

COUNTY COUNCIL

Tuesday 17 December 2019

**Question by David Brazier to Richard Long,
Cabinet Member for Education and Skills**

Will the Cabinet Member for Education and Skills please explain why, when statutory Home to School Transport is by bus or taxi over the public highway network, a child's eligibility for the service is assessed by officers over routes that may include public rights of way that are not available to motorised transport?

Answer

The government produces statutory guidance for home to school travel and transport for children of compulsory school age. This explains the requirements of Section 444(5) of the Education Act 1996 and identifies statutory walking distances. The statutory walking distance for a child up to 8 years of age is 2 miles and over 8 years of age this increases to 3 miles. Broadly speaking, a child must be attending their nearest appropriate school for transport purposes and live beyond the statutory walking distance in order to qualify for assistance from the local authority.

Because the expectation is that children will walk to school, accompanied as necessary by a responsible adult, the assessment must consider all available designated walking routes including those which may be inaccessible to motor vehicles. If the distance to school is beyond a statutory walking distance, then the child may be regarded as eligible for transport assistance. The provision of assistance for eligible scholars will often involve the use of the public bus network and occasionally the use of private hire vehicles, but it is the fact they are unable to walk to their nearest school which is the determining factor as to whether they are eligible for assistance and it would not be logical to omit the use of walking routes in making this judgement.

It should be noted that transport eligibility assessments will look at the specific circumstances of the child and each assessment is considered on an individual basis. Where a child is determined as eligible for assistances following this assessment, the route the child subsequently takes to school may bear no relation to the route by which they were assessed for eligibility, because learners will usually be allocated to a multi-occupancy vehicle or provided a bus pass to satisfy the council's transport obligations to the particular learner.

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**Question by Peter Lake to Michael Payne,
Cabinet Member for Highways and Transport**

There is no legal requirement on operators of local bus services to undertake DBS checks for bus drivers. The requirements only applies to those undertaking non-public access school contracts. A major bus operator in West Kent has not undertaken even basic DBS checks, but following a number of incidents, they will be introducing them for all new staff. They are also beefing up their safeguarding training for drivers. Do you not think that all those in charge of children and vulnerable adults should be subject to the highest level of disclosure?

Answer

Thank you Mr Lake, I will agree that the safety of our children's and vulnerable adults is a priority for all of us.

An employer is entitled to seek a DBS disclosure as part of their safer recruitment process. The types of DBS check are:

- Basic - which shows unspent convictions and conditional cautions
- Standard - which shows any spent and unspent convictions, cautions, reprimands and final warnings and
- Enhanced - which shows the same as a standard check plus any information held by local police that's considered relevant to the role and, depending on the role, may also include barred list information

As the law currently stands, employers may only undertake Standard and Enhanced DBS checks for those working in 'regulated activity' and who are entitled by law to ask an individual to reveal their full criminal history which are those occupations covered by the Rehabilitation of Offenders Act 1974.

Driving a bus on local bus service is not a 'regulated activity' and under the current legal framework, it is unlawful for an employer to undertake anything other than a Basic check. This position can only change if national government determined that driving a bus should become a regulated activity.

Kent County Council does encourage all of our local bus operators, as part of their safer recruitment processes, to undertake basic DBS checks.

I can also assure Members that all incidents of alleged safeguarding issues reported to Kent County Council are taken very seriously and investigated thoroughly.

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**Question by Trudy Dean to Richard Long,
Cabinet Member for Education and Skills**

On 8th December, The Guardian published a report based upon data from the Department for Education's school condition data collection programme. This revealed that 17% of England's school estate had elements such as roofs, walls and windows judged to be in poor or bad condition (grade C and D), potentially putting pupils and staff at serious risk. For context, grade D elements are defined as 'life expired and/or serious risk of imminent failure'. Could the Cabinet Member for Education and Skills please outline how many schools within Kent contain elements rated at grade C or D and include within the response details of the measures Kent County Council is undertaking to ensure these are urgently addressed?

Answer

From early 2017 to Autumn 2019, the Department for Education's (DfE's) Condition Data Collection (CDC) programme intended to visit every government maintained school in England to collect data about the physical condition of school buildings and how they are managed. It was found 81 schools throughout Kent which are the responsibility for KCC as maintained schools had a grading of D1 while none had a grading of C1 - being a less serious category of defect than D1. The classification is applied so that each has a priority rating, with priority D1 being the most urgent; there were 1,313 graded D across England identified in the DfE's condition programme (according to the Guardian Article)* *KCC only has access through the Government Portal to data associated with schools in Kent.*

The required works will be a mixture of those which would fall to the school's responsibility and those that would fall to the Council. KCC undertakes its own condition survey programme across its schools' estate; it also undertakes two main programmes of maintenance and minor works programmes and sets a forward plan of maintenance across the schools estates and prioritises spend based on remedial works required to support statutory compliance and urgent works. The CYPE Annual Planned Enhancement Programme, of which £8M from DfE funding is allocated, and CYPE Modernisation Programme, of which £2M is allocated, sets a forward plan of maintenance across the schools estates and prioritises spend based on remedial works required to support statutory compliance and urgent works. The current budgets are all fully committed and are regularly reviewed in line with need. The council continues to engage with central government regarding the sufficiency of these budgets which are under significant pressure and only enable the most urgent works to be completed.