

ABERDEEN CITY COUNCIL

COMMITTEE	Education & Children's Services
DATE	16 November 2017
REPORT TITLE	Subsidised Transport and Safe Walking Routes to Lochside Academy
REPORT NUMBER	ECS/17/060
DIRECTOR	Gayle Gorman
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1. PURPOSE OF REPORT:-

This report sets out options for providing subsidised or free transport to school for pupils attending the new Lochside Academy from August 2018, and includes a report on the outcomes of a feasibility study regarding safe walking routes to the school.

2. RECOMMENDATION(S)

It is recommended that Committee:

(i) notes that the Head of Public Infrastructure and Environment will proceed to implement an at-grade Toucan crossing over the A956 Wellington Road, as originally stipulated in the planning consent, as it is the most suitable option in terms of providing a safe route to the new Lochside Academy for pupils, and to endorse this measure for their interest;

And

(ii) in order to support the transition to the new school, approves Option 2a in the report, to provide free-of-charge transport (using public transport services) to the new Lochside Academy, for pupils living in Torry and Kincorth only (i.e. those pupils whose home address includes one of the Torry or Kincorth postcodes listed at Appendix 4), to take effect from August 2018 and initially for a period of three years, subject to approval of the appropriate funding by the Finance, Policy and Resources Committee;

And

(iii) subject to approval of the required funding of option 2 by the Finance, Policy and Resources Committee: (1) approves the total estimated expenditure per annum (as detailed in the exempt appendix) for a maximum period of three years as detailed in this report; (2) delegates authority to the

Interim Head of Planning and Sustainable Development following consultation with the Head of Commercial and Procurement Services, to undertake a tender process for the procurement and thereafter award of a contract for the delivery of a supported bus service to operate between Deeside Bae, Leggart, Balnagask and Lochside Academy, from August 2018; and (3) delegates authority to the Head of Commercial and Procurement Services, to conclude a contract with the successful bidder;

And:

(iv) refers the financial implications of the above recommendation (ii) (as detailed in the exempt appendix) to the next meeting of the Finance, Policy and Resources Committee, in order to seek approval from that Committee for the allocation of the appropriate budget to support the agreed arrangements for pupil transport to the new school, to commence from August 2018 and initially for a period of three years;

And

(v) instructs the Head of Policy, Performance and Resources to undertake a review of the arrangements for subsidised transport to Lochside Academy after three years of its operation, and subsequently to present a report to the appropriate committee with any necessary recommendations for ending or changing these arrangements.

3. MAIN ISSUES

3.1 Background

3.1.1 At its meeting on 12 September 2013, the then Education, Culture and Sport Committee considered a report on the proposal to establish a new school to replace Torry Academy and Kincorth Academy. In addition to agreeing to proceed with the construction of the new school, which was later named Lochside Academy, the Committee instructed officers to:

- *work with local transport providers to provide subsidised dedicated transport for pupils resident in the catchment area of Torry to the proposed new school whereby the Council will support the service and pupils may pay a fare for each journey made; and*
- *Investigate the potential transport needs of all other pupils within the catchment areas of the new school.*

3.1.2 In addition, at the Council meeting of 8 October 2014, elected members considered a report on the proposed disposal of the former Victoria Road School, and agreed:

- *that a sum of £125,000 be earmarked for the necessary asset base and startup costs to be put in place for the new south of the city transportation of children costs.*

- 3.1.3 To date the Victoria Road School site has not been disposed of, and as a result the above funding is not currently available to support transportation to the new school.
- 3.1.4 Further, at its meeting on 29 August 2017, the Communities, Housing and Infrastructure Committee considered a report on a feasibility study regarding safe walking routes to the new Lochside Academy. The Committee resolved to:
- *refer the content of the report to the 16 November 2017 meeting of the Education and Children's Services Committee for inclusion within the report on the proposals being considered to provide pupil transport to and from Lochside Academy; and*
 - *ensure that appropriate consultation takes place with stakeholders prior to this Committee meeting.*
- 3.1.5 Taking the above decisions into account, this report seeks to provide the Education and Children's Services Committee with a summary of the options for establishing an appropriate level of subsidy for pupils travelling to Lochside Academy when it opens in August 2018. It also includes as an appendix the report from Communities, Housing and Infrastructure on safe walking routes to the school.

3.2 Safe walking routes to Lochside Academy

- 3.2.1 A report was submitted to the Communities, Housing and Infrastructure Committee on 29 August 2017, providing details of a feasibility study which had been carried out by officers regarding safe routes to school for pupils attending the new Lochside Academy.
- 3.2.2 The report highlighted that safe walking and cycling routes had been identified within the previously agreed Transport Assessment, which formed part of the planning consent for the new school. It also noted that Condition 6, part F of this planning consent requires that the development includes "Provision of a controlled pedestrian/cyclist crossing ("toucan") on Wellington Road, just south of Souter Head Roundabout". This was agreed by the Planning Development Management Committee on the 29 October 2015.
- 3.2.3 The report confirmed that the identified safe routes for all pupils of the new school, as highlighted in the Transport Assessment, had been reviewed by officers and had been found to be both appropriate and suitable. It also stated that the installation of a toucan crossing as described in the planning condition would provide a safe means of crossing Wellington Road for pupils travelling from the north of Cove, whilst an existing toucan crossing at the Balmoral Business Park would provide for pupils attending the school from the south of Cove.
- 3.2.4 A copy of the full report to the Communities, Housing and Infrastructure Committee is included at Appendix 2, and maps detailing the identified safe walking routes to school are appended to that report.

3.2.5 It is therefore recommended that Committee notes that an at-grade Toucan crossing will be implemented over A956 Wellington Road, as originally stipulated in the planning consent, as it is the most suitable option in terms of providing a safe route to the new Lochside Academy for pupils.

3.3 The Council's statutory obligations

3.3.1 Section 51 of the Education (Scotland) Act 1980 states that an Education Authority shall make such arrangements as they consider necessary for:-

- the provision of free school transport for the whole or part of the journey
- making bicycles or other suitable means of transport available to the pupils
- paying some or all of pupils' reasonable travelling costs
- or any combination of the above

3.3.2 In considering whether to make any arrangements, Section 51 (2C) of the Act states that an education authority shall have regard to the safety of such pupils.

3.3.3 Section 51 of the Act also gives power to Authorities to charge the parent of a pupil using a vacant place on school transport or to allow a vacant place to be so used without charge. It further states that a charge for a vacant place may not be made, unless, having had regard to the financial circumstances of the parent to be charged, the authority consider that the charge can be paid by the parent without undue hardship.

3.3.4 Transport Scotland's *Guide to Improving School Transport Safety* states that Authorities must consider the safety of walking and cycling routes to school for pupils living within statutory walking distances from their designated school. If the routes could be considered unsafe, then transport should be provided, even when distances fall short of the eligibility criteria.

3.3.5 Statutory walking distances to school are set out in Section 42 of the Act, and are defined as three miles for children aged eight years and over.

3.3.6 In addition, from 1 August 2017, all education authorities must consider and evidence how strategic decisions will help to reduce the poverty related attainment gap. Section 3B of the Standards in Scotland's Schools etc. Act 2000 places a duty on education authorities to have due regard to the need to carry out school education functions in a way which is designed to reduce inequalities of outcome for those pupils experiencing them as a result of socio-economic disadvantage.

3.3.7 In effect, this legal duty requires that education authorities continually consider whether they can do more to help those pupils impacted by socio-economic disadvantage to achieve equality of outcome and to give due weight to the outcome of those considerations when delivering school education.

- 3.3.8 In order to demonstrate due regard, education authorities must seek and have regard for the views of a range of people the Local Authority deems appropriate, including pupils and parents.

3.4 The Council's policy on subsidising travel to school

- 3.4.1 The Council's policy on the provision of free school transport is set out in its *Guide to Education and Children's Services 2017-18*, where it is stated that the Authority provides free school transport: *where a child is enrolled at his/her zoned secondary school and lives three or more miles from that school.*
- 3.4.2 The policy also states that an exception to this policy would be: *where a child lives less than the prescribed distance from his/her zoned school (that is, less than the... three miles indicated above) but cannot reach that school either by an available transport service or by an available safe walking route accompanied if necessary by an adult.*
- 3.4.3 With the exception of six properties at the eastern edge of Balnagask (which records indicate are not currently inhabited by any children who would be attending the new school), all residential properties within the new Lochside Academy school zone are within three miles' walking distance of the school, and as indicated in Section 3.2 above, all parts of the school zone have access to a safe walking route to school.

3.5 Existing transport costs for Kincorth Academy and Torry Academy

- 3.5.1 There are currently arrangements in place to support pupils' transport from Cove to Kincorth Academy, where a transport service is required to supplement the local bus network due to the number of pupils making the journey each day. This takes the form of a supported bus service which operates between Cove and Kincorth Academy. Whilst pupils pay a fare to use these services, the Council also pays a fee to the bus operator, in order to ensure the services remain viable and to secure the vehicle resource. Shuttle buses also run between Kincorth and Torry for pupils attending shared classes at the two existing schools.
- 3.5.2 The Council currently pays approximately £83,000 per annum to support these services, but when Lochside Academy opens and Torry and Kincorth Academies close, there will no longer be a need for these services, resulting in a saving for the Council. It is anticipated that this saving will be used to help offset some or all of the costs of any new arrangements to subsidise travel to Lochside Academy.

3.6 Options for subsidised travel to Lochside Academy

- 3.6.1 As noted above, the original instruction from the Education, Culture & Sport Committee in 2013 was for officers to work with local transport providers to provide subsidised dedicated transport to the new school for pupils in Torry, where pupils may pay a fare for each journey made.

- 3.6.2 Officers were also instructed to consider the transport needs of pupils in all other parts of the school's catchment area. This would therefore include pupils living in Kincorth and Cove, which together with Torry make up the entirety of the new catchment area for Lochside Academy. A map indicating the school's catchment area, which includes information on the current pupil population density in each of the three areas, is included at Appendix 3. For the avoidance of doubt and for the purposes of this report, lists of the postcodes which are considered to fall within the communities of Torry, Kincorth and Cove, are provided at Appendix 4.
- 3.6.3 Since the instruction was issued in 2013, there have been a number of consultations with parents, community members and elected members from all three communities, to establish the types and levels of subsidy which would be appropriate for pupils in each of these areas. A summary of the feedback received from these consultations is provided in section 3.7 below.
- 3.6.4 Officers have established that the most cost effective method of providing subsidised travel to the new school would be through the use of existing public bus services, where available. Subsidies would be delivered to pupils in the form of a bus pass, which would be provided to pupils free of charge, or at a discount.
- 3.6.5 The bus pass would be valid Mondays to Fridays during term time, from 7.00am to 6.00pm (to give pupils the option to travel to school early or travel home later, in order to take part in extra-curricular activities). The full cost of such a bus pass, if no discount were offered, is estimated to be £190.00 per year.
- 3.6.6 Existing bus services operate throughout Cove (First Bus Services 3 and 18) and through most of Kincorth (First Bus Service 18), and both services run along Wellington Road past the site of the new school. Service 3 also runs from Victoria Bridge in Torry and along Menzies Road, and would be accessible by some of the pupils living in Torry.
- 3.6.7 However for some parts of Torry and Kincorth, there is currently no accessible bus service to or from the new school. In Torry this includes the areas to the east of Mansefield Road and / or south of Balnagask Road (hereafter referred to collectively as Balnagask), and in Kincorth this includes Leggart Terrace and adjoining residential streets (hereafter referred to collectively as Leggart), and the nearby new housing development at Deeside Brae.
- 3.6.8 To ensure that pupils living in these areas also have access to an appropriate service, it is proposed that a new supported bus service is established.
- 3.6.9 This would be a new public bus service running between Deeside Brae, Leggart, Balnagask and Lochside Academy, at the appropriate times at the start and end of each school day, which would be available for all members of the public including school pupils.

- 3.6.10 Establishing a supported bus service for these areas would require a tendering exercise to be carried out, to identify a transport operator to provide the appropriate vehicles and to run the service. The estimated costs of this service are outlined in the confidential Appendix 1.
- 3.6.11 Operating this new service as a supported public service, which all members of the public including school pupils could use, as opposed to a dedicated school transport service for pupils only, would allow for existing public buses to be used by the operator to deliver the service.
- 3.6.12 For a dedicated school transport service, additional vehicles would be required to be used. Forthcoming legislation (set out in the Seat Belts on School Transport (Scotland) Bill) is likely to place a requirement on local authorities to use only vehicles which are fully fitted with seatbelts, for all of their dedicated school transport services. This requirement would add considerable additional costs, compared to those for a supported public bus service. These costs are outlined in the confidential Appendix 1. Officers' recommendation, therefore, is for the proposed additional service for Deeside Brae, Leggart and Balnagask to be operated as a supported public bus service.
- 3.6.13 Having established the above principles for providing support for transport to the new school, officers identified a number of options for the level of subsidy which could be provided to pupils. These options are described below.

Option 1 : Free transport for all Lochside pupils

- 3.6.14 This option would involve the provision of free transport (100% subsidy for a bus pass) for all children attending Lochside Academy.
- 3.6.15 Pupils would be expected to use existing bus service 18 from Cove and the majority of Kincorth, and in Torry the existing bus service 3/3G which runs from Victoria Bridge and along Menzies Road and Wellington Road would also be used. For children living in Deeside Brae, Leggart and Balnagask, a new supported public bus service would be required.
- 3.6.16 This is the second highest cost option. The estimated costs are outlined in the confidential Appendix 1.
- 3.6.17 Providing free transport to all pupils in the school's catchment zone would not be in line with the Council's policy on subsidising school transport, as safe walking and cycling routes have been identified, and pupils in Cove in particular could be reasonably expected to walk to school.
- 3.6.18 Consequently this option is not recommended.

Option 2a: Free transport for Torry and Kincorth pupils only (using public bus services)

- 3.6.19 An alternative option would be to provide free transport (100% subsidy for a bus pass) to Torry and Kincorth pupils only, and to provide no subsidies for pupils living in Cove, who could more reasonably be expected to walk to school.
- 3.6.20 Pupils would be expected to use existing bus service 18 from the majority of Kincorth, and in Torry the existing bus service 3/3G which runs from Victoria Bridge and along Menzies Road and Wellington Road would also be used. For children living in Deeside Brae, Leggart and Balnagask, a new supported public bus service would be required.
- 3.6.21 This is the third highest cost option. The estimated costs are outlined in the confidential Appendix 1.
- 3.6.22 All pupils living in Torry and Kincorth are expected to be living within three miles' walking distance of the new school, and safe walking and cycling routes have been identified. However, the safe walking and cycling routes which have been identified are not the shortest routes to school for pupils living in Torry and Kincorth.
- 3.6.23 During recent consultation meetings, parents and pupils at Torry Academy and Kincorth Academy expressed concern that, if required to walk to school, the majority of pupils would choose to take the shortest walking route, rather than the longer identified safe route.
- 3.6.24 For pupils living in Torry the shortest walking route would be mainly along Wellington Road. The pavements on Wellington Road become narrow in places, particularly at the points where bus shelters are located, and given the large number of pupils (up to 413) who could potentially be walking this route within a short space of time, particularly at the end of the school day, officers have considered that this could put pupils at risk.
- 3.6.25 For the journey from Kincorth, pupils and parents have indicated that many pupils may be tempted to walk across Kincorth Hill, rather than take the longer, safe walking route to school. The route over Kincorth Hill is not paved or lit, and may involve cutting across privately owned land. Given the large number of pupils who could be tempted to take this route (up to 246 pupils), officers again considered that this could put pupils at risk.
- 3.6.26 For the reasons described above, officers are of the opinion that exceptional circumstances apply for pupils living in Torry and Kincorth, which the Council would be required to take into consideration when determining whether subsidised transport to school should be provided for these pupils.
- 3.6.27 For pupils living in Cove, the identified safe walking route to school (subject to Committee's decision on the recommendation for a new toucan crossing over Wellington Road), is considered to be the shortest walking route to the new school. Officers are therefore satisfied that the majority of pupils living in Cove would be likely to use the safe walking and cycling route, and that no subsidised transport to school from Cove is required.

3.6.28 Taking the above factors into account, this is the option which is recommended for consideration by Committee.

Option 2b: Free transport for Torry and Kincorth pupils only (using dedicated school transport only)

3.6.29 Having listened to feedback from consultation meetings, in which parents expressed the view that only dedicated school transport should be used, as opposed to the use of existing public bus services and a new supported public bus service for Deeside Brae, Leggart and Balnagask, officers have estimated the costs for providing free transport for Torry and Kincorth pupils only (for the reasons described under Option 2a above), but using only dedicated school transport.

3.6.30 This would involve the commissioning of a new, dedicated service, using seat-belted coaches, to serve the whole of Torry, and Kincorth, including Deeside Brae, Leggart and Balnagask. The service would operate at the appropriate times at the start and end of each school day only.

3.6.31 Under this option, there would be no requirement to provide pupils with a bus pass for use on existing public bus services, and consequently there would be no provision for pupils to travel between school and home free of charge outwith standard school hours, following after-school activities for example.

3.6.32 This is the highest cost option. The estimated costs for this option are outlined in confidential Appendix 1.

3.6.33 Taking into consideration the considerable additional costs which are associated with this option, and also that this option would not meet parents' requests for subsidised transport to be extended until 6.00pm, this option is not recommended.

Option 3 : Supported bus service for Deeside Brae, Leggart and Balnagask pupils only

3.6.34 A further option would be to provide a supported public bus service for pupils living in Deeside Brae, Leggart and Balnagask only, given that these are the only pupils who do not already have access to an available transport service to the school, and to require pupils using this service to pay the standard fare.

3.6.35 Under this option no subsidies for pupils living in Cove or the remainder of Kincorth and Torry would be provided, as these pupils do have access to an existing bus service, and in some cases could more reasonably be expected to be able to walk to school.

3.6.36 This is the lowest cost option. Providing a supported bus service for Deeside Brae, Leggart and Balnagask, but requiring pupils to pay a fare, would be in line with the Council's policy on providing transport to school and would allow it to meet its statutory obligations.

- 3.6.37 This would also be in line with the current arrangements for pupils living in Cove who travel to Kincorth Academy, where a supported bus service is in place but pupils pay a fare for each journey.
- 3.6.38 This option would not help to address the potential risks to pupils living in the remainder of Kincorth and Torry, as identified in Option 2 (above).
- 3.6.39 Consultation with stakeholders has indicated that parents would not welcome a proposal which requires them to make part-payment for a bus pass, and that parents living in Torry in particular had been given assurances that the full cost of travel to the new school for their children would be provided by the Council.
- 3.6.40 Consequently, this option is not recommended.

Option 4 : Varied level of subsidy depending on location

- 3.6.41 Under this option, the bus services described above would be used, and eligibility for a varying level of subsidy for a bus pass would be based on the area in which pupils live, and would be determined by their postcode:

Pupils living in Torry:

- Given that they live the farthest distance from the school, pupils living in Torry would be offered the highest level of subsidy, at **75%** of the cost of the bus pass.
- This would mean that pupils would each be required to pay approximately **£47.50** per year for a bus pass.

Pupils living in Kincorth:

- Pupils living in Kincorth would be offered a **50%** subsidy on the cost of a bus pass.
- This would mean that pupils would each be required to pay approximately **£95.00** per year for a bus pass.

Pupils living in Cove:

- Pupils living in Cove would have the shortest distance to travel to the new school, and would be offered a **25%** subsidy on the cost of a bus pass.
- This would mean that pupils would each be required to pay approximately **£142.50** per year for a bus pass.

- 3.6.42 This is the second lowest cost option. Consultation with stakeholders has indicated that parents would not welcome a proposal which requires them to make part-payment for a bus pass, and that parents living in Torry in

particular had been given assurances that the full cost of travel to the new school for their children would be provided by the Council.

- 3.6.43 Having considered the feedback received through consultation, this option is not recommended.

3.7 Consultation with Stakeholders

- 3.7.1 As part of the work undertaken to identify the options for supporting transport to the new school, officers attended a number of meetings between March 2017 and September 2017: with representatives of the community councils in Torry, Kincorth and Cove; with representatives of the parent councils of the schools in each of those areas; and with pupils at Torry Academy and Kincorth Academy. The meetings were arranged in order for officers to understand the views of the communities, parents and pupils who will be attending the new school, and to demonstrate due regard as described in section 3.3 above. A summary of the feedback received at these meetings is provided below:

- The majority of feedback was in relation to the identified safe walking and cycling routes to the new school, and parents and community members expressed concern that these were not safe routes. It was felt, therefore, that bus transport was required to ensure children could travel to school safely.
- There was also concern that the proposed new toucan crossing would not be sufficient to ensure pupils can cross the road safely.
- There was a suggestion that free or subsidised bus passes should be valid at weekends and during school holidays, to allow pupils to access the community and sports facilities at the new school during these times.
- Members of the Torry community expressed the view that a dedicated bus service should be provided for all Torry pupils, as opposed to a supported public service. There was concern that public buses would not provide sufficient capacity for school pupils as they would be used extensively by members of the public.
- Pupils suggested that it was likely that many pupils would choose to take the shortest walking or cycling route to school, which from Torry and Kincorth had not been identified as the safe routes to the school.

- 3.7.2 In response to the comments made at the meetings, officers explained that the safe walking routes and requirement for a toucan crossing had been assessed by the Council's Roads officers, who were content that the arrangements were safe and sufficient for the needs of the school.

- 3.7.3 Bus passes for weekends and school holidays are not currently provided for travel to schools in any other part of the City, and it would therefore not be appropriate to propose this for the new Lochside Academy.

3.7.4 Due to the costs involved in commissioning a new dedicated bus service, officers recommend that a more cost effective solution is to make use of existing bus routes and, for Deeside Brae, Leggart and Balnagask, to provide a supported public service which runs between these locations and the new school only. It is anticipated that transport providers would ensure there are sufficient buses running at the peak times of day to meet demand.

3.8 Proposed review of arrangements for subsidised travel

- 3.8.1 The recommendations on supporting school transport outlined within this report are intended to help support the transition from Torry Academy and Kincorth Academy to the new Lochside Academy. It is therefore proposed that following this period of transition, the arrangements for free or subsidised travel to the new school should be reviewed, to ensure that they remain appropriate.
- 3.8.2 It is therefore recommended that officers are instructed to carry out a survey of pupils' travel to school, following the first three years of the new school's operation, and to present recommendations to the relevant committee at that time, with a view to ceasing or changing the arrangements for subsidised or free travel, should it be considered necessary.

4. FINANCIAL IMPLICATIONS

- 4.1 Following the opening of Lochside Academy in August 2018 and the closure of Kincorth Academy and Torry Academy, the Council will realise a saving of approximately £83,000 per year, from the current transport costs associated with Kincorth Academy and Torry Academy.
- 4.2 The estimated costs associated with the recommended option are outlined in the confidential Appendix 1.
- 4.3 These costs would take effect from August 2018, and would be funded through the Council's transport revenue budget, subject to the applicable cost pressures being identified and approved by the Finance, Policy and Resources Committee and through the budget setting process for 2018/19.

5. LEGAL IMPLICATIONS

- 5.1 As described in Section 3.3 above, Section 51 of the Education (Scotland) Act 1980 states that an Education Authority must exercise its judgement as to what, if any, transport provision is required (regardless of pupils' walking distances to school). Where an Authority forms the view that arrangements are necessary, it has a statutory duty to make the necessary provision.
- 5.2 The provision of subsidised or free transport for Lochside Academy creates a precedent upon which other parents in the city may seek to rely. If the Council refuses to exercise its discretion to provide free or subsidised transport in similar circumstances for other schools, this may be legally challengeable.

- 5.3 This could result in the Council being required to provide similar levels of subsidy for pupils' transport to other schools in the City.
- 5.4 In considering providing subsidised transport for Lochside Academy pupils, the Council would therefore be required to demonstrate that it has formed the view that transport arrangements are necessary, and that there are reasons which underpin this conclusion which can be justified in the event that parents from other parts of the City ask it to exercise discretion to provide transport to school for their children.
- 5.5 As explained in Section 3.6 above, officers consider that the risks of large numbers of pupils (up to 400) living in Torry and Kincorth choosing not to take the identified safe walking route to school, would justify the need to provide subsidised transport to the new school. It is unlikely that there would be any similar circumstances elsewhere in the city, where a large number of pupils would be choosing a walking route which is not considered to be safe. It is therefore unlikely that providing similar subsidies for school transport within the three mile limit in other areas of the city would be considered necessary.
- 5.6 Section 3B of the Standards in Scotland's Schools etc. Act 2000 places a duty on education authorities to have due regard to the need to carry out school education functions in a way which is designed to reduce inequalities of outcome for those pupils experiencing them as a result of socio-economic disadvantage.
- 5.7 The feedback received from parents and pupils with regards to the proposed arrangements for subsidised transport to the new school have therefore been taken into account by officers when putting forward the recommendations in this report.
- 5.8 The legal implications associated with the recommendation to install a toucan crossing, are outlined within the Legal Implications section of the original report to Communities, Housing and Infrastructure Committee, a copy of which is provided at Appendix 2.

6. MANAGEMENT OF RISK

Financial

- 6.1 The financial implications of these proposals are described in Section 4 above.
- 6.2 Forthcoming legislation (set out in the Seat Belts on School Transport (Scotland) Bill) is likely to place a requirement on local authorities to use only vehicles which are fully fitted with seatbelts, for all of their dedicated school transport services. The bill proposes for this legislation to be implemented for secondary school transport from August 2021. There is a risk that the recommended option within this report, to use a supported public bus service for pupils in Deeside Brae, Leggart and Balnagask, where these pupils are not required to pay a fare, in the future may be regarded under the new

legislation as a dedicated school transport service, in which case the Council would be required to introduce new seat-belted vehicles for this service.

- 6.3 This would increase the costs of running the Deeside Brae, Leggart and Balnagask service significantly. The estimated increases in costs which would result from the legislation are outlined in the confidential Appendix 1. The recommendation within this report is for the proposed transport subsidies to be reviewed after the first three years of the school's operation, which would be prior to August 2021. If the new legislation leads to increased costs for the supported service, there would be an opportunity for this to be taken into account as part of that three-year review.
- 6.4 By providing subsidised or free travel to school for pupils within the Lochside Academy catchment zone, where these pupils live within three miles' walking distance of the school, the Council would be going beyond the level of support provided to pupils attending any other school in the city, as set out in its policy on the provision of free school transport. Providing pupil bus passes which are valid for use outwith school hours (i.e. up to 6.00pm) is also beyond the level of support normally provided by the Council.
- 6.5 If the proposals within this report are accepted, there is a risk that parents of pupils at other schools in the city who live within three miles of their school may seek similar levels of support for school transport. This could potentially lead to an increased financial burden on the Council.
- 6.6 However, the proposal to subsidise transport for Lochside Academy pupils living in Torry and Kincorth is based on the identified risk that in the absence of a subsidy, large numbers of pupils (up to 400) may choose to walk to school via the shortest available route, which is not the designated safe walking route to school. The large number of pupils walking along such a route at the same time is likely to add additional risks to pupil safety, for example where footpaths are not wide enough to accommodate groups walking together.
- 6.7 It is unlikely that there would be any similar circumstances elsewhere in the city, where a large number of pupils would be choosing a walking route which is not considered to be safe. It is therefore unlikely that providing similar subsidies for school transport within the three mile limit in other areas of the city would be considered necessary.
- 6.8 Customer / citizen
As described above, the recommended arrangements for subsidising travel to the new school outlined in this report are intended to minimise risks to pupils when travelling to school. If the recommendations are not accepted, there is a risk that large numbers of pupils living in Kincorth and Torry may choose to walk or cycle to school via a route which has not been identified as a safe route.
- 6.9 Legal
The legal implications and risks associated with the transport proposals are set out in Section 5 above.

- Reputational
- 6.10 If no subsidised transport to Lochside Academy is provided, parents of pupils due to attend the new school are likely to feel that assurances provided to them previously have not been fulfilled, and this may also lead to reputational damage for the Council.
- 6.11 The risks associated with the recommendation to install a toucan crossing, are outlined within the Management of Risk section of the original report to Communities, Housing and Infrastructure Committee, a copy of which is provided at Appendix 2.

7. IMPACT SECTION

Economy

- 7.1 The recommendations within this report if accepted would result in an increased use of existing public bus services in the south of the city, which would help to ensure the viability of these services.

People

- 7.2 An equality and human rights impact assessment has been carried out for the recommendations included within this report.
- 7.3 Providing free travel to school for pupils living in Kincorth and Torry would impact positively on pupils living in these communities, and their families, in that the pupils would be able to travel to and from the new school at no additional cost.
- 7.4 By ensuring that all pupils at the school have appropriate means by which to travel to school, the Council will be helping to improve equity in educational outcomes, and contributing to the drive to close the poverty-related attainment gap, as outlined in the Scottish Government's Scottish Attainment Challenge.

Place

- 7.4 No significant impacts on Place have been identified as a result of the recommendations in this report.

Technology

- 7.5 No significant impacts on Technology have been identified as a result of the recommendations in this report.
- 7.6 The impacts associated with the planned installation of a toucan crossing, are outlined within the Impact section of the original report to Communities, Housing and Infrastructure Committee, a copy of which is provided at Appendix 2.

8. BACKGROUND PAPERS

A Guide to Education and Children's Services 2017-18

http://www.aberdeencity.gov.uk/web/files/SchoolsColleges/A_Guide_to_ECS_2017_2018.pdf

Education (Scotland) Act 1980 (Section 51)

<https://www.legislation.gov.uk/ukpga/1980/44/section/51>

A Guide to Improving School Transport Safety

https://www.transport.gov.scot/media/6116/improving_school_transport_safety_guide_final.pdf

Seat Belts on School Transport (Scotland) Bill

<http://www.parliament.scot/parliamentarybusiness/Bills/103627.aspx>

9. APPENDICES

Appendix 1 (CONFIDENTIAL): Subsidised Transport to Lochside Academy – Estimated Costs

Appendix 2: Communities, Housing & Infrastructure Committee, 29 August 2017 – Agenda Item 7.3: *Motion by Ex-Councillor Finlayson - Feasibility study on a safe route to school for pupils attending the new Lochside Academy from Cove across Wellington Road.*

Appendix 3: Map of Lochside Academy Catchment zone including pupil population density and existing bus routes

Appendix 4: Postcodes considered to fall within the areas of Torry, Kincorth and Cove

10. REPORT AUTHOR DETAILS

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