

Agenda



Delegated Decisions - Cabinet Member for Education and Skills

Date: Tuesday, 22 March 2022

Item		Wards Affected
1	<u>School Reorganisation Proposal – Relocation of Pillgwenlly Primary School and Ysgol Gymraeg Nant Gwenlli - Modification of Implementation Dates</u> (Pages 3 - 12)	All Wards
2	<u>Post-16 Home to School Transport Costs</u> (Pages 13 - 18)	All Wards

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Date of Issue: 14 March 2022

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Report

Cabinet Member for Education and Skills

Part 1

Date: 21 March 2022

Subject **School Reorganisation Proposal – Relocation of Pillgwenlly Primary School and Ysgol Gymraeg Nant Gwenlli - Modification of Implementation Dates**

Purpose To modify the implementation dates agreed through a previously approved school reorganisation proposal in relation to the relocation of Pillgwenlly Primary School from its current site to a new school on the Whiteheads development and the subsequent transfer of Ysgol Gymraeg Nant Gwenlli to the vacant building.

Author Assistant Head of Education - Resources

Ward All

Summary A school reorganisation proposal was determined in June 2020 to open a new Welsh-medium primary school under a seedling model from September 2021, relocate Pillgwenlly Primary to the new school on the Whiteheads development at the start of the Spring term 2023, and subsequently move the new Welsh-medium primary school to a permanent site in Pillgwenlly from September 2023.

Whilst the new school – Ysgol Gymraeg Nant Gwenlli – opened as planned on a temporary site in Caerleon in September 2021, delays in the transfer of the land at Whiteheads from Welsh Government to the nominated developer and then to the Council mean that building works in relation to the new school have not yet commenced. A revised schedule of works suggests a delay of one calendar year in relation to the school build project. As a result, the new school will not be ready for occupation until January 2024.

Proposal **To modify previously agreed implementation dates for this proposal by one year so that:**

- **Pillgwenlly Primary School relocates from its existing site to the new build on the Whiteheads development, and in doing so increases its capacity for mainstream pupils from 546 to 630 and its Learning Resource Base (LRB) from 10 to 20 places, from January 2024, and;**
- **Ysgol Gymraeg Nant Gwenlli subsequently transfers from its temporary site in Caerleon to a permanent location on the site of the current Pillgwenlly Primary school from September 2024.**

Action by Chief Education Officer

Timetable Immediate

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR and Finance Business Partners
- Headteacher and Chair of Governors, Pillgwenlly Primary School
- Headteacher and Chair of Governors, Ysgol Gymraeg Nant Gwenlli

Signed

Background

A school reorganisation proposal was launched in July 2019 to establish a new two-form entry Welsh-medium primary school in Newport and to relocate Pillgwenlly Primary School from its current site to the school on the Whiteheads development. Following formal consultation, the proposal passed through the statutory notice stage without objection and therefore the Cabinet Member for Education and Skills determined in June 2020 to implement the proposal as consulted upon. The decision was therefore as follows:

- To establish a Welsh-medium seedling primary school on the vacant site of the former Caerleon Lodge Hill Infant School from September 2021;
- To relocate Pillgwenlly Primary School from its existing site to the new build on the Whiteheads development, and in doing so to increase the capacity of the school for mainstream pupils from 546 to 630 and its Learning Resource Base (LRB) from 10 to 20 places from January 2023, and;
- To subsequently transfer the seedling school to a permanent location on the site of the current Pillgwenlly Primary school from September 2023.

Current position

The new Welsh-medium seedling primary school – now known as Ysgol Gymraeg Nant Gwenlli – opened as planned in September 2021 in the refurbished former Caerleon Lodge Hill Infant School, and therefore the first element of this proposal has been implemented.

However the two remaining elements of the proposal are linked to the new school build planned for the Whiteheads development, a project within the Council's 21st Century Schools Band B programme. Whilst this project is still included in the programme, unforeseen delays in the land transfer from Welsh Government to the developer and subsequently the Council mean that the work has not been progressed within the timescales originally anticipated. The Council has now been advised that land transfer will take place in the spring of 2022.

As a result, build works in relation to the new school have not yet commenced and therefore the original occupation date of January 2023 will not be realised. In order to expedite the build process and to ensure the project is as cost effective as possible, the Project Board has agreed to pursue a system build approach, which will make savings in terms of both cost and time. The project is currently out to tender and is estimated for completion over the autumn term 2023, enabling occupation from January 2024. This is a full year later than the originally anticipated implementation date. The subsequent vacation of the current Pillgwenlly Primary School building will then enable required refurbishment works to be undertaken prior to permanent occupation by Ysgol Gymraeg Nant Gwenlli from September 2024, again a full calendar year later than originally planned. There is sufficient capacity at the temporary location to accommodate Ysgol Gymraeg Nant Gwenlli for an additional academic year. However, the reduced published admission number of 30 will need to be maintained until the school moves to its permanent location, at which point it will increase to 60. The planned Learning Resource Base provision will also be delayed until September 2024.

Section 55 of the School Organisation Act 2013 confirms that if a proposer is satisfied that a proposal would be unreasonably difficult to implement on the original implementation date, or that circumstances have so altered since the proposal was approved that its implementation on the original date was inappropriate, it may modify the proposal so that its implementation is delayed by up to three years. This request for a delay of one year is therefore permissible within this legislation.

Financial Summary

Capital

The project is being funded partly through Welsh Government's first *Welsh Medium Capital Grant* (which has already enabled the establishment of the seedling school and will be used to support the refurbishment of the Pillgwenlly Primary School before occupation by Ysgol Gymraeg Nant Gwenlli) and partly through the Council's 21st Century Schools Band B programme. As such the capital works are

being funded jointly by Newport City Council and Welsh Government and are included within the Council's current Capital Programme.

The original cost estimate of the new school on the Whiteheads development site was £12m and this figure is included as part of the Council's approved SOP. Subsequent revisions to the cost estimate mean that the anticipated cost currently sits at £14.2m, although the final cost will only be known once the tender process has been completed. The table below details the change in both overall cost and expenditure profile, with the delayed profile being part of the reason for an overall increase in projected costs.

Whiteheads School Project	Original Estimates	Revised Estimates	Difference
2018-19	161,892	161,892	0
2019-20			0
2020-21	205,112	205,112	0
2021-22	500,000	243,547	-256,453
2022-23	7,472,060	7,317,770	-154,290
2023-24	3,638,813	5,942,709	2,303,896
2024-25	22,123	328,970	306,847
Total	12,000,000	14,200,000	2,200,000

Revenue

The Council's current medium term financial plan (MTFP) already includes the revenue implications associated with the original decision as follows:

	Year 1 2022/23 £	Year 2 2023/24 £	Year 3 2024/25 £	Notes
Ysgol Gymraeg Nant Gwenlli	289,000	180,000	190,000	School Opened September 2021 Moving to permanent location September 2023
Pillgwenlly Expansion		177,000	129,000	Expansion January 2023 Costs based on AWPU and 10 place LRB only

Whilst Ysgol Gymraeg Nant Gwenlli opened as planned in September 2021, the proposed one-year deferment in relation to the relocation of both schools will now necessitate an adjustment to the MTFP as the additional costs associated with increasing the Published Admission Numbers and expanding Learning Resource Base provision will need to be pushed back to January 2024 and September 2024 respectively:

	Year 1 2022/23 £	Year 2 2023/24 £	Year 3 2024/25 £	Notes
Ysgol Gymraeg Nant Gwenlli	289,000	73,000	178,000	School Opened September 2021 Moving to permanent location September 2024
Pillgwenlly Expansion	0	21,000	190,000	Expansion January 2024 Costs based on AWPU and 10 place LRB only

Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

Risk Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?
Failure to fully implement the proposal	H	L	The land transfer to the Council is scheduled to take place during Spring 2022, and the new school build works have been tendered. The latest programme of works indicates that the project is fully achievable by September 2024.	Chief Education Officer
Funding insufficiency to deliver the project	H	L	The new school is a key project within the Band B programme and is referenced within the approved SOP. The Council has an excellent history in terms of securing Full Business Case approval for projects under this scheme. The Pillgwenlly Primary School building is already in a comparatively good condition, and the available grant funding will be prioritised to achieve maximum benefit and reduce backlog maintenance.	Chief Education Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015

Corporate Plan

Council Improvement Plan (*Aspirational People* theme)

Education Service Plan

Welsh in Education Strategic Plan

Options Available and Considered

Option 1: To modify the previously determined implementation dates in relation to the relocation of both Pillgwenlly Primary School and Ysgol Gymraeg Nant Gwenlli by one year to January 2024 and September 2024 respectively.

Option 2: Not to modify the previously determined implementation dates in relation to the relocation of both Pillgwenlly Primary School and Ysgol Gymraeg Nant Gwenlli, and in doing so fail to implement the proposal.

Preferred Option and Why

The preferred option is Option 1. Agreeing a one-year deferment in terms of the relocation of both schools will allow sufficient timescales for the full build project to be procured and undertaken on the Whiteheads site following the required land transfer, and will enable vacant refurbishment of the Pillgwenlly Primary School building prior to Ysgol Gymraeg Nant Gwenlli making the school its permanent site.

As a result, the original decision will be modified as follows:

- To relocate Pillgwenlly Primary School from its existing site to the new build on the Whiteheads development, and in doing so to increase the capacity of the school for mainstream pupils from 546 to 630 and its Learning Resource Base (LRB) from 10 to 20 places from January 2024, and;
- To subsequently transfer Ysgol Gymraeg Nant Gwenlli from its temporary site in Caerleon to a permanent location on the site of the current Pillgwenlly Primary school from September 2024, at which point the published admission number for the school will increase to 60, and the proposed Learning Resource Base will become available.

Comments of Chief Financial Officer

The Council's capital programme contains budget provision for both the refurbishment of the Pillgwenlly Primary School building and the development of the new school on the Whiteheads site, based on original cost estimates. However, it is already known that the overall cost of the Whiteheads development is likely to increase compared with those original estimates, and the risk of further cost increases could arise from this delay.

In the case of the Pillgwenlly Primary School refurbishment, which is fully funded via Welsh Government's Welsh Medium Capital Grant, any cost increases may have to be met by Council resources or further funding may need to be requested from WG. In addition, any further delays could place the grant funding at risk, should WG not agree to extend the timeframe of the funding. Should the Council have to meet any cost increases, this will impact upon the level of available borrowing headroom within the programme, which, in turn, will reduce the scope to pursue other capital ambitions.

In the case of the Whiteheads development, the Council's ultimate intention is to seek WG approval for an overall increased SOP, which would incorporate the increased costs of this particular scheme, as well as cost increases and scope changes on other schemes within the programme. It will not be possible to seek this extension until the overall Band B programme is 80% committed. However, WG have provided positive indications that this will be supported, and, in any case, each scheme is assessed on an individual basis and the Council currently has sufficient funding allocated to progress this particular scheme, due to other schemes in the overall programme not being set to commence until after this one.

Therefore, whilst there is a possibility that WG may not approve the overall SOP extension, which could place certain projects at risk, each project is individually at risk of not passing the WG business case process and not progressing, irrespective of whether the requisite funding is available.

From a revenue perspective, the delay will require an amendment to the Medium-Term Financial Plan (MTFP), with the value of the investment required in 2023/24 reducing and in 2024/25 increasing. Ultimately, the total level of budget investment will not change, however this delay will release £263,000 from 2023/24 and require additional funding of £49,000 in 2024/25. This means a net improvement of £214,000 in the Council's medium-term outlook, which will assist in balancing the overall medium term budget position. If this proposal is agreed, the MTFP will be updated accordingly.

Comments of Monitoring Officer

The proposed action to delay the implementation of this school reorganisation proposal is in accordance with the Council's statutory powers under section 55(3) of the School Standards and Organisation (Wales) Act 2013. Following completion of the statutory consultation process, the Cabinet Member has previously approved the school reorganisation proposals to open a new Welsh-medium seedling primary school at a temporary site in Caerleon as from September 2021, relocate Pillgwenlly Primary to the Whiteheads development site at the start of the Spring term 2023, and then transfer the Welsh-medium primary school to Pillgwenlly from September 2023. The proposals have been partially implemented and the new temporary Welsh medium seedling school opened, as planned, in Caerleon in September 2021. However, the remaining proposals cannot be implemented within the original timescales due to delays in the transfer of the land at the Whiteheads site and the commencement of the building work. Section 55(3) of the 2013 Act enables the Council to make a determination to delay the implementation of any school reorganisation proposals for up to 3 years where this is considered to be unreasonably difficult or inappropriate.

As the original timetable is clearly undeliverable, then the Cabinet Member is required to formally agree to a revised determination for implementation of the remaining school reorganisation proposals, with an extended date of January 2024 for the transfer of Pillgwenlly Primary to the Whiteheads development site and a new date of September 2024 for the transfer the Welsh-medium primary school to Pillgwenlly. All of the other school reorganisation proposals, and the education reasons for the changes remain the same. In accordance with sections 55(6) and 55(7) of the Act, the Council will require the consent of Welsh Government to delay the implementation dates and there is a requirement to notify the Welsh Ministers and the school governing bodies within 7 days of the Cabinet Member determination.

Comments of Head of People and Business Change

This report proposes modifying the implementation timescales previously set out for proposal to relocate Pillgwenlly Primary School and establish a new Welsh-medium Primary School on the former site. A fairness and equality impact assessment has been undertaken to inform this proposal and has been updated in line with the proposed deferment.

The agreed plans will see an increase in staff numbers, providing valuable job opportunities within the organisation and wider community. The new school will offer a range of roles requiring Welsh language skills helping to contribute to the Council's equality objectives and the People and Business Change Service Plan 2018-22 objectives including a workforce that will be representative of the population we serve, improving access to services in the medium of Welsh and promoting and increasing the use of Welsh in Newport.

There are no implications for current staffing from the preferred option of a one-year deferment. The deferment will delay the expected increase in staffing to support the expansion at the newly relocated Pillgwenlly Primary and Ysgol Gymraeg Nant Gwenlli by one year but will continue to provide valuable job opportunities in the near future.

Scrutiny Committees

None

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The Council has a number of legislative responsibilities to assess the impact of any strategic decision, proposal or policy on people that may experience disadvantage or inequality. A Fairness and Equality Impact Assessment (FEIA) was completed to support every stage of the original school reorganisation proposal, and has now been reviewed and updated again to support this request for modification. As this is a Cabinet Member for Education operational decision rather than a Council strategic decision, there is no requirement to evaluate the proposal in terms of the Council's Socio-economic Duties.

The original proposal was undertaken in accordance with the legislation outlined in the statutory School Organisation Code. This Code outlines the key stakeholders that should be consulted with as part of the process. The publication of a statutory notice offered an opportunity for stakeholders to lodge legal objections against the proposal; however, no such objections were lodged. The Headteachers and Governing Bodies of Pillgwenlly Primary School and Ysgol Gymraeg Nant Gwenlli have been engaged in discussions regarding a one-year deferment and are supportive of this as the most appropriate way forward. Once effective, the decision will be shared with all identified stakeholders within one week of being taken.

The revised FEIA has identified positive and negative impacts on the Welsh Language Protected Characteristic. Whilst the proposal as a whole supports the expansion of Welsh-medium education across the City, it is acknowledged that demand is not likely to escalate significantly whilst the school remains at its temporary site. Specific targeted promotional activities are being explored in an attempt to avoid this and support increased applications for the school. There are also both positive and negative impacts in relation to two other Protected Characteristics: Disability and Race. In terms of Disability, the Council is committed to providing Learning Resource Base (LRB) facilities in all new school builds as this supports a more inclusive approach for pupils with additional learning needs. A new 10-place facility will be established within Ysgol Gymraeg Nant Gwenlli when it relocates to its permanent site. There is currently no such provision within the other Welsh-medium primary schools across Newport. Due to the delay in moving to the permanent location, the establishment of this provision will be delayed by 1 year. In terms of Race, it is recognised that families who speak English as a second language are comparatively under-represented in Welsh-medium education, with less than 10% of primary age children in Welsh-medium education being from BAME backgrounds, compared with almost 24% of pupils across all Newport schools. This presents a positive opportunity to encourage a bilingual education amongst these communities. The permanent location for Ysgol Gymraeg Nant Gwenlli is in an area where a significant number of families that speak languages other than English reside. The delay in relocating Ysgol Gymraeg Nant Gwenlli could have an impact on pupils within the Pillgwenlly area that would like to apply for a Welsh-medium school place in September 2023, without travelling across the City. This will be a focus of future promotional work and activities.

The sustainable development principle and 5 ways of working set out in the Wellbeing of Future Generations Act have been considered as outlined below:

- Long term: the importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs. **Agreeing a one-year deferment in terms of the relocation of both schools will allow sufficient timescales for the full build project to be procured and undertaken on the Whiteheads site following the required land transfer, and will enable vacant refurbishment of the Pillgwenlly Primary School building prior to Ysgol Gymraeg Nant Gwenlli making the school its permanent site. There is sufficient space at the temporary location to accommodate Ysgol Gymraeg Nant Gwenlli for an additional academic year. Demand for places in Pillgwenlly Primary School will continue to be managed by the School Admissions Team.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **The request to modify the original decision will ensure that the proposal can be implemented effectively, albeit at a slightly later date than originally anticipated. The Council is mitigating the impact of the delayed implementation through an accelerated build programme for the new school on the Whiteheads site.**
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies. **The original proposal was supported by a formal statutory consultation with a FEIA carried out at each stage to consider impact. This proposal supports the “A prosperous Wales”, “A more equal Wales” and “A Wales of cohesive communities” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition, this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”, and the Wellbeing of Future Generations Act’s Wellbeing Goal to create a Wales of vibrant culture and thriving Welsh Language.**
- Collaboration: have you considered how acting in collaboration with any other person, or any other part of our organisation could help meet our wellbeing objectives. **There was an opportunity to engage with all stakeholders through the original formal statutory consultation process. This modification has been discussed in full and is supported by the Headteachers and Governing Bodies of Pillgwenlly Primary School and Ysgol Gymraeg Nant Gwenlli.**

- **Involvement:** The importance of involving people with an interest in achieving the wellbeing goals and ensuring that those people reflect the diversity of the City we serve. **The original proposal was supported by a formal statutory consultation with a FEIA carried out at each stage to consider impact. This modification has been discussed in full and is supported by the Headteachers and Governing Bodies of Pillgwenlly Primary School and Ysgol Gymraeg Nant Gwenlli.**

Crime and Disorder Act 1998

Not applicable

Consultation

This proposal was subject to a full programme of stakeholder engagement as required under the statutory School Organisation Code. Pupils at both schools will be invited to contribute to the school build and refurbishment projects as they progress.

Background Papers

Updated FEIA

Dated: 21 March 2022

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Report

Cabinet Member for Education and Skills

Part 1

Date: 21 March 2022

Subject Post-16 Home to School Transport Costs

Purpose To confirm the charging mechanism for Post-16 Home to School Transport Costs and concessionary transport for the 2022/23 academic year

Author Education Business Manager

Ward All

Summary In June 2015, a decision was taken by the then Cabinet Member for Education & Young People to suspend a proposed increase to the charges for Post-16 Transport Costs on contracted services and instead set the fee at £370 per academic year in line with the cost of a season ticket on the local bus network.

Since this date, an annual report has been brought forward to consider charges for the forthcoming academic year, with no increases being levied. As a result, the level of charges remain unchanged since June 2015, and as a result there has been no reduction in the subsidy paid by the Council for this service.

Proposal To agree that the current level of charges should be maintained for the 2022/23 academic year.

Action by Chief Education Officer with the Head of City Services

Timetable Implementation from September 2022

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Head of City Services
- Head of Law and Regulation
- Head of People and Business Change
- Head of Finance

Signed

Background

The provision of Post-16 Home to School Transport is not a statutory responsibility, and Local Authorities have discretion to consider whether to make such provision, and if so, to what value. This Council's current discretionary policy provides an annual travel grant of £150 to those students who meet the eligibility criteria for this assistance. Parental contributions are required to meet the remainder of the annual travel costs.

A decision in 2015 approved amending the charging mechanism for Post-16 Home to School Transport costs so that all students were required to make the same financial contribution, regardless of whether they were using the local bus network or a contracted vehicle. As a result, the parental contribution for September 2015 was set at £370 per eligible child to correspond with the top-up fee charged by Newport Transport for an annual season ticket. Similar reports have been presented every year since, with annual decisions taken to maintain the cost agreed in 2015 up to and including the end of this current academic year.

Since 2015 however, the cost of a Post-16 season ticket via Newport Transport has changed and, now known as a Youth Passport card to be used in conjunction with Welsh Government's MyTravelPass, is currently much reduced at £350 per learner per academic year. This cost will not be reviewed until July 2022 at the earliest, and may be increased at this point. As a result, and despite the intentions of the original report, currently the cost charged to the parents of eligible post-16 students for home to school transport does not align; the parental contribution is currently £200 for children using the local bus network and £370 for those on contracted provision.

Notwithstanding this, the actual cost of travelling on contracted provision is more than the current parental contribution for either type of provision. Currently, there are five secondary schools in Newport that are not fully accessible to pupils via Newport's local bus network depending on their residential address – Bassaleg School, Caerleon Comprehensive School, St Joseph's RC High School, The John Frost School and Ysgol Gymraeg Gwent Is Coed. In addition, transport is also being provided to a small number of pupils attending St Teilo's Church in Wales school in Cardiff as their nearest available school.

The Head of City Services has estimated that currently the average cost of a seat on the contracted provision to these schools is as follows:

School Name	Average Cost
Bassaleg School	£842
Caerleon Comprehensive School	£980
St Joseph's RC High	£1346
Ysgol Gymraeg Gwent Iscoed	£1069
The John Frost High	£2400
St Teilo's	£3325

It is neither fair nor feasible to levy varying parental contributions dependent on which of these schools a child attends, and thus a standard contribution for contracted provision needs to be agreed. To note however, any failure to fully recover these costs will increase the Council's financial commitment to an already subsidised service.

As an aside, the Council is able to offer the sale of vacant seats on contracted services on a concessionary basis. These seats are available for sale from September each year, on a first-come first-served basis, but can be withdrawn at short notice if they are subsequently required for a qualifying pupil. **The cost of these concessionary seats is aligned with the full cost of post-16 travel, and currently therefore is fixed at £520 per annum.**

Financial Summary (Revenue only)

A further reduction in the Post-16 Home to School Transport subsidy has not been included within current budgets. Maintaining the existing charges will not accrue any further savings and therefore the current level of subsidy will remain.

A budget of £42,213 has been set for Post-16 travel grants in the current financial year, and whilst this is based on a continuation of the current arrangements, as recommended in this report, it is noted that the budget has overspent in recent years. However, given that the Council is unable at this stage to predict how many pupils will apply, and be eligible, for this grant in the 2022/23 academic year, the full impact on this budget cannot be quantified at present

Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

Risk Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?
The Council could be accused of failing to treat all students equitably	M	M	Even though the charges imposed on parents of students using contracted services might be slightly higher than those incurred by pupils using the local bus network, the Council is still subsidising the actual cost of provision thus reducing hardship on families	Chief Education Officer / Head of City Services
The Council continues to subsidise the actual costs of this discretionary service	L	H	A reduction in the subsidy level has not been built into the current budget	Chief Education Officer / Head of Finance
Complaints from parents over the cost levied for concessionary seats	L	M	There is no obligation on the Council to provide transport assistance to children who do not qualify for assistance under the terms of the agreed Home to School Transport policy	Chief Education Officer / Head of City Services

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015
Corporate Plan
Council Improvement Plan (*Aspirational People* theme)
Education Service Plan
Welsh in Education Strategic Plan
Learner Travel (Wales) Measure 2014
Post-16 Home to School Transport Policy

Options Available and Considered

Option 1: To maintain the current parental contributions of £370 per child. This will not reduce the subsidy but will maintain the current position. Under this scenario, the costs charged to all students using contracted services remain equal.

Option 2: To reduce the parental contributions in respect of contracted services to align with those charged on the local bus network. This will be positive for parents and pupils but will increase the Council's subsidy on this discretionary service and will likely result in a budget pressure.

Option 3: To increase the parental contribution fee. Whilst this will reduce the Council's subsidy in relation to this service, parents and pupils will likely perceive it negatively. This would also increase the disparity between pupils using the local bus network and contracted provision, and in some circumstances could lead to allegations of the Council profit making from the pupils and parents.

Option 4: To implement different charging mechanisms for each of the six schools using contracted services. This would have the effect of fully removing the subsidy but would lead to confusion for officers and parents. This would be negatively received and difficult to administer.

Preferred Option and Why

The preferred option is Option 1. Whilst this will result in the current level of subsidy being maintained, a reduction has not been built into the MTFP and therefore this action would not result in additional pressures on the Council budget. Any further increase to the current level of parental contributions will result in additional disparity between students using the local bus network and contracted services, and possibly profit, and thus lead to complaints and negative publicity for the Council. The fee charged to the parents of eligible post-16 students using contracted services should therefore remain at £370 for the 2022/2023 academic year, resulting in the charge for concessionary seats being set of £520 per annum.

Comments of the Head of City Services

The preferred option (Option 1) is supported as it maintains the current charging structure and, as no MTFP saving has been placed against this budget, the decision does not create additional pressures on the existing transport budget.

The current/ proposed charging structure is broadly consistent with charges for Post 16 travel provision by our neighbouring authorities.

Comments of Chief Financial Officer

The preferred option of maintaining the current level of parental contributions would not impact adversely on the budgets nor would it reduce the levels of subsidy. The income element of the budget is forecast to overachieve in 2021/22 and this forms part of the overall budget which is also predicting an underspend. This position has clearly been influenced by the pandemic, but this does mean that the future is uncertain, it is known that the cost of seats varies between schools and is more than the fee charged so consideration ought to be given moving forward to developing a model for full cost recovery.

Comments of Monitoring Officer

The Council has no statutory duty to provide Post-16 Home to School Transport and, therefore, has a discretion to determine the extent to which this should be provided and any costs to be charged. However, as with all discretionary powers, the Council must act reasonably and consistently, having regard to all relevant considerations and, in particular, its public sector equality and socio-economic duties, the well-being objectives and ways of working. The Council has continued to pay a standard £150 travel grant to all eligible post-16 pupils and charges are imposed for the cost of concessionary seats on contracted services. Previously, the Cabinet Member had decided to remove the Council subsidy altogether for these discretionary services and increase the charges on a phased basis. This was superseded in June 2015, when it was decided to bring the discretionary charges into line with the costs of a season ticket on the local bus services. However, the costs of the season tickets or Youth Passports used in conjunction with Welsh Government's MyTravel Pass on the local network services, remain much lower than the concessionary charges. Therefore, despite the original decision, it has not been possible to align the transport costs and parental contributions remain higher for the concessionary travel costs. For that reason, there has been no increase in the level of parental contribution since that time and the Council has continued to subsidise the costs of the service. The recommendation that the current top-up fees for concessionary travel should again remain fixed at £370 is considered to be reasonable, as this maintains the current position and is consistent with the position adopted since 2015.

The EIA confirms the fairness of the proposal and the fact that there is no discrimination or breach of equalities duties. The service will continue to be subsidised by the Council and all parents continue to pay the same level of fees for concessionary seats.

Comments of Head of People and Business Change

The subsidy for post-16 home to school transport is discretionary, and the preferred option seeks to support post-16 learners to access education across the city, by maintaining the subsidy at the same level as for recent years. This would prevent an increase in the difference in the cost of using Council contracted services compared to users of the local bus network, which would have potential implications outlined in the fairness and equalities impact assessment. To address this means balancing the financial pressures on the Council with the costs faced by parents.

As the report notes, post-16 education plays a major part in skills development and employability, which have wellbeing benefits to the individual, wider society and the economy. The proposed option seeks to reflect the importance the Council attaches to supporting post-16 learners and their families. Further to this, the Wellbeing Plan for Newport has highlighted the importance of having sustainable travel options and support for the use of public transport will help to reduce vehicle emissions and reduce congestion.

There are no human resources implications in this report.

Scrutiny Committees

Not applicable

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The council has a number of legislative responsibilities to assess the impact of any strategic decision, proposal or policy on people that may experience disadvantage or inequality. A Fairness & Equality Impact Assessment (FEIA) was developed in relation to the previous report (July 2020) but has not been repeated for this decision as no changes are proposed. The FEIA is attached as a Background Paper.

Post-16 Transport is a discretionary service rather a statutory function, and this proposal aims to maintain current levels of parental contributions rather than impose any increases. This is considered positive for children and families. Given this, further stakeholder engagement has not been sought at this time. The final decision will be shared with service users by the Head of City Services.

This decision will specifically affect post-16 learners, so pupils aged between 16 and 18 years. Under these arrangements, the travel grant will continue to be paid at £150 per annum to all eligible pupils, and those who travel to school via a contracted service will face no increase in current parental contribution costs. The use of contracted services particularly applies to pupils attending faith-based and Welsh-medium schools, and therefore they will benefit positively from this decision and ensure parity with pupils attending English-medium community maintained schools.

The proposal supports the sustainable development principle and 5 ways of working set out in the Wellbeing of Future Generations Act (2015) as follows:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs. **The provision of post-16 transport is not a statutory function, but the Council maintains this discretionary award to support pupils in undertaking post-16 education courses. Any changes to this service could have a short-term effect and a long-term impact on the sustainability of post-16 education across the city. Continuing to provide a**

partially subsidised transport function for post-16 students enables young people to gain access to appropriate education and skills to support their long term future.

- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **Providing partially subsidised transport to ensure students can access appropriate education and gain skills which will mean they have better life chances**
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies. **This proposal supports the “A more equal Wales”, “A globally responsible Wales” and “A Wales of vibrant culture and thriving Welsh Language” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”**
- Collaboration: have you considered how acting in collaboration with any other person, or any other part of our organisation could help meet our wellbeing objectives. **Collaboration is undertaken with the local bus network where possible. Where this is not possible, tenders are offered under a framework agreement to local suppliers.**
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve. **The Council’s budget savings proposals for financial year 2020/21 included removal of this Post-16 travel grant. This proposal generated significant feedback from stakeholders that was considered in determining not to implement the proposed change. No further changes were proposed in relation to 2021/22 or 2022/23.**

Crime and Disorder Act 1998

Not applicable

Consultation

None

Background Papers

FEIA (July 2020)

Dated: 21 March 2022