

**WEST DUNBARTONSHIRE COUNCIL****Report by the Chief Education Officer****Educational Services Committee: 8 March 2023**

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**Subject: Proposal Paper and launch of statutory consultation to discontinue arrangements for the provision of transport for pupils attending catchment schools.**

**1. Purpose**

**1.1** The purpose of this report is to seek Committee's approval for the launch of the statutory consultation document by the Chief Education Officer under the terms of the Schools (Consultation) (Scotland) Act 2010 on the proposal to discontinue arrangements for the provision of transport for pupils attending catchment schools.

**2. Recommendations**

**2.1** It is recommended that Committee:

- a) approves the launch of the statutory consultation document by the Chief Education Officer under the terms of the Schools (Consultation) (Scotland) Act 2010 on the proposal to discontinue arrangements for the provision of transport for pupils attending catchment schools;
- b) agrees that the consultation period should run from Thursday 9<sup>th</sup> March 2023 until Tuesday 9<sup>th</sup> May 2023, a total of 31 days when the schools are open for pupils; and
- c) agrees that a report outlining the results of the consultation and making appropriate recommendations be presented to a meeting of the Educational Services Committee provisionally scheduled to be held on Wednesday 5<sup>th</sup> July 2023.

**3. Background**

**3.1** local authorities may make free travel available to pupils who live beyond the statutory walking distance and are attending the school designated as the nearest appropriate catchment school. The statutory walking distance is defined in section 42(4) of the 1980 Act as being 2 miles for children aged under eight, and 3 miles for children aged eight or over.

**3.2** Presently, the council provides transportation for children who reside further than 1 mile from their catchment primary school, and further than 2 miles from their catchment secondary school. Due to the existing distances, transport is presently provided for children to the following schools:

- Clydebank High School

- Dumbarton Academy
  - Gartocharn Primary School
  - Knoxland Primary School
  - Linnvale Primary School
  - Our Lady & St. Patrick's High School
  - St. Peter the Apostle High School
  - St. Eunan's Primary School
  - St. Mary's (Alexandria) Primary School
  - St. Mary's (Duntocher) Primary School
  - St. Patrick's Primary School
  - Vale of Level Academy
- 3.3** On 21<sup>st</sup> December 2022, Council approved a savings option to reduce School Transport towards statutory limits taking account of safe routes to school and increasing free bus pass update and work with bus companies to increase provision at busy times.
- 3.4** Although there is no requirement in the Schools (Consultation) (Scotland) Act 2010 to consult on any changes to the provision of transport to non-denominational schools, this consultation is directed at all stakeholders affected by the proposed change.
- 3.5** This does not affect transport arrangements for those children and young people who are in receipt of transportation on the grounds of additional support needs (ASN) or are transported to an alternative education provision outwith West Dunbartonshire.
- 3.6** Where a route is confirmed as not safe to walk, transport will still be provided.

## **4. Main Issues**

### Consultation

- 4.1** Because this project, if enacted, would involve discontinuing the existing arrangements for the provision of transport to pupils attending denominational schools, the Council is required to carry out a consultation process as detailed in the Schools (Consultation) (Scotland) Act 2010, Schedule 1, Paragraph 8 which states:
- “Transport to denominational school proposal to discontinue arrangements for the provision of transport by the education authority for pupils attending a denominational school.”*
- 4.1.1** The 2010 Act requires the education authority to publish a “proposal paper” which sets out the details of the relevant proposal. The Proposal Paper for this project is provided as Appendix 1 to this report.
- 4.1.2** The 2010 Act also requires the education authority to publish an “educational benefits statement” in relation to any proposal which falls under the terms of

the act. The Educational Benefits Statement is also included in the Proposal Paper which forms Appendix 1 to this report.

- 4.1.3** The Act defines the statutory consultees for a proposed relocation. The consultees are defined as:
- a) the Parent Councils of the school listed in 3.2 above,
  - b) the parents of the pupils of all school,
  - c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
  - d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
  - e) the staff (teaching and other) at any affected school,
  - f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
  - g) any other education authority that the education authority considers relevant

All these groups will be invited to respond to this consultation, as would the Archdiocese of Glasgow of the Catholic Church. The questionnaire provided as Appendix 1 to this report will form the basis of the written consultation and may be submitted by hand, by post or electronically to the council.

- 4.1.4** The Act requires a consultation period of at least 6 weeks which must include at least 30 school days. It is proposed that the consultation period for this project should run from Thursday 9<sup>th</sup> March 2023 until Tuesday 9<sup>th</sup> May 2023 inclusive (this period covers a total of 44 days to allow for “clear days” rule and accommodate 13 days where schools are closed due to an in-service day, a long weekend and the spring break).

- 4.1.5** The education authority is required, as part of the consultation process, to hold public meetings to discuss the relevant proposal. The public meetings for this proposal will be:
- 18<sup>th</sup> April 2023 – in person at 7pm in Our Lady & St. Patrick’s High School;
  - 19<sup>th</sup> April 2023 – in person at 7pm in St. Peter the Apostle High School; and
  - 25<sup>th</sup> April 2023 – in person at 7pm in Vale of Leven Academy.

- 4.1.6** The 2010 Act requires the involvement of Education Scotland in the process. Education Scotland must be provided with the Proposal Paper, the Educational Benefits Statement and the submissions made to the education authority during the consultation period (or, by agreement, a summary of these submissions). Education Scotland then prepares a report on the educational aspects of the proposal.

- 4.1.7** The education authority is then required to publish a “Consultation Report” containing a record of the total number of submissions received, a summary of those submissions and of any oral representations made during the public meetings, a copy of the Education Scotland report and a statement of the authority’s response to the written and oral submissions and to the Education

Scotland report. Providing all necessary procedures can be undertaken in the timescale outlined in section 4.1.4, it is planned to present the Consultation Report to a meeting of the Educational Services Committee provisionally scheduled to be held on 5<sup>th</sup> July 2023.

## **5. People Implications**

- 5.1** There are no direct people implications resulting from the consultation, but if approved, there would be an indirect implication for contractors providing us with transport services.

## **6. Financial Implications**

- 6.1** There are no associated costs for undertaking the statutory consultation. Time to complete the activities would be covered by central officers.

## **7. Risk Analysis**

- 7.1** Failure to conduct a statutory consultation would mean the Council would not be adhering to its statutory obligations as defined by the Schools (Consultation) (Scotland) Act 2010.

## **8. Equalities Impact Assessment (EIA)**

- 8.1** An Equalities Impact Assessment has been undertaken for this proposal.

## **9. Consultation**

- 9.1** This project has been the subject of extensive discussion by the Corporate Management Team as well as by Council.
- 9.2** Legal Services and the Section 95 Officer have been consulted on the content of this report.
- 9.3** As detailed in section 4.1.3 of this report and in appendix 1, consultation with all statutory consultees will be conducted on the proposals in this report in accordance with the requirements of the Schools (Consultation) (Scotland) Act 2010.

## **10. Strategic Assessment**

- 10.1** Undertaking a statutory consultation ensures we meet our responsibilities as defined by the Schools (Consultation) (Scotland) Act 2010. It works towards all three of the Community Planning Partnership priorities of 'empowered', 'sustainability' and 'wellbeing' by ensuring that the views of local citizens are

sought and incorporated into our plans, and that we work to promote the wellbeing of our children, young people and families.

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Date: 30 January 2023

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**Appendices:** Appendix 1: Proposal Paper, incorporating Educational Benefits Statement

**Background Papers:** Council meeting 21<sup>st</sup> December 2022  
Schools (Consultation) (Scotland) Act 2010

**Wards Affected:** All wards

