
NORTH AYRSHIRE COUNCIL

15 June 2021

Cabinet

Title: Revised Education Transport Policy

Purpose:

- To provide Cabinet with an update on proposed changes to the Education Transport Policy
- To seek approval for recommended changes to the policy.

Recommendation: It is recommended that Cabinet approves:

- a) The revised Education Transport Policy; and
 - b) Transport arrangements for pupils attending St Matthew's Academy and the GMPE, Bun-sgoil Pàirc Whitehirst, proposed within the revised Education Transport Policy.
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1. Executive Summary

- 1.1 A review of the Education Transport Policy has been completed as part of North Ayrshire Council's Transformation Programme. This project, which has been governed by the Place Directorate led Travel and Transport Transformation Board, brought together a cross-service group of officers from Education, the Health and Social Care Partnership (HSCP) and the Transport Hub. This group reviewed and revised the Education Transport Policy to ensure this is consistent with current legislation and local needs. The Education Transport Policy ensures that no child or young person in North Ayrshire faces a barrier to education due to their journey to access an education provision. The proposed revised policy can be found at appendix 1.
- 1.2 By undertaking this review, the working group concluded that the Education Transport Policy was aligned to current legislation and is consistent with local need. Minor amendments were made to the structure and phrasing of the Education Transport Policy and a detailed overview of notable changes can be found in sections 2.3.1 – 2.3.8 below.
- 1.3 In addition, the review of the policy identified benefits in strengthening the education transport application and approval processes. Consultation with key staff across education establishments resulted in the development of a detailed guidance document. This guidance document will support school-based staff with applications and implementation of the revised Education Transport Policy. This work coincides with the Transport Hub's procurement and implementation of a new IT system to

manage transport across the Council, which will be rolled out across education establishments from August 2021.

- 1.4 Education Transport Policy arrangements for St Matthew's Academy and the GMPE at Bun-sgoil Pàirc Whitehirst have been updated. As either the catchment school for denominational education (St Matthew's Academy) or Gaelic medium primary education (Bun-sgoil Pàirc Whitehirst), it is proposed that free school transport is provided at any point during a pupil's school career if they wish to attend one of these catchment establishments. The rationale for this decision is provided in section 2.4 – 2.6 below.

2. Background

- 2.1 North Ayrshire Council's Travel and Transport Transformation Board, which is chaired by the Head of Service (Commercial) was established in 2019. This cross-service Board was set up to deliver more efficient and effective transport across North Ayrshire Council Services. Workstreams were established to review both Education and HSCP transport policies and both services were represented on each workstream. This was to ensure that any duplication or overlap in Service provision is minimised unless this occurs in circumstances where it is required to meet service user needs. This approach also ensured that both transport policies were complementary with any changes not resulting in gaps in service provision.
- 2.2 The Education Transport Policy workstream consisted of a wide range of partners from the Education service including senior managers and school leadership teams. This was to ensure that the revised policy document reflected current legislation and the needs of education establishments. In addition, Transport Hub, HSCP and Legal Services staff were consulted as part of the review and provided valuable guidance that informed proposed policy changes.
- 2.3 On completion of this review the workstream agreed that generally the Education Transport Policy reflects current legislation and local need. Minor amendments were made to the structure, wording and formatting of this policy document. An overview of notable changes to the policy is provided in the table below:

REF	POLICY CHANGE	RATIONALE FOR CHANGE
2.3.1	Replacement of criteria for provision of transport due to a parent / carer disability with inclusion of support for young carers which will be assessed on a case by case basis.	Policy has been updated to include reference to young carers, who may care for a parent / carer with a disability. This reflects a legislative need to enhance support for young carers, for example through completion of a Young Carers Statement. Transport applications should be submitted as outlined in the policy included in appendix 1.
2.3.2	Language updated to reflect that care experienced children and young people applications will be assessed on a case by case basis.	The Independent Care Review (2019) highlighted care experienced terminology is preferred to LAC / LAAC. This also includes learners who may be in kinship care or have experience of care. These

		applications will be assessed on a case by case basis.
2.3.3	Updated position regarding free school transport entitlement at St Matthew's Academy at any point of a pupil's school career instead of only at P7 – S1 transition.	Discussion with Legal Services highlighted that as St Matthew's Academy is the denominational catchment school for North Ayrshire, free school transport entitlement should be made available at any point during a pupil's school career provided that Education Transport Policy criteria is met. Further information is provided at section 2.4 - 2.6
2.3.4	New update outlining the position regarding free school transport entitlement at GMPS in Bun-sgoil Pàirc Whitehirst	This provision was not in place when the Education Transport Policy was last reviewed and as a result has been added to the policy. As Bun-sgoil Pàirc Whitehirst is the GMPS catchment school for North Ayrshire, free school transport entitlement is available at any point during a pupil's school career provided that Education Transport Policy criteria is met. Further information is provided at section 2.7 – 2.8.
2.3.5	New section on independent travel	To promote independent travel as an option to education establishment leadership teams, learners, and parents / carers where appropriate.
2.3.6	New section on parental contracts	To promote parental contracts as an option to education establishment leadership teams, learners, and parents / carers where appropriate.
2.3.7	New transport review section	To advise that a review date must now be in place to ensure the current arrangement meets the needs of learners, parents / carers and provides best value for the Council.
2.3.8	New appeals process	To provide further clarity on how service users can appeal or complain in relation to a transport application or incident.

2.4 In 2012, Cabinet approved an amendment to the Education Transport Policy from 2007 for pupils attending St Matthew's Academy. The change supported the requirement for pupils attending a non-denominational primary school to submit a placing request to attend St Matthew's Academy when this transition was not made at the P7-S1 transition stage. The Education Transport Policy states that entitlement to free school transport is withdrawn when a child is placed in a school by placing request.

2.5 The change was put in place when St Matthew's Academy opened in 2007. The catchment area took in the whole of North Ayrshire Council and there was an expectation that the number of pupils might exceed the number of places available and that the resulting demand for transport would significantly increase costs. Since

the school opened in 2007, the demand for places has not materialised as originally anticipated. The school currently operates at 73% occupancy.

- 2.6 Furthermore, recent advice from Legal Services has highlighted that as St Matthew's Academy is the only denominational secondary school in the authority, any requests for transport made throughout the year or a pupil's school career should be approved provided criteria outlined in the Education Transport Policy is met.
- 2.7 On 26 November 2019, Cabinet approved the proposal to develop a Gaelic Medium Primary Education (GMPE). This provision, which was opened in August 2020, serves children within North Ayrshire whose parents choose to have their children educated using the Gaelic language. This is the designated catchment school for GMPE.
- 2.8 Parents who have registered their children at the GMPE, Bun-sgoil Pàirc Whitehirst, are able to apply for mainstream free school transport if they meet the criteria outlined in the Education Transport Policy.

3. Proposals

3.1 It is recommended that Cabinet approves:

- a) The revised Education Transport Policy
- b) Transport arrangements for pupils attending St Matthew's Academy and the GMPE, Bun-sgoil Pàirc Whitehirst, proposed within the revised Education Transport Policy.

4. Implications/Socio-economic Duty

Financial

- 4.1 Changes to the Education Transport Policy related to free school transport entitlement to St. Matthew's Academy may result in a slight increase in costs. This could be as a result of a greater number of pupils accessing their entitlement to free school transport.

Human Resources

- 4.2 None

Legal

- 4.3 There is a risk that legal challenge could be made against the Council if the proposed amendments are not approved.

Equality/Socio-economic

- 4.4 An Equalities and Children's Rights Impact Assessment was undertaken to ensure that the amended policy identified and captured those that were in need of school transport assistance. The impact assessment was carried out to ensure that the Council Transport Policy enables children and young people to access education and where

appropriate assist parents and carers in their responsibility for ensuring that their children attend school. The equality groups affected are:

- Age – Children and young people aged 2 – 18 years;
- Disability - A person has a disability if they have a physical or mental impairment which has a substantial and long-term effect on that person's ability to carry out normal day to day activities and;
- Other - Homelessness, isolated rural communities, young carers, care experienced young people.

Environmental and Sustainability

4.5 The Education Transport Policy aligns with on-going work to enhance sustainability and reduce the environmental impact of the Council's transport fleet. This is in alignment with North Ayrshire Council's net-zero carbon emissions by 2030 target by contributing towards lowering the Council's Carbon Footprint.

Key Priorities

4.6 Council Plan Priority - North Ayrshire's children and young people have the best start in life

Community Wealth Building

4.7 The Education Transport Policy aligns with actions taken forward by the Place Directorate's Transport Hub to procure from local transport providers in North Ayrshire when possible. Transport provided as a result of the Education Transport Policy has a positive impact on providing local employment opportunities and business for local suppliers. This aligns with the principles of the Community Wealth Building strategy.

5. Consultation

5.1 Consultation has been undertaken with officers from Legal, Health and Social Care Partnership, Education staff, and the Transport Hub.

Audrey Sutton
Executive Director

For further information please contact **Andrew McClelland, Head of Service**, on **01294 324413**.

Background Papers



North Ayrshire Council

School Transport Policy

Date: June 2021



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1. Introduction

- 1.1 The Council's Corporate Transport Hub manage and coordinate mainstream and additional support needs (ASN) school transport. School transport is delivered in partnership with Strathclyde Partnership for Transport (SPT), taxi contractors and/or parents/carers to ensure the most efficient, suitable and economical use of resources to support children and young people to access their educational entitlement.
- 1.2 Transport can be provided in one of the following ways:
- Dedicated school bus;
 - Bus or train pass on local service (timetabled services carrying members of the public);
 - Taxi, private hire, minibus or ferry;
 - Parental contracts - in specific circumstances the Council will support parents to transport their own child(ren) to and from school with the parent submitting a monthly Travel Expense Claim Form. Further information may be obtained from your school.

2. Legislation

- 2.1 Section 42 (4) of the **Education (Scotland) Act 1980**, makes it clear that free school transport must be provided for a child who lives 2 miles or more (if aged under 8) and who lives more than three miles or more (if aged 8 and or over) from the relevant school premises.
- 2.2 It should be noted that the arrangements for school transport in North Ayrshire Council are more favourable than that noted in the legislation as all primary aged children living more than 2 miles from their catchment school will receive school transport.
- 2.3 Provision of school transport is set out in legislation which may be amended from time to time.

3. Journeys Covered

- 3.1 Free school transport normally covers one journey to school in the morning and the same journey at the end of the school day.

4. Criteria for Entitlement to School Transport

- 4.1 The Council may provide free transport for the whole or part of the journey between a pupil's main address and school (or other educational establishment) when the following criteria apply:
- A pupil lives more than two miles walking distance from their catchment primary school or three or more miles from their catchment secondary school using the

shortest suitable walking route. Both suitability and length of any route will be determined solely by relevant Council officers.

- A pupil's walking route to school is considered to be unacceptable by the Council after consultation with the Council's Road Safety, or other suitably qualified Officer.
- Transport may be provided to pupils on medical grounds even when they live within the normal acceptable walking distance limits. Such assistance may be ongoing or temporary depending upon the nature of the medical condition. Any application on medical grounds must be supported by a letter from the pupil's own doctor or a medical consultant.
- Where a pupil is unable to attend their local catchment school due to oversubscription and is placed in a nominated school by the authority AND the pupil is further than the relevant walking distance from that school then the pupil may be entitled to free school transport. These will be considered on a case by case basis.
- If a pupil has an additional support need, transport may be provided in accordance with the relevant legislation and/or the recommendations made by Senior Managers. These will be considered on a case by case basis.
- For pupils considered to be Care Experienced Children - Looked After and Accommodated Children (in Residential, Foster Care or Formal Kinship Care) within North Ayrshire. These will be considered on a case by case basis.
- Where a primary or secondary pupil has been placed in temporary housing by referral from Housing and they live out with the relevant walking distance criteria from their previous catchment school. Transport in such cases will be provided for a restricted period only.
- A child attending an early years establishment will be provided with free school transport if they live 5 or more miles away from the nearest local Early Learning and Childcare provision. If the nearest early years establishment is oversubscribed and the next nearest early years establishment is 5 or more miles away, the child may be entitled to free transport.
- Primary 7 pupils attending transition days to their catchment secondary school if they live 3 or more miles by the shortest suitable walking route.
- For pupils already entitled to free school transport and sitting SQA exams during term time, a request can be made by the Head Teacher, in consultation with the Transport Hub for extraordinary transport provision where exams finish after the end of the normal school day.
- A pupil who has secured a college placement before their statutory school leaving date and the distance between home and the venue exceeds 3 miles by the shortest suitable walking route. This arrangement will not continue beyond the pupil's official school leaving date.
- A young person accesses college to undertake flexible learning and education and the distance between home/school and the venue exceeds 3 miles by the shortest

suitable walking route. This arrangement will not continue beyond the pupil's official school leaving date.

Please note that if your child is attending school as a result of a successful placing request no transport will be provided.

5. Exceptional Circumstances

- 5.1 There may be occasions that a request for school transport can be made in the case of exceptional circumstances. These will be considered on a case by case basis.

6. When to Submit Your Mainstream School Transport Application

- 6.1 If your child is starting primary school or secondary school, you should apply by April of that year. Applications can be made after this date, however this could result in a delay in transport arrangements being made.
- 6.2 The transport application e-form is available via the web link below:
(link will be included once the flexi-route is launched in August 21)
- 6.3 If you move to a new house during the year you should notify your child's school, in writing, at least two weeks prior to moving. You should submit an new transport application if you meet the criteria in [section 3](#) above.
- 6.4 Parents/carers who have registered their child(ren) at the Gaelic Medium Education provision within Whitehirst Park Primary School, Kilwinning are able to apply for free transport if they meet any of the qualifying criteria noted above in [section 3](#).
- 6.5 Parents/carers who register their child(ren) at St Matthew's Academy as their catchment secondary provision are able to apply for free transport if they meet any of the qualifying criteria noted above in [section 3](#).
- 6.6 Parents/carers should complete a transport application during transition from Primary 7 to their catchment secondary school if they meet the appropriate criteria noted above.

(link will be included once the flexi-route is launched in August 21)
- 6.7 The Transport Hub will notify parents/carers in writing of the outcome of their application. This will either be:
- A minimum of two weeks prior to the beginning of the school term or
 - Within two weeks of receipt for a mid-session application.
- 6.8 Parents/carers can confirm the details on pickup and drop-off points and times for mainstream transport by contacting SPT on 0141 333 3362.
- 6.9 Bus passes are issued by the school at the start of the academic year for any contracted vehicle over 16 passengers only. If the bus pass is lost, the parent /carer must contact SPT. There will be a charge for a replacement pass which the parents/carers is responsible for.

7. ASN Transport Applications

- 7.1 At the point of transition from early years to primary school or primary school to secondary school, an application for school transport will be made by the 'leaving' establishment Head of Centre or Head Teacher.
- 7.2 There may be occasions when there is a need to consider a transport request mid-term. The request will be completed by the pupils current Head Teacher, in consultation with the parent/carer.

8. Privilege Seat Information

- 8.1 Where there are vacant seats on dedicated school contracts (i.e. transport for school pupils only) these seats are referred to as privilege seats. A privilege seat may be applied for when a pupil does not meet any of the criteria noted in [section 3](#). This may include when a pupil's home address is within walking distance of their catchment school; or a pupil lives at the same address as another pupil accessing dedicated school transport; or a pupil attends a school in North Ayrshire due to a successful placing request.
- 8.2 If you wish to apply for a privilege seat for your child(ren), an application form must be submitted to the Corporate Transport Hub before the 20th September each year. This application can be found on the [North Ayrshire Council website](#).
- 8.3 Privilege seats will be allocated if and when space is available. The provision of the privilege seat will cease at the end of the school year or earlier should an entitled pupil require a place on this contract.
- 8.4 Should the number of applications exceed the number of privilege seats available, the Transport Hub will use established criteria which includes applicants residing within the distance criteria but live furthest from the school, to determine the successful applicants. Further information on this may be made available on request to the Corporate Transport Hub.

9. Pupil Behaviour

- 9.1 The responsibility for pupil behaviour whilst travelling on school transport remains with the pupil and parents/carers.
- 9.2 Misbehaviour or inappropriate conduct may result in the provision of free school transport being temporarily or permanently withdrawn. Where transport has been withdrawn, the parents/carers will be responsible for their child's journey to and from school.
- 9.3 Should an incident occur this will be reported to the Head Teacher and the parents/carers may be invited to a meeting to discuss the behaviours and seek assurances on their child's future conduct.

10. Appeals Process – Mainstream and ASN

10.1 Parents/carers have the right to challenge a decision about their child's eligibility for transport. Where this happens, the appeals process is as follows:

- Following the original decision, a parent/carer has 10 working days to make a written request appealing the decision. The appeal will be treated as a standard service request in the normal manner;
- The appeal should be sent to: Education Transport Panel, Communities & Education Directorate, 5th Floor, Cunninghame House, Irvine, KA12 8EE, or emailed to: educationtransportpanel@north-ayrshire.gov.uk.
- The appeal should include details of why the parent/carer believes the decision should be reviewed/overturned and provide any other relevant information for consideration;
- The decision will be reviewed by the Education Transport Panel, and the parent/carer will receive a written response on the outcome of their appeal within 5 working days.

11. Transport Complaints Procedure

11.1 Mainstream Transport

11.1.1 For a complaint relating to mainstream transport, the parent/carer should contact the school in the first instance. A complaints email will be completed by the school and sent to SPT to investigate. Parents/carers may also complain directly to SPT in writing by emailing SPT via the following link: www.spt.co.uk/school-transport-complaints

11.1.2 SPT will respond directly to the school of the outcome of any investigations or directly to the parent/carer where they complained directly to them.

11.2 ASN Transport

11.2.1 For a complaint or concern relating to the operational service provided for ASN transport e.g. conduct of driver/escort, timekeeping, changes of drivers, escorts and vehicles, parents/carers should contact the Corporate Transport Hub by email at transporthub@north-ayrshire.gov.uk or by telephone on 01294 541613 in the first instance.

11.2.2 Any concerns relating to individual medical requirements and conduct of pupils should be made to the school, where it will be handled and dealt with by the Head Teacher who will work with the Transport Hub if necessary, to resolve.

12. Contact Information

12.1 If you have any queries regarding your child's eligibility for free school transport please contact the Corporate Transport Hub at the following:

Address: Corporate Transport Hub,
Commercial Services,

Unit 1D Byrehill Drive,
West Byrehill Industrial Estate,
Kilwinning
KA13 6HN

Telephone: 01294 541613

Email: transporthub@north-ayrshire.gov.uk