet, Option B would be implemented from September 2025, with £1.4M being realised in financial year 2025/26, with the full year saving of £2.5M then being realised from financial year 2026/27.
- 16.4 This is within the context of the Council's Medium Term Financial Plan, currently forecasting a budget gap of £85.4M to financial year 2026/27.
- 16.5 In relation to the two alternative options detailed in section 14 above, those options would reduce the potential overall savings achievable through Option B by approximately £200K or £500k per year.

## **17. LEGAL IMPLICATIONS & LEGISLATION CONSIDERED**

- 17.1 The legal implications and relevant legislation in respect of the proposal are set out in the main body of the report.

## **18. LINKS TO THE COUNCIL'S CORPORATE PLAN, NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

- 18.1 The delivery of Home to School transport services support and promote the Council's Corporate Plan priorities for People – are independent, healthy, and successful; Places – where people are proud to live, work and play; and Prosperity – creating the opportunity for people and businesses to be entrepreneurial and fulfil their potential and prosper.
- 18.2 The Well-being of Future Generations (Wales) Act 2015 requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change. To make sure we are all working towards the same purpose, the Act puts in place seven well-being goals on the Council:
- A prosperous Wales.
  - A resilient Wales.
  - A healthier Wales.
  - A more equal Wales.
  - A Wales of cohesive communities.
  - A Wales of vibrant culture and Welsh Language.
  - A globally responsible Wales.
- 18.3 The Act imposes a duty on all public bodies in Wales to carry out “sustainable development”, defined as being “the process of improving



the economic, social, environmental and cultural wellbeing of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the wellbeing goals."

18.4 The Act sets out five ways of working needed for the Council to achieve the seven well-being goals, these being:

- The importance of balancing short term needs with the needs to safeguard the ability to also meet long-term needs.
- Considering how the Council's objectives impact upon each of the well-being goals listed above.
- The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the Council services.
- Acting in collaboration with other persons and organisations that could help the Council meet its well-being objectives; and
- Acting to prevent problems occurring or getting worse.

18.5 The potential health and environmental implications associated with implementing the recommendations set out in this report support the Well-being Plan of the Cwm Taf Morgannwg Public Services Board, the declaration by the Welsh Government of a Climate Emergency and the Council's own Corporate and Air Quality Action Plans. One of the objectives of the Corporate Plan is to "encourage our residents to be more active and healthy".

18.6 The Air Quality Action Plan is aimed at tackling pollution at locations within the County Borough which currently exceed national guidelines. School transport bus fleets are contracted from operators, mainly local SMEs based in Rhondda Cynon Taf. Fleet profiles are generally older than public transport fleets and they are typically in their final stage of usage – i.e., their primary purpose has ceased, and they have been converted for school's use.

18.7 Their daily mileage is low, they all have diesel engines, and therefore they represent a huge challenge for carbon reduction. The Council has worked with the Cardiff Capital Region Transport Authority (CCRTA) to commission a study on decarbonising school transport. It shows that there is no business case to replace these vehicles with new ultra-low emission coaches and it will be some time before the market generates second hand vehicles. Retrofitting options may evolve in the short-medium term.

18.8 Reducing the number of school buses in operation each day would assist with the implementation of the Council's Corporate and Air Quality Action Plans. However, by extension, the use of private vehicles by parents and grandparents to transport pupils to school due to the reduction in number

of school buses, may lead to additional cars on the network, which in turn, may off-set some of the associated air quality gains.

- 18.9 One of the objectives in the Well-being Plan is to “help people live long and healthy lives and overcome any challenges”. A recent Cwm Taf Morgannwg University Health Board report on childhood obesity has found that the combined Rhondda Cynon Taf and Merthyr Tydfil area has the highest rate in Wales at 14.6%. It is possible that the policy change proposal would have an impact on obesity in a positive way, as it would lead to more pupils walking to school.

## **19. CONCLUSION**

- 19.1 Section 9 of the Education Act 1996 places a duty on local authorities to have regard to the general principle that pupils are to be educated in accordance with the wishes of their parent, however this is “in so far as that is compatible with the provision of efficient instruction and training and with the avoidance of unreasonable public expenditure”.
- 19.2 Due to the financial pressures the Council is currently facing it is considered that changes to current Home to School Transport Policy to align transport provision more closely with Welsh Government statutory transport requirements are necessary for the Council to: -
- Maintain affordability within future financial constraints.
  - Continue to be able to meet its statutory requirements; and
  - Maintain discretionary transport for its most vulnerable users (e.g., ALN pupils).
- 19.3 A proposed new Home to School Transport Policy has been developed with the proposed changes to existing policy being outlined in this report. A preferred option in respect of that new policy has been consulted upon, the feedback from which is detailed in this report and its appendices.
- 19.4 The proposed new policy considers current budgetary pressures. The Council is not alone in facing these challenges, nor in having to consider such reviews of discretionary areas of current provision.
- 19.5 If the Cabinet does determine to implement a new Home to School Transport Policy the Council would need to monitor and evaluate its effect, particularly in relation to those groups highlighted in the EqIA and this report, in order to continue to meet the Council's duties under the Equality Act, together with any impact on the Welsh Language/Welsh Medium education, Faith education and issues such as school attendance.
- 19.6 As a result of the possible impacts on the Welsh Language, identified during the public consultation (and as subsequently detailed within the

WLIA), there is a potential that the additional walking distance from home to school may discourage parents from putting their children into Welsh medium schools, in favour of nearer English medium catchment schools, with a greater risk at the primary school level.

19.7 Consequently, alternative options have been developed and are set out within section 14 above. It is considered both options would be positive mitigation against the potential impacts identified within the EQIA and WLIA as regards Option B.

19.8 In order for a fully informed decision to be taken on the proposed new policy it is now for Cabinet to review:

- all the available information contained in this report;
- the report appendices (including the EQIA and WLIA);
- the consultation report and feedback, including the consultation responses made available for Members' review;
- the alternative options detailed in section 14 of the report and any other alternative options they wish to consider;

and decide on whether or not, and if so how, it wishes to proceed with implementation of the proposed new Home to School Transport Policy, which would become effective from September 2025.

19.9 Any new Home to School Transport Policy may need to be supported by Operational Guidance to be used by officers involved in the assessment of entitlement and procurement of Home to School Transport. If a decision is taken to proceed with implementation of a revised Home to School Transport Policy it is recommended Cabinet delegate authority to the Director of Highways, Streetcare and Transportation Services to develop, introduce or amend any operational policies/guidance incidental to the implementation of any revised Home to School Transport Policy.

**Other Information:-**  
**Relevant Scrutiny Committee-**

Overview and Scrutiny Committee (Cross-cutting themes)



**APPENDIX 1 – HOME TO SCHOOL TRANSPORT PROVISION - ALL WALES PICTURE**



**RHONDDA CYNON TAF**

<b>Analysis of Home to School Provision in Other Welsh Local Authorities</b>						
<b>Authority</b>	<b>Nursery/ Reception  (Age 3 - 5)</b>	<b>Primary Provision  (Age 5 – 11)</b>	<b>Secondary Provision  (Age 11– 16)</b>	<b>Post-16  (Age 16+)</b>	<b>Faith School Provision (Age 3 – 19)</b>	<b>Welsh Medium Provision (Age 3 – 19)</b>
RCT – Current Provision	>1.5 miles to catchment area school or the nearest school.	>1.5 miles to catchment area school or the nearest school.	>2 miles to catchment area school or the nearest school.	>2 Miles to catchment school / college or nearest place providing course.	Same as Primary & Secondary	Same as Primary & Secondary
Blaenau Gwent	>1.5 miles to catchment area school or the nearest school. No provision for Nursery	>1.5 miles for Infants to catchment area school or the nearest school.  >2 miles for Primary to catchment area school or the nearest school.	>2 miles to catchment area school or the nearest school.	No direct provision but £150 grant provided. College subsidises local bus route for pupils at £2 per day (plus £150)	Same as Primary & Secondary. Post 16 allowed to travel at no cost if continuing education at same school	Same as Primary & Secondary. Post 16 allowed to travel at no cost if continuing education at same school



Bridgend	>2 miles to local catchment area school. (Nursery provision remains 1.5 miles)	>2 miles to local catchment area school.	>3 miles to local catchment area school.	>3 Miles to catchment school / college or nearest place providing course.	Same distances as Primary & Secondary.	Same distances as Primary & Secondary (in County schools only).
Caerphilly	No Provision	>1.5 miles to catchment area school or the nearest school.	>2 miles to catchment area school or the nearest school.	>2 Miles to catchment school / college or nearest place providing course.	Same distances as Primary & Secondary.	Same distances as Primary & Secondary.
Cardiff	No Provision	>2 miles to nearest appropriate catchment area school.	>3 miles to nearest appropriate catchment area school.	No Provision.	Same distances as Primary & Secondary.	Same distances as Primary & Secondary.
Carmarthenshire	No Provision	>2 miles to nearest appropriate catchment area school.	>3 miles to nearest appropriate catchment area school.	>3 Miles to catchment school / college or nearest place	Same as Primary & Secondary	Same as Primary & Secondary



				providing course.		
Ceredigion	No Provision	>2 miles to nearest appropriate catchment area school.	>3 miles to nearest appropriate catchment area school.	>3 Miles to catchment school / college or nearest place providing course.	Same as Primary & Secondary	Same as Primary & Secondary
Conwy	No Provision	>2 miles to nearest appropriate catchment area school.	>3 miles to nearest appropriate catchment area school.	>3 Miles to catchment school / college or nearest place providing course.	Same as Primary & Secondary	Same as Primary & Secondary
Denbighshire	No Provision	>2 miles to nearest appropriate catchment area school.	>3 miles to nearest appropriate catchment area school.	>3 Miles to catchment school / college or nearest place providing course.	Same as Primary & Secondary	Same as Primary & Secondary





Flintshire	>2 miles No provision for Nursery	>2 miles to nearest appropriate catchment area school.	>3 miles to nearest appropriate catchment area school.	>3 miles Only to nearest named place of education	Same as Primary & Secondary. Must prove faith to qualify	Same as Primary & Secondary
Gwynedd	>2 miles No provision for Nursery.	>2 miles to nearest appropriate catchment area school.	>3 miles to nearest appropriate catchment area school.	>3 miles Only to nearest named place of education.	Same as Primary & Secondary.	Same as Primary & Secondary.
Merthyr Tydfil	>2 miles to nearest or designated catchment area school.	>2 miles to nearest or designated catchment area school.	>3 miles to nearest or designated catchment area school.	>3 miles to nearest or designated catchment area school.	Same distances as Primary & Secondary.	Same distances as Primary & Secondary.
Monmouthshire	>1.5 miles to nearest suitable or designated school. No provision for Nursery	>1.5 miles to nearest suitable or designated school.	>2 miles to nearest suitable or designated school.	No Provision	Same as Primary & Secondary.	Same as Primary & Secondary.
Neath Port Talbot	No Provision	>2 miles to nearest	>3 miles to nearest	Provided for	Same distances	Same distances as Primary & Secondary.



		suitable or designated school.	suitable or designated school.	students >3 miles at a charge of £100 pa.	as Primary & Secondary.	
Newport	No provision	>2 miles to nearest suitable or designated school.	>3 miles to nearest suitable or designated school.	No transport provided but £150 grant provided.	Same as Primary & Secondary.	Same as Primary & Secondary.
Pembrokeshire	No Provision	>2 miles to nearest appropriate catchment area school.	>3 miles to nearest appropriate catchment area school.	>3 Miles to catchment school / college or nearest place providing course.	Same as Primary & Secondary	Same as Primary & Secondary
Powys	>2 miles to nearest suitable or designated school.	>2 miles to nearest suitable or designated school.	>3 miles to nearest suitable or designated school.	>3 miles to nearest suitable or designated school / college.	Same as Primary & Secondary.	Same as Primary & Secondary.
Swansea	No provision	>2 miles to nearest suitable or	>3 miles to nearest suitable or	>3 miles to nearest suitable or	Same as Primary & Secondary.	Same as Primary & Secondary.



		designated school.	designated school.	designated school / college.		
Torfaen	>2 miles to nearest suitable or designated school.	>2 miles to nearest suitable or designated school.	>3 miles to nearest suitable or designated school.	>3 miles to nearest suitable or designated school. Provision will either be in the form of a Travel Grant (currently £48.00 per term) or a bus pass.	Same as Primary & Secondary if child adheres to faith of school in question.	Same as Primary & Secondary.
Vale of Glamorgan	No Provision.	>2 miles to nearest or designated catchment area school.	>3 miles to nearest or designated catchment area school.	>3 miles to nearest or designated catchment area school.	Same as Primary & Secondary.	Same as Primary & Secondary.
Wrexham	No provision	>2 miles to nearest or designated catchment area school.	>3 miles to nearest or designated catchment area school.	No Provision.	Same as Primary & Secondary.	Same as Primary & Secondary.



Ynys Mon	No provision	>2 miles to nearest or designated catchment area school.	>3 miles to nearest or designated catchment area school.	No Provision.	Same as Primary & Secondary.	Same as Primary & Secondary.
Current provision information taken from the 'Starting School Booklet' for each Authority for the 2023/24 academic year or their current Home to School Transport policies.						



## APPENDIX 2

### ANALYSIS OF ADVANTAGES AND DISADVANTAGES OF OPTIONS

Option	Advantages	Disadvantages	Recommended Option?
<b>A</b> Status Quo i.e. retain existing service provision	<ul style="list-style-type: none"> <li>○ Would retain provision for approximately 11,300 pupils. Meets the requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</li> </ul>	<ul style="list-style-type: none"> <li>○ The total level of discretionary transport costs the Authority £6.9M per year.</li> </ul>	<p><b>Not proposed</b> as the costs of discretionary provision as currently provided are considered to be unaffordable.</p> <p>Current provision is in excess of statutory requirements.</p>
<b>B</b> Provide mainstream English, Welsh and Faith primary and secondary school and college transport above statutory distance only.	<ul style="list-style-type: none"> <li>○ Could encourage pupils/parents to walk to school – Health and environmental benefits.</li> <li>○ Meets the requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</li> <li>○ Policy applies to all students above the statutory distances.</li> <li>○ Potential to deliver a saving of approximately £2.5m in a full year.</li> <li>○ Policy would continue to offer transport on a discretionary basis to 6,000+ learners.</li> </ul>	<ul style="list-style-type: none"> <li>○ Increased congestion on roads if pupils transported by car.</li> <li>○ Potential impact on local bus companies.</li> <li>○ Potential challenges on “available” routes.</li> <li>○ Will affect 305 primary school pupils and 2,370 secondary school and college pupils.</li> <li>○ Potential negative impact on school attendance, learner engagement in education and outcomes.</li> <li>○ Potential impact on low income families who would not have the financial means</li> </ul>	<p><b>Yes, Proposed Preferred Option</b></p> <p>This option would continue to offer transport in excess of the statutory minimum and provides an equitable service for learners in English, Welsh, and Faith School education.</p> <p>It meets the requirements of the Learner Travel (Wales) measure 2008 including in relation to the promotion of access to Welsh medium education.</p>



Option	Advantages	Disadvantages	Recommended Option?	
		<p>to transport their children to school.</p> <ul style="list-style-type: none"> <li>○ Potential impact on the number of learners accessing Faith and Welsh medium education.</li> </ul>	<p>18 of the 22 Council's in Wales already adopting the statutory distance walking policy.</p> <p>If implemented this option would deliver savings of £2.5m per year, which would be fully realised in the 2026/27 financial year. The part-year savings for 2025/26 would be £1.4m.</p>	
<p><b>C</b></p>	<p>Removal of all discretionary provision.</p>	<ul style="list-style-type: none"> <li>○ Equality of provision to all pupils, in line with statutory requirements.</li> <li>○ Could encourage pupils/parents to walk to school – Health and environmental benefits.</li> <li>○ Delivers an estimated £6.9m saving per year</li> <li>○ As this option removes discretionary provision there would be no subsidy</li> </ul>	<ul style="list-style-type: none"> <li>○ Increased congestion on roads if pupils transported by car.</li> <li>○ Impact on capacity of schools.</li> <li>○ Potential impact on local bus companies.</li> <li>○ Risk of not meeting requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</li> <li>○ Potential impact on school attendance, learner engagement in education and outcomes.</li> <li>○ Potential impact on low income families who would not have the financial means to</li> </ul>	<p><b>Not proposed</b> as this option would result in the complete removal of transport provision for 9,000+ pupils. Some journeys will not be on direct commercial routes, reducing the number of alternative travel options for pupils. This could have a negative impact on school attendance.</p> <p>There is a risk of not meeting the requirements of the Learner Travel (Wales) measure 2008 in relation to promotion of access to Welsh medium education.</p>



Option	Advantages	Disadvantages	Recommended Option?
		transport their children to school. <ul style="list-style-type: none"> <li>○ Potential impact on the numbers of learners accessing Faith and Welsh medium education.</li> <li>○ Potential challenges on “available” routes.</li> <li>○ Will affect 9,000+ pupils.</li> <li>○ May impact on viability of some schools.</li> </ul>	

Notes:

The number of pupils included in the table above are as at September 2023.