
NORTH AYRSHIRE COUNCIL

23 January 2018

Cabinet

Title: **School Transport for Cumbrae Pupils – Largs Ferry Terminal to Largs Campus**

Purpose: To allow Cabinet to reconsider its previous decision in light of recommendations of the Audit and Scrutiny Committee following a call-in request.

Recommendation: Cabinet is recommended to reconsider its previous decision in light of the recommendations of the Audit and Scrutiny Committee.

1. Executive Summary

- 1.1 At its meeting on 12 December 2017 Cabinet agreed to make no change to the current school transport arrangements from Millport to Cumbrae Ferry slipway and not to provide transport for Cumbrae pupils from the Largs Ferry Terminal to the new Largs Campus. Following a call-in, the Audit and Scrutiny Committee of 9 January 2018 recommended that transport for Cumbrae pupils from the Largs Ferry Terminal to the new Largs Campus is reinstated when the Campus opens. This purpose of this report is to enable Cabinet to reconsider its decision in light of this recommendation.

2. Background

- 2.1 The Council's current Policy on the Provision of School Transport is dated October 2015. Under this policy and in line with Section 42 and 51 of the Education (Scotland) Act, the primary responsibility for getting pupils to school lies with parents. However the local authority has a statutory obligation to provide transport for school pupils for the whole or part of a journey between the pupils' home and the school that they attend, if the walking distance is more than that specified under Section 42 (4) of this Act. For a secondary pupil this is a walking distance of 3 miles. If there is no safe walking route, school transport may also be provided, notwithstanding the walking distance is less than 3 miles.
- 2.2 Currently the total walking distance to Largs Academy for many, but not all Cumbrae pupils is over 3 miles. However there is no safe walking route on Cumbrae to reach Cumbrae Ferry Slip. Accordingly transport is currently provided for all Cumbrae pupils to Cumbrae Ferry Slip.

At one time, transport was also provided from Largs Ferry Terminal to Largs Academy. As part of the Council's budget process in 2010/11, it was agreed to terminate the Largs Ferry Terminal to Largs Academy free school transport contract, saving the Council approximately £40,000 per year. Accordingly this service ceased in August 2011, leaving pupils with a walking distance of 0.59 miles to Largs Academy. This compares favourably with walking distances experienced by many other pupils, including some in Largs who walk further.

- 2.3 Cabinet, at its meeting on 12 December 2017, considered a report on the transport arrangements of Cumbrae pupils travelling to the new Largs Campus. The safe walking distance from the Largs Ferry Terminal to the new Largs Campus is 0.9 miles, compared to 0.59 miles to the current Largs Academy. As a result, Cumbrae pupils would walk an extra 0.31 miles. The 0.9 mile walking distance to Largs Campus, looked at in isolation, is well within the walking distance of 3 miles for secondary pupils, as outlined in Sections 51 (a) and 42 (4) of the Education (Scotland) Act 1980.
- 2.4 As noted in the original report to Cabinet, the 10 March 2015 Cabinet paper on the outcome of the Statutory Public Consultation on the proposed new Largs Campus included a proposal to reinstate free school transport for Cumbrae pupils from the Largs Ferry Terminal to the new Campus from April 2018. This was approved by Cabinet. Thereafter in September 2017, following consultation with local Members, a communication was issued to the Cumbrae parents which advised that the mainland transport service would be reinstated from the point of occupying the new school in April 2018. The letter also noted that this arrangement would be reviewed within the first full academic year, at which point a decision would be taken about the feasibility of continuing with the service.
- 2.5 The Call In request, which was signed by Councillors Ferguson, Gallacher and Stephen, was in the following terms:-

Reason for Call In

There was a commitment made to ensure the safe transportation of Island children when the Junior Secondary School closed in the 70s', ever since Cumbrae pupils have been transported by bus from Largs Ferry Terminal to Largs Academy.

The children live more than 3 miles in total from Largs Academy. Island parents were promised this service would run when the new school opened.

Finally, Cabinet agreed on the same day to put children and young people at the heart of everything the Council does – I would argue that this is contradictory policy if there is no bus provision for the children and young people of Cumbrae.

Desired Outcome

I would like to see that the promises which have been made by the Council to the parents of Cumbrae are honoured and ensure that there is a bus provided from Largs ferry slip to the new Largs Academy when it is opened for the children and young people of Cumbrae.

- 2.6 The Audit and Scrutiny Committee heard from Councillor Ferguson, Councillor Murdoch, representatives of Cumbrae Community Council and from Councillor Bell as Portfolio Holder. The Committee was also advised that there was an on-going tender process for the school transport contract to Largs Academy, which has an option to include prices for an unbroken journey from Cumbrae to the new campus. The Portfolio Holder offered that Cabinet would reconsider its decision. On that basis, the Committee decided to (a) note the on-going tender process for the school transport contract to Largs Academy, including prices for an unbroken journey from Cumbrae to the new Largs campus; and (b) recommend to Cabinet that transport for Cumbrae pupils from the Largs Ferry Terminal to the new Largs Campus is reinstated. A copy of the Minute of the meeting is attached at Appendix 1.
- 2.7 The Cabinet decision of 12 December would result in Cumbrae children walking from Largs Ferry Terminal to Largs Campus, a distance of 0.9 miles. Looked at in isolation, this is only 0.31 miles more than they currently walk from Largs Ferry Terminal. Potential issues which could arise if the mainland transport was reinstated include:-
- Other young people within the Largs area walk greater distances and are not considered for and do not receive free school transport;
 - The financial implication going forward equates to up to an additional £40,000 per year. This will need to be found from Education savings elsewhere;
 - Other parents may attempt to use Cabinet's reconsideration of Cumbrae transport, to support claims for school transport to be provided elsewhere. Examples are pupils walking from Beith to the Garnock Campus or from the Lawthorn area of Irvine walking to Greenwood. However those cases are not comparable as pupils walk less than 3 miles from their catchment school, along a safe walking route. By way of contrast, almost all Cumbrae pupils are outwith the 3 mile threshold and do not have a safe walking route on the island. This is explored further in 2.9
- 2.8 The arguments in favour of providing transport from Largs Ferry Terminal to Largs Campus are as follows:-
- The increased walking distance to Largs Campus will result in all of Millport and almost all Cumbrae pupils now being outwith the walking

distance of 3 miles from home to school. This was not the case for Largs Academy.

- While the Council's Policy on the Provision of School Transport allows for transport for the whole or part of a journey between the pupils' home and the school, in every other case in North Ayrshire where pupils live more than 3 miles from a secondary school, transport is provided for the full distance. Cumbrae pupils are the only ones who do not receive transport all the way to the school.
- The forthcoming Islands Bill is expected to introduce a provision requiring public bodies to islands-proof policies. The rationale for not providing transport for Cumbrae is because the journey is split by the ferry. In other words, pupils in Cumbrae are arguably disadvantaged because they live on an island.
- As detailed by those supporting the call-in, the total journey time by Cumbrae pupils is longer than would be experienced in the mainland. It involves a walk, bus journey, ferry journey and a further walk to the school, all of which has to align with ferry and school timetables.
- The expectation of Cumbrae parents following the consultation on the new Largs campus, as confirmed in a letter from the Executive Director (Education and Youth Employment) in September 2017 is that school transport would be provided to Cumbrae pupils from the Largs Ferry Terminal to the new campus from April 2018.

2.9 Whichever option is chosen, to provide, or not to provide transport from Largs Ferry Terminal to Largs Campus, will comply with the Council's Policy on the Provision of School Transport. Almost all pupils in Cumbrae now live over 3 walking miles from the new school. The few who do not, have no safe walking route to Cumbrae Slip. There is no requirement to provide transport for the full distance to school. Accordingly the decision on whether to provide transport will not set any precedent for other areas.

2.10 It was anticipated that the impact of reinstating the transport for approximately 50 – 60 pupils would cost the Council up to £40,000 per year. The tender process for the school transport contract to Largs Academy is on-going, with an option to include prices for an unbroken journey from Cumbrae to the new campus. This is currently being assessed, but will incur an additional cost to the Council.

3. Proposals

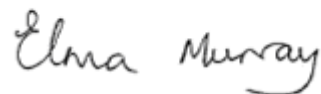
3.1 Cabinet is recommended to reconsider its previous decision in light of the recommendations of the Audit and Scrutiny Committee

4. Implications

Financial:	The financial implication going forward equates to up to an additional £40,000 per year. This will need to be found from within the Education budget.
Human Resources:	There are no Human Resources implications
Legal:	It is open to the Council to provide transport for part or all of the walking distance of pupils who live more than 3 miles from a secondary school. Almost all pupils within Cumbrae will fall within this category when the new Largs Campus is opened.
Equality:	There are no significant equalities impacts arising from this report.
Environmental & Sustainability:	There are no implications.
Key Priorities:	There are no significant implications.
Community Benefits:	There are no Community Benefits payable in relation to this report.

5. Consultation

- 5.1 Prior To Cabinet on 12 December 2017, consultation took place with the Transport Hub, Roads and PMI. The call-in has also afforded the opportunity for Cumbrae Community Council to make representations.



Elma Murray OBE
Chief Executive

Reference: AF/jm

For further information please contact Andrew Fraser, Head of Democratic Services on (01294) 324125

Background Papers
None

Audit and Scrutiny Committee
Tuesday, 09 January 2018

Present

Marie Burns, Joy Brahim, Alan Hill, Tom Marshall, Donald Reid and John Sweeney.

Also Present

John Bell, Robert Foster, Todd Ferguson, Alex Gallagher, Jean McClung, Davina McTiernan, Donald L Reid and Ian Murdoch.

In Attendance

E. Murray, Chief Executive, John Butcher, Executive Director (Education and Youth Employment); A. Fraser, Head of Democratic Services and A. Little Committee Services Officer (Chief Executive's).

Also In Attendance

Angela McCallum and Phil Lonsdale, Cumbrae Community Council.

Chair

Councillor Burns in the Chair.

Apologies for Absence

Margaret George.

1 Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2 Call In: Reinstatement of School Transport for Cumbrae Pupils – Largs Ferry

Submitted report by the Chief Executive on a Call In Request received in respect of the decision taken by Cabinet at its meeting on 12 December 2017 in relation to the report on the Reinstatement of School Transport for Cumbrae Pupils - Largs Ferry Terminal to the New Largs Academy. A copy of the Cabinet report was provided at Appendix 1 to the report.

The Cabinet, at its meeting on 12 December 2017, considered a report on the transport arrangements of Cumbrae pupils travelling to Largs Academy. Currently the Cumbrae pupils are transported from Millport to Cumbrae ferry slipway and make their own way from the Largs ferry slipway to Largs Academy. The distance from the Largs ferry slipway to the new Largs Campus is one mile and is well within

the walking distance of three miles for secondary pupils, as outlined in Sections 51 (a) and 42 (4) of the Education (Scotland) Act 1980.

The Cabinet agreed (a) to make no change to the current arrangements from Millport to Cumbrae Ferry slipway, but not to provide the transport arrangements for Cumbrae pupils from the Largs ferry slipway to the new Largs Academy; and (b) otherwise to note the terms of the report.

A briefing paper by the Executive Director (Education and Youth Employment) was circulated and provided information on the Council's current policy on (i) the Provision of School Transport, which is in line with Section 51 (a) of the Education (Scotland) Act; (ii) the current transport arrangements for pupils from Cumbrae; and (iii) the decision of Cabinet on 12 December 2017 not to reinstate the transport arrangements for Cumbrae pupils from the Largs ferry slipway to the new Largs Academy. The paper also outlined the on-going tender process for the school transport contract to Largs Academy, which includes an option to include prices for an unbroken journey from Cumbrae to the new campus.

A request was received in terms of the Call In procedure set out in the Council's Scheme of Administration and Standing Orders, that the Audit and Scrutiny Committee examine the decision taken by Cabinet.

The Call In Request, which was signed by Councillors Ferguson, Gallacher and Stephen, was in the following terms:-

Reason for Call In

There was a commitment made to ensure the safe transportation of Island children when the Junior Secondary School closed in the 70's ever since Cumbrae pupils have been transported by bus from Largs Ferry Terminal to Largs Academy.

The children live more than 3 miles in total from Largs Academy.

Island parents were promised this service would run when the new school opened.

Finally, Cabinet agreed on the same day to put children and young people at the heart of everything the Council does – I would argue that this is contradictory policy if there is no bus provision for the children and young people of Cumbrae.

Desired Outcome

I would like to see that the promises which have been made by the Council to the parents of Cumbrae are honoured and ensure that there is a bus provided from Largs ferry slip to the new Largs Academy when it is opened for the children and young people of Cumbrae.

The Head of Democratic Services summarised the procedure for considering the Call In Request and set out the circumstances surrounding the Cabinet decision.

Thereafter the Members who had requested the Call In were invited to speak. Councillor Ferguson expressed the view that the Cabinet's decision on 12 December 2017 reneged on a promise given to parents that the transport from the Largs ferry slipway to the new Largs Campus would be reinstated from April 2018. He considered the Cumbrae pupils' journey to school was unique in North Ayrshire in that it involved a walk, bus journey, ferry journey and a further walk to the school. He stated that no pupil on Cumbrae lives less than 3 miles from Largs Campus and Scottish Government legislation states that secondary pupils do not have to walk more than 3 miles between the school and a pupil's normal residence.

Councillor Murdoch as a local Member, addressed the Committee in support of the Call In. He displayed a video he had taken whilst travelling the route from Cumbrae to the new Largs campus. His journey started at the helipad in Cumbrae to the bus stop and involved a bus journey to the pier, a ferry journey to Largs slipway and a walk from the slipway to the construction gate entrance to the new academy. He highlighted that the walk from the slipway to the academy was not the safe walking route, but the quickest route available and that he arrived at the school entrance at 8.57 a.m. During winter months and inclement weather, parents on the mainland have the option to drive their children to school. This option is not available to the parents on Cumbrae and not only will the Cumbrae pupils arrive at school late each day, on occasions they will be soaking wet.

Angela McCallum and Phil Lonsdale, Cumbrae Community Council addressed the Committee in support of the Call In. They referred to the outcome of the consultation on the new Largs campus that school transport would be provided to Cumbrae pupils from the Largs slipway to the new campus from April 2018 and that this had been confirmed in a letter from the Executive Director (Education and Youth Employment) in September 2017. Parents on Cumbrae are concerned that without this transport their children will not be given equal education opportunities, as they will be late for school each day and also for exams which start at 9.00 a.m. Reference was made to the average weight of a school bag, which at 8 - 9 kilos (minus PE kit) could cause issues for children with medical conditions such as diabetes and asthma if a bus is not provided and they had to carry this from the slipway to the new campus. They referred to the Islands Bill which will include the preparation of an Islands Community Impact Assessment and guidance from the Child Law Centre that young people should travel for no more than 75 minutes in reasonable comfort. Cumbrae secondary pupils leave home early in the morning and return home after 5.00 p.m. and some pupils will have a total journey of 135 minutes each school day.

The Chair then invited Councillor Bell, as the Education portfolio holder to address the meeting. Councillor Bell clarified the decision that Cumbrae pupils would not be transported from Largs Ferry Slip to school had been taken 5 years ago. Accordingly, Cabinet had considered the issue of whether the extra distance to the new school required transport. However he accepted that the Cumbrae secondary pupils' situation and journey is not the same as that of mainland secondary pupils. It is now proposed that the on-going tender process for the school transport contract to Largs Academy, include prices for an unbroken journey from Cumbrae to the new campus. This is currently being assessed and will incur an additional cost to the Council. On that basis he agreed that Cabinet could reconsider its decision.

Councillor Hill, seconded by Councillor Marshall moved to accept the terms of the Call In. There being no amendment, the motion was carried.

Accordingly, the Committee agreed to (a) note the on-going tender process for the school transport contract to Largs Academy, including prices for an unbroken journey from Cumbrae to the new Largs campus; and (b) recommend to Cabinet that transport for Cumbrae pupils from the Largs slipway to the new Largs campus is reinstated.

The meeting ended at 2.30 p.m.