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From: Katie_Wilby (Flintshire)

Sent: 04 December 2014 11:54

To: WG

Subject: *Confidential: Advice on school transport issues

Importance: High

Hi Kate,

Hope you're well.

I wonder if you could advise me on several school transport issues here in Flintshire, which may fall under the Learner Travel Measure duties?

In May 2013, Flintshire's LEA changed the discretionary denominational school transport policy. With effect from September 2014, free transport is now provided for pupils to the nearest voluntary aided school where admission to that school is on denominational grounds, subject to the distance criteria (2 miles for primary, 3 miles for secondary). Suitable evidence of adherence to the faith of the school such as a baptismal certificate or a letter from a priest may be requested to support an application and free transport is being maintained for pupils who were eligible under the previous policy.

The change in the school transport policy has affected new pupils starting at St Richard Gwyn Catholic High School in September 2014. Prior to the start of the new academic year, parents were encouraged to apply for school transport in order that bus passes could be issued in good time for eligible pupils under the revised policy. Information was also made available regarding the purchase of concessionary seats on school contracts i.e. any spare seats that may still be available after all eligible pupils had been issued bus passes could be sold at a price of £55 per term, subject to compliance with the Transport Acts 1985/2000, providing that there were no suitable public service buses running along the route at a convenient time for the start and end of the school day.

As a number of commercial public bus services operate in the area, around 25-30 concessionary seat applications were turned down on the grounds that suitable public transport was available for these pupils.

However, the Head Teacher at St Richard Gwyn Roman Catholic High School has subsequently approached the LEA with a proposal to take over the procurement and organisation of the transport for all its pupils and we have been asked to see a legal view as to whether the responsibility can be delegated to the school without inhibiting competition on commercial bus operations and whether it complies with the LA's duties to make transport arrangements under the Learner Travel Measure?

Two options are currently being considered

1. Delegate the responsibility for making transport arrangements to the school, but not the budget i.e. school would self-finance 2. Delegate the responsibility for making transport arrangements and the budget to the school

Would the School have to ensure that they complied with the Learner Travel Measure even though they are self-governing?

Who does the legal responsibility lie with if the school were to make their own transport arrangements in both of the above scenarios? Would the LEA still take overall responsibility in terms of its duty to make transport arrangements?

Similarly, I have issues around the 1995 Transport Act and the fact that, in delegating the responsibility as an Authority, would the school be seen to be inhibiting competition for commercial bus services in the area? As a Local Authority, we can't compete with commercial bus services, as it could be construed that fares revenue was being taken away from the operators. Would it be the same for the School?

There are also wider issues in terms of ensuring compliance with future legislation around accessible vehicles etc. particularly if the buses operated by the school are registered routes.

Kind regards,

Katie

Katie Wilby (Mrs)

Transportation Manager | Rheolwr Cludiant Transportation | Cludiant Streetscene & Transportation | Gwasanaethau Stryd a Thrafnidiaeth Flintshire County Council | Cyngor Sir y Fflint