

**Comhairle na Gàidhealtachd  
The Highland Council**

**Buidheann Buileachaidh na Gàidhlig – 1 An Gearran 2017  
Gaelic Implementation Group – 1 February 2017**

Agenda Item	<b>10</b>
Report No	<b>GIG 4/17</b>

**Revised Policy on Gaelic Medium Transport**

**Report by the Director of Care and Learning**

**Summary**

This report seeks the views of members on a revised policy for the provision of transport to Gaelic Medium Education (GME). The Policy also encompasses transport to denominational schools, the latter section being outwith the scope of this Committee. Subject to the views of members of this Committee, the revised policy would then go to a future meeting of the Education, Children and Adult Services Committee for decision.

**1. Background**

- 1.1 The Education, Children and Adult Services Committee agreed a revised school transport policy on 18 May 2016, and noted that further work was taking place to review that policy with regard to provision of Gaelic Medium (and Denominational) school transport, and that further report(s) would come back to Committee.
- 1.2 The current criteria for providing transport to GME are not particularly well defined, and have evolved over time. The minimum distance and road safety criteria are the same as for English Medium education. However, GM schools do not have defined catchment areas, and current policy is to provide transport “within reasonable travelling distance”. This has been generally interpreted as meaning up to 15 miles, but there are numerous variations. Distances travelled are often longer on the west coast, probably due both to the geography and the more Gaelic-oriented culture. Some English medium pupils travelling to their catchment schools travel for further than 15 miles. Based on current criteria, some children live within 15 miles of two GM schools (for example BSGI and Dingwall, or Portree and Dunvegan) and there are instances where pupils living in the same locality are provided with travel to both schools. This would not be accepted for English Medium education.

**2. The Proposal**

- 2.1 It is therefore proposed that travel entitlement areas should be defined for GM schools and departments, based on groupings of existing primary school catchments within each ASG area. The policy aim is to provide entitlement to transport to GM education for as many Highland pupils as possible, whilst also providing transport as efficiently as possible in order to meet savings requirements (£0.020m saving target agreed by Council). There are areas

where there would be no entitlement as the distances would be excessive. Consultation will be required before these entitlement areas can be fixed.

- 2.2 Where there are ASGs or other areas without any local provision of GME, any identified parental demand for GME would be assessed in accordance with the Education (Scotland) Act 2016.

### **3. Detailed Policy**

- 3.1 A copy of the draft Policy is attached at **Appendix A**.

### **4. Next Steps**

- 4.1 The Policy does not require a statutory consultation prior to being adopted. However, it would be good practice to carry out an informal consultation. If supported by the members of the Gaelic Implementation Group, the Policy will be issued for consultation to Bòrd na Gàidhlig and to Comann nam Pàrant, before being submitted to the Education, Culture and Sport Committee.

### **Implications**

- 5.1 Resources – The new Policy seeks to maximise access to GME whilst still meeting the savings target set out for GM school transport. Savings will be achieved by the elimination of duplicate transport provision (see paragraph 1.1 above) and by moving pupils onto existing high school transport wherever possible.
- 5.2 Legal – The new Policy complies with the provisions for school transport set out within the Education (Scotland) Act 1980 and with the provisions relating to Gaelic Medium Education contained within the Education (Scotland) Act 2016.
- 5.3 Equalities – There are no equalities implications beyond those already considered as part of access to GME.
- 5.4 Climate Change/Carbon Clever – The Policy would potentially allow transport to GME over longer distances at present, but wherever possible this would be provided by means of existing High School transport, thereby minimising any additional greenhouse gas emissions.
- 5.5 Risk – There is a potential impact on those families who currently live within 15 miles of more than one GME provision, and who therefore currently have a choice of more than one provision to attend. As mentioned above, English Medium pupils are not offered a choice of transport to different schools and on that basis the continuation of such a system for some Gaelic Medium pupils cannot be justified. In line with normal policy, any pupils already receiving transport under such an arrangement would continue to do so until they moved onto secondary school, and this would also apply to any younger siblings enrolling whilst their older sibling was still attending primary school.

Secondly, a small number of pupils currently receiving dedicated transport to

GME will be asked to move onto High School transport. In considering such changes officials will have regard to the age and number of the pupils affected. For example, it may not be reasonable place a sole child of infant age onto a bus with secondary age pupils, but this could be appropriate where there is a group of younger pupils, or where the pupils are older.

- 5.6 There are no specifically rural implications, beyond the travel issues set out above.

**Recommendation**

Members are asked to consider and make comment on the draft Policy, which will subsequently be reported to the Education, Children and Adult Services Committee for decision.

Designation: Director of Care and Learning

Date: 24 January 2017

Authors: Brian Porter, Head of Resources  
Norma Young, Area Education Manager (West)  
David Summers Principal Transport Officer

Background Papers: Draft School Transport Policy on Access to GM and  
Denominational Education

**THE HIGHLAND COUNCIL**  
**Home-to-School Transport Policy**

## **1. Introduction**

- 1.1. This document sets out the Council's policy for provision of home to school transport. Separate documents are to be written which will provide:
- Guidance to pupils and parents (including details of how to apply for transport, and conduct expected);
  - Guidance to transport contractors and drivers.
- 1.2. The legal basis for school transport provision is found in the Education (Scotland) Act 1980, Sections 42(4) and 51(1), as amended by the Education (Scotland) Act 1981, Section 2, the Education (Scotland) Act 1996, Schedule 5 and the Standards in Scotland's Schools etc Act 2000, Section 37.
- 1.3. This document does not cover school trips or excursions.

## **2. Provision of transport**

- 2.1. Transport may be provided only to:-
- (i) Pupils living in the catchment area of the school attended; or
  - (ii) Pupils allocated by the Council to an alternative school, if there are no places available in the catchment area school; or
  - (iii) Pupils allocated to an alternative school by the Council, for educational reasons; or
  - (iv) A special school appropriate to ASN or authority placement to such a school; or
  - (v) A Gaelic Medium school or denominational school, in accordance with paragraphs 2.12- 2.15 below.
  - (vi) A pupil's existing school, following a change of address to outwith that school's catchment area, where transport can reasonably be provided, but only for pupils in S4, S5 or S6 and only for the remainder of the school year in which they change address.
- 2.2. For pupils attending a school as described in 2.1 above, the Council will provide transport, free of charge:-
- (a) if the walking distance to or from school for pupils aged under 8 years would be more than 2 miles each way (by the shortest safe walking route);
  - (b) if the walking distance to or from school for pupils aged 8 years or over would be more than 3 miles each way (by the shortest safe walking route);
  - (c) if all walking routes below the eligible distance (2 or 3 miles, according to the pupil's age) have been assessed by the Council as unsafe for children to walk, accompanied if necessary by an adult;
  - (d) if a pupil has a medical condition which the Council has accepted as making him or her unfit or unable to walk to school;
  - (e) if a pupil has been assessed as having additional support needs which include a need for transport;

- (f) in exceptional situations on their individual merits, if the Council considers that transport provision is necessary.
- 2.3. The Council is not legally required to provide transport in categories 2.1 (iv), (v), (vi) and (vii) above but does so on a discretionary basis.
- 2.4. Transport will not necessarily be provided door-to-door. Routes are designed as far as practicable to avoid excessive journey times for the furthest pupils and to be cost-effective. Pupils may be required to travel up to the statutory walking distances (2 miles under age 8; 3 miles for age 8 and over) to/from a pick-up/drop-off point. Transport will not be provided on private roads unless required for ASN or medical reasons, or if the length of the private road exceeds the statutory walking distance. Drop-off/pick-up points at the school end of the journey will be as close as practicable to the school, but in some cases may involve a short walk between the drop-off/pick-up point and the school gate.
- 2.5. Distances are measured electronically to determine entitlement, using engineering design software to determine the distance as accurately as possible and to ensure consistency in measurement. The distance measured will be from the boundary of the pupil's home (e.g. the garden gate, or end of the path leading from the front door of the building) to either the entrance to the school grounds or the bus drop-off point at school, whichever is farther. Distance from the pupil's home to a bus pick-up/drop-off point will be measured by the same method.
- 2.6. Transport entitlement is normally provided from/to **one** home address only, which will be the pupil's address as recorded by the school. However, in cases where parents live apart, free transport may be provided from/to both parents' addresses, or from/to one parent's address if the pupil's usual address is within the statutory walking distance of the school, subject to:
- Both addresses being in the same Associated School Group area, or transport being available from an address outwith the ASG area at no additional cost to the Council;
  - Days of travel from/to each address being agreed in advance.
- In all other respects, the normal entitlement criteria would apply.
- 2.7. Transport is not provided to nurseries or pre-school education.
- 2.8. Pupils who have been granted placing requests do not have entitlement to transport.
- 2.9. However, transport may be provided to pupils on a privilege (non-entitled) basis to pupils who do not qualify for transport entitlement, if spaces are available on existing transport (see section 9 below). There is a charge for privilege transport provision.

- 2.10. Provision for transport home from after-school activities is not provided as part of the school transport policy. Schools may arrange or fund transport for after-school activities at their own discretion.
- 2.11. The Council will issue a pass to each pupil as proof of entitlement.
- 2.12. Transport for Gaelic Medium schools and departments, and for denominational schools, will be provided on the basis of defined entitlement areas based on groupings of existing primary school catchments within each Associated School Group (ASG).
- 2.13. These arrangements are based on the principles of providing entitlement to transport to Gaelic Medium and denominational education for as many Highland pupils as possible, whilst also providing transport as efficiently as is possible. There are areas where there is no entitlement as the distances involved would be excessive.
- 2.14. Where there are ASGs or other areas without any local provision of Gaelic Medium Education (GME), any identified parental demand for GME would be assessed in accordance with the Education (Scotland) Act 2016.
- 2.15. The entitlement areas are set out in Appendix Ai attached. These are subject to review of an annual basis, to reflect changes in GME provision across Highland

### **3. Safety of Walking Routes**

- 3.1. Walking routes (to/from school or to/from the transport pick-up/drop-off point) are assessed following guidelines published by Road Safety GB. Assessment is done on the basis of children being accompanied by a responsible adult if necessary, although it is recognised that in many cases older children will not need to be accompanied by an adult.
- 3.2. In general it is expected that children aged 12 or over will be able to walk unaccompanied, although the nature of the route and the development of the child will be taken into account in individual cases.
- 3.3. In assessing whether transport is required, it is generally assumed that a responsible adult (not necessarily a parent) is available to accompany children on the route if necessary, Exceptional circumstances, such as a parent being unable to accompany a child for medical reasons, may be considered by the Area Education Manager.
- 3.4. Further detail of assessment methods is given in the "Information for Parents".

#### **4. Types of Transport**

- 4.1. Most school transport is contracted out to local transport providers. The type of transport depends on the requirements of the route and the tenders received. The transport supplied could be any of the following:
- dedicated school contract bus (service solely for pupils)
  - bus contracted for both school and public transport needs
  - bus pass on commercially operated local service bus
  - taxi or private hire car
  - car hired exclusively by the Council and not available for other hires on any school day (not licensed as a taxi or PHC)
  - Council-owned vehicle
  - train
  - ferry.
- 4.2. The Council's policy is to make use of existing public transport, or combine school and public transport contracts, wherever practicable. Where this is not feasible, separate school transport will be provided.
- 4.3. In remote locations, parents or guardians may be paid mileage or boat cost expenses to transport their own children, if this is more economic than awarding a contract for the route.

#### **5. Timing of transport**

- 5.1. Transport is provided for the start and end of the normal school day. Normally transport will arrive between 20 and 5 minutes before the start of the day, and leave between 5 and 20 minutes after the end of the day. However, the Council may allow a gap of more than 20 minutes at either end of the day, at their discretion.
- 5.2. No additional provision is made for Primary 1 children who may have a shorter day for the first days or weeks of the school year or for Primary 1-3 children who attend for a shorter day than pupils in the upper stages.
- 5.3. Some pupils who live a long distance from school stay in school residences during the week. Free transport is provided for these pupils on the first morning and last afternoon of each school week. (For Mallaig High School pupils living in the Small Isles, transport is generally provided fortnightly.)

#### **6. Reviews of Entitlement**

- 6.1. Parents or guardians may request a review of any decision to refuse entitlement to school transport under any of the criteria listed in 2.2 above. If the request is on the grounds of safety, the review will be of the suitability of the walking route, and pick-up / drop-off points if applicable, and will apply to all pupils using that route. Any individual circumstances (e.g. medical conditions) will be considered separately from the review of the route.

- 6.2. Reviews will be carried out in the first instance by a member of the Transport Co-ordination Unit staff. If the reason for the review includes individual circumstances such as additional support needs or medical needs, Care and Learning staff will be involved. If the parent or guardian is still not satisfied with the decision, the route will be considered by the Council's Education Transport Entitlement Review Sub-Committee.
- 6.3. The decision of the Education Transport Entitlement Review Sub-Committee will be final within the Council, unless there is a material change in the nature of the route or other circumstances after the decision has been made.

## **7. Responsibilities of Parents/Guardians**

- 7.1. Ultimately, whether transport is provided or not, parents or guardians are responsible for ensuring that their children attend school. Where transport is provided, parents or guardians are responsible for ensuring that their children have the necessary bus pass (or fare, if they do not have a pass), get on the transport in the morning, and that they are able to get home safely from the drop-off point in the afternoon.
- 7.2. Parents or guardians are responsible for the behaviour of their children while on school transport. Parents, and children aged in Primary 4 or older, will be required to sign a code of conduct agreeing to appropriate behaviour. Transport will not be provided until this code has been signed.
- 7.3. Head Teachers may apply disciplinary sanctions against any pupil misbehaving on school transport in the same way as they would for misbehaviour on school premises. Also, the Council may withdraw transport entitlement in cases of misbehaviour on transport.
- 7.4. If transport is withdrawn, parents or guardians remain responsible for getting their children to school, unless the child has also been suspended from school.

## **8. Safety and Supervision on Transport**

- 8.1. All drivers of school transport contracts are required to have passed an Enhanced Disclosure check, or to be members of the PVG (Protection of Vulnerable Groups) scheme.
- 8.2. Drivers are responsible for:
  - Checking when pupils board the transport that they are entitled to travel
  - Driving safely
  - Deciding when it is not safe to drive, e.g. in bad weather
  - Opening and closing doors at stops
  - Reporting misbehaviour to the school, if it is serious enough to cause a distraction from driving or a danger to pupils
  - Supervising the pupils in an emergency (if possible).
- 8.3. Seat belts are provided for all pupils on all Council-owned or contracted vehicles. Sideways facing seats may exist on large buses but these are not



counted in the vehicle capacity for the contract and should be signed as not for the use of pupils. Passengers should not have to stand during the journey. These conditions may not apply on commercially operated bus services or on other modes of transport.

- 8.4. Drivers of vehicles of up to 16 seats are responsible for ensuring that pupils wear seat belts.
- 8.5. Contractors must provide child seats or booster cushions where required by law. There is no requirement for these to be provided in buses, licensed taxis or licensed private hire cars. Therefore they are required only in cars which are not licensed as taxis or private hire cars.
- 8.6. Supervision, other than by the driver as described in 8.2 above, is not normally provided. Where required, additional supervision may be provided by:-
  - Senior pupils appointed as bus monitors;
  - Escorts, where necessary for pupils with Additional Support Needs;
  - Other supervision if specific issues have been reported.
- 8.7. CCTV is used on many school buses, and may be used to identify pupils involved in misbehaviour. Images collected by CCTV will be managed in accordance with the Data Protection Act and the Council's Data Protection policy.

## 9. Privilege Places

- 9.1. On a "dedicated" school transport contract (i.e. provided for school pupils only), seats not required for children who are entitled to free school transport may be allocated to other pupils, provided that this does not result in additional cost to the Council. These are known as "privilege" seats.
- 9.2. A charge will be made for this provision, except that pupils entitled to clothing grants will not be charged.
- 9.3. If there is more demand for privilege places than seats available, places will be offered as follows:
  - Siblings of entitled pupils will have first priority, provided that they are travelling to the same school.
  - Points will then be allocated according to age and distance:
    - a. *Primary School routes:*
      - 1 point for each year of age below 12 (to minimum of 4 yrs)
      - 1 point for each half mile of distance from school (up to 3 miles)
    - b. *Secondary School routes:*
      - 1 point for each year of age below 16 (to minimum of 11yrs)
      - 1 point for each half mile of distance from school (up to 3 miles)

Pupils who have been granted placing requests will be treated for this purpose as though they live 3 miles from school.
- 9.4. Privilege places may be withdrawn, at a minimum of 2 weeks' notice, if a seat is no longer available. The most likely reasons for withdrawal are:

- the seat is required for an additional entitled pupil;
- the size of the vehicle is reduced;
- the route is to be withdrawn as there are no longer any entitled pupils.

Privilege places will not be withdrawn in favour of another non-entitled pupil.

- 9.5. If a privilege place is withdrawn, the same priorities will be used as in 9.3 above, except that preference will be given to pupils travelling from outwith the catchment, in order to minimise the risk of disruption to their schooling. Payment will be refunded from the date of withdrawal.
- 9.6. Privilege places will not be available on combined school/public transport contracts or on any other mode of transport.

## **10. Contract management and administration**

- 10.1. The policy on school transport is defined by the Council's Care & Learning Service. The Council's Transport Co-ordination Unit in Community Services is responsible for all planning, administration and day-to-day operation of transport routes, including allocation of pupils to routes.
- 10.2. The Transport Co-ordination Unit is responsible for informing parents of the transport arrangements made, the timetable for the route, and any changes in arrangements. These duties may be delegated to the contractor. Where practicable, this information may be given to schools for distribution.
- 10.3. In the case of pupils with Additional Support Needs, assessment of the pupil's need for transport will be carried out by Care & Learning, using a process agreed between the two Services.
- 10.4. Inquiries and complaints about school transport provision, if not resolved by the contractor, should be made to the relevant Local Transport Office or to [public.transport@highland.gov.uk](mailto:public.transport@highland.gov.uk).

## **Defined Areas of Entitlement for Gàidhlig Medium and Denominational School Transport**

### **Gàidhlig Medium Primary Education**

**Acharacle Primary** – any primary age pupils living within the catchments areas of Acharacle and Strontian Primary Schools.

**Broadford Primary** - any primary age pupils living within the catchments areas of Broadford and Elgol Primary Schools.

**Craighill Primary** – any primary age pupils living with the catchment areas for schools in the Associated School Groups for Tain Royal Academy, Dornoch Academy, Invergordon Academy, and any pupils living within the catchments areas of Brora, Golspie and Rogart Primary Schools.

**Dingwall Primary** - any primary age pupils living with the catchment areas for schools in the Associated School Groups for Dingwall Academy or Alness Academy.

**Dunvegan Primary** - any primary age pupils living within the catchments areas of Dunvegan, Edinbane, Knockbreck and Struan Primary Schools.

**Gairloch Primary** – any primary age pupils living with the catchment areas for schools in the Gairloch High Associated School Group.

**Bun-sgoil Ghàidhlig Inbhir Nis** – any primary age pupils living with the catchment areas for schools in the Associated School Groups for Charleston Academy, Culloden Academy, Fortrose Academy, Glen Urquhart High School, Inverness High School, Inverness Royal Academy, and Millburn Academy.

**Kilmuir Primary** - any primary age pupils living within the catchments areas of Kilmuir and Uig Primary Schools.

**Bun-sgoil Ghàidhlig Loch Abar** - any primary age pupils living with the catchment areas for schools in the Lochaber High and Kinlochleven High Associated School Groups, and any primary age pupils living within the catchment area of Ardgour Primary School.

**Lochcarron Primary** – any primary age pupils living within the catchment area of Lochcarron Primary.

**Mallaig Primary** – any primary age pupils living within the catchments areas of Mallaig, Lady Lovat and Arisaig Primary Schools.

**Millbank Primary** - any primary age pupils living with the catchment areas for schools in the Nairn Academy Associated School Group.

**Mount Pleasant Primary** - any primary age pupils living with the catchment areas for schools in the Thurso High Associated School Group.

**Newtonmore Primary** - any primary age pupils living with the catchment areas for schools in the Kingussie High Associated School Group.

**Plockton Primary** - any primary age pupils living within the catchments areas of Plockton, Auchtertyre, Glenelg, Kyle of Lochalsh, Kyleakin, and Loch Duich Primary Schools.

**Portree Primary** - any primary age pupils living within the catchments areas of Portree, Carbost, and MacDiarmid Primary Schools.

**Bun-sgoil Shlèite** - any primary age pupils living within the catchment area of Bun-sgoil Shlèite.

**Bun-Sgoil Stafainn** - any primary age pupils living within the catchment area of Bun-sgoil Stafainn.

**Ullapool Primary** - any primary age pupils living within the catchments areas of Ullapool, Achiltibuie, Badcaul, Lochinver and Stoer Primary Schools.

### **Gàidhlig Medium Secondary Education**

**Ardnamurchan High School** – any secondary age pupil within the ASG.

**Dingwall Academy** - any secondary age pupil within the ASGs for Dingwall Academy and Alness Academy.

**Gairloch High** – any secondary age pupil within the ASG.

**Inverness Royal Academy** - any secondary age pupil within the ASGs for Inverness Royal Academy, Charleston Academy, Culloden Academy, Fortrose Academy, Glenurquhart High, Inverness High, Millburn Academy, Nairn Academy.

**Kingussie High** – any secondary age pupil within the ASG.

**Lochaber High** - any secondary age pupil within the ASGs for Lochaber High and Kinlochleven High.

**Mallaig High** – any secondary age pupil within the ASG.

**Plockton High** – any secondary age pupil within the ASG.

**Portree High** – any secondary age pupil within the ASG.

**Tain Royal Academy** any secondary age pupil within the ASGs for Tain Royal Academy, Dornoch Academy and the catchments for Brora, Golspie and Rogart Primaries.

**Ullapool High** - any secondary age pupil within the ASG.

### **Denominational Primary Education**

**Bishop Eden's Primary** – entitlement on the same basis as that for the Bun-sgoil Ghàidhlig Inbhir Nis.

**St. Joseph's RC Primary** - entitlement on the same basis as that for the Bun-sgoil Ghàidhlig Inbhir Nis.

**St. Columba's RC Primary** - entitlement on the same basis as that for the Bun-sgoil Ghàidhlig Loch Abar.