

Home to School Transport Consultation

Report by Fiona Robertson Executive Director Children, Young People and partnerships

Report for Decision

1 Recommendations

Council is requested to:

- Delegate authority to the Executive Director Children, Young People and Partnerships to undertake a statutory consultation on a change to mileage limits for mainstream home to school transport;
- carry out an informal consultation with parents/carers of pupils attending Saltersgate School and our specialist provisions; and
- agree that a report on the outcome of the consultation exercises will be brought back to council for consideration and a decision.

2 Purpose of Report

The purpose of this report is to update council on current legislation regarding home to school transport and seek approval to carry out a statutory consultation on a proposal to change Midlothian Council's mainstream home to school transport to be more in line with legislation. The report also seeks council approval to carry out an informal consultation with parents/carers of children attending Saltersgate School and specialist provision on alternative home to school travel options.

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Report Contact:

Fiona Robertson Executive Director Children, Young People and Partnerships

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3 Background

- a. The Community Planning Partnership's (CPP) vision is that by working together, individuals and communities will:
 - Lead healthier, safer and greener lives by 2030.
 - No child or household need live in poverty; and
 - Midlothian will be a Great Green Place to Grow by achieving our net zero carbon ambitions and supporting local people to strengthen the skills they need for learning, life and work.
- b. The priorities within the CPP Single Midlothian Plan were informed by members of our communities and various consultative groups highlighted active travel as a key point for action, including:
 - The 2022 Youth Platform Community Planning Hackathon identified more active travel (cycling and paths) as a key action point.
 - The annual Community Planning Conference 2022 attendees included green travel and reduced need to travel in their key priorities.
- c. Midlothian's Education and Transport teams seek approval to carry out a statutory consultation on changing mileage thresholds for home to school travel to encourage wider participation in active travel options such as walking or cycling and to promote the benefits of active and healthy choices. Encouraging physical activity can have a positive impact on mental health and wellbeing. A reduction in the provision of school bus routes could support the council and its community partners to reduce carbon emissions.
- d. Midlothian's Education and Transport teams would also like to carry out an informal consultation with parents of children attending Saltersgate School and our specialist provisions on alternative home to school travel options.

Duties on Parents and Local Authorities

- e. The Scottish Government's School Transport Guidance 2021 sets out the following duties placed on parents and local authorities.

Duties on Parents

Section 30 of the Education (Scotland) Act 1980^[5] ("the 1980 Act") places a duty on parents to provide an efficient education for their child, suitable to the child's age, ability and aptitude, either by sending him/her to a public school or by other means. The majority of parents send their children to a school managed by their local authority and identified by the authority as their catchment school.

Parents remain responsible for their child's journey to and from school or, where the authority is providing school transport (either through a dedicated service or local bus service), between home and the designated pick-up/drop-off point.

Duties on Local Authorities

Section 51 of the 1980 Act requires local authorities to make such arrangements as they consider necessary for the provision of school transport for pupils residing, and attending schools, in their area. Local authorities have a wide discretion in this regard and the arrangements they establish can include the provision of free school transport for some or all of the journey, making bicycles or other suitable means of transport available to pupils on such terms and conditions as they may arrange (or for paying allowances in lieu), and paying some or all of travelling costs.

When considering whether to make arrangements for the provision of school transport, local authorities are further required to have regard to the safety of the pupil, as well as to ensure that access to transport which meets the child's needs is provided. This may mean an alternative vehicle, such as a minibus or taxi, however there is no requirement to alter vehicles such as school buses to meet a person's needs.

The law states that local authorities must provide free school transport for:

- Any child under 8 years of age who lives more than two miles from their school.
- Any child over 8 years of age who lives more than three miles from their school.

Midlothian Council currently provides free school transport for:

- A pupil attending their catchment school and their home address is more than two miles from the school based on the shortest recommended walking route.
- A pupil may also receive free transport if the Council has placed them in a non-catchment school due to a catchment school being full. From August 2017, pupils resident in Loanhead who make a successful placing request for S1 at Beeslack High School are also eligible for free transport.
- Has been assessed to attend a school with specialist provision or a special school to meet the requirements of their additional support needs.

A pupil will not receive free transport if they attend a non-catchment school as a result of a placing request being granted.

- f. The Education and Transport Service is seeking to undertake a statutory consultation on a proposal to change the mileage limit for secondary school mainstream home to school transport to be more in line with our current statutory duty.

The proposal will be to provide free home to school transport for any secondary pupil who lives more than three miles from their school. This aligns Midlothian to the other 66% of local authorities who have already implemented the three-mile limit.

There is no proposed change to our current primary school home to school transport arrangements or to those where the Council has placed a child in a non-catchment school due to a catchment school being full.

The consultation will be conducted in accordance with the Schools (Consultation) (Scotland) Act 2010.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

If approved, the statutory consultation will involve the requirement to prepare a range of information for parents/carers, pupils, and community members and a dedicated mailbox for respondents. There is also the requirement to hold public meetings, one in each associated school group, as well as drop-in sessions and focus groups. The resource identified is:

<i>Potential Consultation Consultant</i>	3,600
Independent chair	600
Publication materials	100
TOTAL	£4,300

4.2 Digital

None

4.3 Risk

On 17 May 2023, the Account Commission for Scotland stated that the public should be “very worried” about the scale of the financial challenges facing councils further stating that budget constraints and cost pressures are putting council finance under severe strain. The Accounts Commission also stated that local authorities must radically change how they operate.

The request to undertake a statutory consultation on a proposal to change mileage limits for secondary home to school transport offers the council an opportunity to implement a change in policy to be more in line with the priorities set out in the Single Midlothian Plan and to address the risk to other elements of the education service budget as a result of a continuing overspend in the home to school transport budget.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

To follow

4.5 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

- Lead healthier, safer and greener lives by 2030.
- Midlothian will be a Great Green Place to Grow by achieving our net zero carbon ambitions and supporting local people to strengthen the skills they need for learning, life and work.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative
- Asset-based
- Continuous Improvement
- One size fits one
- None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- One Council Working with you, for you
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious
- None of the above

A.4 Delivering Best Value

In recent years, Midlothian Council has faced severe inflationary pressures in school transport costs. During financial year 2022/23, the over-spend in mainstream school transport rose to £738k (£3.372m) and at Q1 2023/24, the overspend is projected to be £790k (£3.395m) as there remains volatility and uncertainty within the market. These increasing costs place significant financial pressures on both the Education Service and wider council to maintain a balanced budget. The proposal to consult on increasing secondary home to school transport from two to three miles will help to protect funding required in schools to deliver a high-quality education service as well as encourage participation in more active, cleaner, greener travel. The continuing overspend has become unsustainable and places significant pressure and risk on other elements of education provision including staffing and specialist services.

A.5 Involving Communities and Other Stakeholders

The statutory consultation will involve all communities and relevant directly and indirectly affected stakeholders.

A.6 Impact on Performance and Outcomes

- Reduce carbon emissions.
- Encourage wider participation in active travel options.
- Promote benefits of active and healthy living choices.

A.7 Adopting a Preventative Approach

- Improves road safety skills.
- Promotes independence and resilience in line with Curriculum for Excellence capacities.

A.8 Supporting Sustainable Development

Reduce carbon emissions and traffic around schools.

APPENDIX B

[School transport guidance 2021 - gov.scot \(www.gov.scot\)](http://www.gov.scot)