

## ABERDEEN CITY COUNCIL

---

|                           |   |
|---------------------------|---|
| <b>COMMITTEE</b>          | Education and Children's Services   |
| <b>DATE</b>               | 4 July 2023   |
| <b>EXEMPT</b>             | No  |
| <b>CONFIDENTIAL</b>       | No  |
| <b>REPORT TITLE</b>       | School Transport - Establishment of Catchment Areas for Gaelic Medium Education |
| <b>REPORT NUMBER</b>      | RES/23/208  |
| <b>DIRECTOR</b>           | Steven Whyte / Eleanor Sheppard   |
| <b>CHIEF OFFICER</b>      | Mark Reilly   |
| <b>REPORT AUTHOR</b>      | Chris Cormack   |
| <b>TERMS OF REFERENCE</b> | 1.1.1; 1.2  |

---

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to confirm the funding arrangements for the cost of providing free school transport to the Gaelic Medium Education (GME) provisions at Hazlehead Academy and Gilcomstoun School for those pupils eligible to receive it, for the 2023/24 Academic Year.

### 2. RECOMMENDATIONS

That the Committee:-

- 2.1 Note the provision of funding from the 2022/2023 Bus Lane Enforcement Surplus for the provision of school transport associated with Gaelic Medium Education for the 2023/24 Academic Year;
- 2.2 Implement catchment areas for the existing Gaelic Medium Education provision at Hazlehead Academy and Gilcomstoun School as defined within Maps A and B in the consultation report at Appendix 1 of this report, with effect from 1 August 2023;
- 2.3 Instruct the Chief Officer – Operations and Protective Services, in conjunction with the Chief Officer - Finance to refer the provision of free school transport to the Gaelic Medium Education provisions at Hazlehead Academy and Gilcomstoun School for those pupils eligible to receive it, to the 2024/25 budget setting process.

### 3. CURRENT SITUATION

- 3.1 At the Education and Children's Services Committee on Tuesday 23 May 2023, the Committee had before it a report on the outcomes of a recent statutory public consultation, on the proposal to create catchment areas for the existing Gaelic Medium Education (GME) provisions at Hazlehead Academy and Gilcomstoun School. The Committee was advised that upon implementation of a City-wide catchment zone, the Council would become responsible for covering the costs of free transport for those eligible to receive it, and there is no budget provision in 2023/24 to cover these costs. The Committee resolved: ". . . (iii) to instruct the Chief Officer – Operations and Protective Services, in conjunction with the Chief Officer - Finance to identify a source of appropriate funding for the cost of providing free school transport to the Gaelic Medium Education provisions at Hazlehead Academy and Gilcomstoun School for those pupils eligible to receive it, and to report back to the July meeting of this Committee for further consideration of implementation of the catchment areas referred to in recommendations (i) and (ii) above."
- 3.2 At a Special Meeting of the Net Zero, Environment and Transport Committee on Wednesday 24 May 2023, the Committee had before it a report on the Bus Lane Enforcement (BLE) programme to seek approval for a new programme of projects to be delivered from 2023/24, using the net surplus from the BLE system. The Bus Lane Enforcement (BLE) fund is generated from the net surplus of penalty charge notices from bus lane offences after operational costs. This funding can only be used for projects identified as helping to meet the objectives of the Local Transport Strategy, as per the requirements of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011. The Committee resolved: ". . .
- (xxi) to note the recent decision of the Education and Children's Services Committee in relation to Gaelic education, and the re-tender for the supported bus service from Kingswells to the City Centre being above budget;
  - (xxii) to instruct the Chief Officer - Strategic Place Planning to allocate £62,000 to school transport associated with Gaelic education and £55,000 to the supported service from Kingswells, from the 22/23 Bus Lane Enforcement Surplus..."
- 3.3 Accordingly, funding has been identified and allocated for the provision of school transport associated with Gaelic Medium Education for the 2023/24 Academic Year. Eligible children are those who live 2 or more miles away from Gilcomstoun School and 3 or more miles away from Hazlehead Academy. Secondary aged pupils will be encouraged to make use of their eligibility for Young Persons' Free Bus Travel, where possible, to help minimise additional costs. The Committee is therefore requested to formally agree the implementation of catchment areas, which were approved in principle at the last meeting.
- 3.4 At present no budget is in place to support transport costs, in future years, so it is recommended that the matter is referred to the budget setting process for 2024/25, so that provision can be made to cover the transport costs on an annual basis from that point onwards.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The cost of supporting free school transport for those eligible to receive it is estimated at £62,000 per year. As aforementioned, no budget is in place to support these costs beyond 2023/24, so it is recommended that the matter is referred to the budget setting process for 2024/25, so that provision can be made to cover the transport costs on an annual basis.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Authority has a duty under section 15 of the Education (Scotland) Act 2016 to promote Gaelic Medium Education in its area so far as is reasonably practicable. In carrying out its duty of promotion an Education Authority must take reasonable steps to ensure it publicises, in such manner as it thinks appropriate, the provision in its area of Gaelic Medium Education.
- 5.2 Statutory guidance on Gaelic Education states that “Education authorities should establish catchment areas for GME provision and may wish to consider demand for GME when setting guidelines for placing pupils in GME provision”. The Guidance further states that “the Education (Scotland) Act 1980 places a duty on education authorities to set out catchment areas for their schools and guidelines to be followed when placing pupils in schools. As such, education authority areas will be divided up into a number of school catchment areas, with placing guidelines based on local factors such as distance to the school and the number of pupils living in the area. A catchment area for GME provision should be an area in which the education authority thinks it is reasonable for pupils wishing to receive GME provision to travel to school and should have the potential to attract parents to choose GME provision for their children. Catchment areas for GME provision will normally overlay a number of school catchment areas”.
- 5.3 Section 1 of the Education (Scotland) Act 1980 provides that it shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education and further education. Section 28 of the 1980 Act provides that in the exercise and performance of their powers and duties under the Act, education authorities shall have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.
- 5.4 Section 51 of the Education (Scotland) Act 1980, as amended, requires Education Authorities to make such arrangements as they consider necessary to facilitate attendance at school for eligible children and as such for the provision of school transport and transport facilities, under such terms and conditions as may be arranged, and to pay all or part of the reasonable travelling expenses for school pupils residing in their area and attending designated schools.

5.5 The Education Authority is further required, when considering whether to make arrangements for the provision of school transport for pupils attending their designated schools, to have regard to the safety of those pupils. The statutory maximum walking distance is two miles for children less than 8 years old and three miles for children aged 8 or over from a child's designated school. Pupils who live out with these statutory maximum distances to their designated school are then eligible for Local Authority facilitation to access their school. Authorities must consider the safety of walking 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 may fall short of eligibility criteria. Aberdeen City Council, like many other Local Authorities, has implemented a policy utilising the statutory requirements detailed above. However rather than separate children at aged 8, for simplification the walking distances are determined for Primary aged children and Secondary aged children, whereby the statutory maximum walking distance is implemented as two miles for Primary aged children and three miles for Secondary aged children from a child's designated school.

## 6. ENVIRONMENTAL IMPLICATIONS

6.1 A decision to implement city-wide catchment areas for GME provision may result in an increase in uptake of places within these provisions in the future, given that families would now be eligible for free school transport. This may result in a small increase in the number of children travelling farther distances across the city to reach their school, and these increased journey distances and journey times may have a small negative impact on the local environment.

## 7. RISK

| Category              | Risks  | Primary Controls/Control Actions to achieve Target Risk Level | *Target Risk Level (L, M or H)<br><br>*taking into account controls/control actions | *Does Target Risk Level Match Appetite Set? |
|-----------------------|--|---|---|---|
| <b>Strategic Risk</b> | No further significant risks identified. All risks were considered in report RES/23/157. |   |   |   |
| <b>Compliance</b>     | No further significant risks identified. All risks were                                  |   |   |   |

|                              |  |  |   |     |
|------------------------------|--|--|---|-----|
|                              | considered in report RES/23/157.   |  |   |     |
| <b>Operational</b>           | No further significant risks identified. All risks were considered in report RES/23/157.   |  |   |     |
| <b>Financial</b>             | No budget provision in 2023/24 for the additional transport costs which will be incurred if new catchment areas are implemented. | Recommendation for the matter to be referred to the 2024/25 budget setting process to ensure budget provision is in place. | L | Yes |
| <b>Reputational</b>          | No further significant risks identified. All risks were considered in report RES/23/157.   |  |   |     |
| <b>Environment / Climate</b> | No further significant risks identified. All risks were considered in report RES/23/157.   |  |   |     |

## 8. OUTCOMES

| <u><a href="#">COUNCIL DELIVERY PLAN 2023-2024</a></u>                      |  |
|---|--|
| Impact of Report  |  |
| <u><a href="#">Aberdeen City Local Outcome Improvement Plan 2016-26</a></u> |  |
| Prosperous People Stretch Outcomes  | The proposals within this report support the delivery of the Children & Young People Stretch Outcomes 4 to 9 in the LOIP. Ensuring that children and young people have equitable access to GME provision will assist in the delivery of quality learning and teaching, which will ultimately lead to improved outcomes for young people. |

## 9. IMPACT ASSESSMENTS

| Assessment                        | Outcome                              |
|-----------------------------------|--------------------------------------|
| Integrated Impact Assessment      | Full impact assessment not required. |
| Data Protection Impact Assessment | Not required.                        |

## 10. BACKGROUND PAPERS

- 10.1 Education and Children's Services Committee, 23 May 2023: *Consultation Report: Establishment of Catchment Areas for Gaelic Medium Education – RES/23/157.*
- 10.2 Net Zero, Environment and Transport Committee, 24 May 2023: *Bus Lane Enforcement Programme Update & Future Planning 2023/24 - COM/23/130.*

## 11. APPENDICES

- 11.1 Appendix 1: Consultation Report. Gaelic Medium Education: Proposed New Catchment Areas.

## 12. REPORT AUTHOR CONTACT DETAILS

|               |  |
|---------------|--|
| Name          | Chris Cormack  |
| Title         | Team Leader  |
| Email Address | <a href="mailto:CCormack@aberdeencity.gov.uk">CCormack@aberdeencity.gov.uk</a> |
| Tel           | 01224 045 557  |