

## Scottish Parliament Region: North East Scotland

### Case 200700989: Aberdeenshire Council

#### Summary of Investigation

##### **Category**

Education: School transport

##### **Overview**

The complainants (Mr and Mrs C) raised a number of concerns about the school transport provision for their daughter (Child A). They felt that the current transport arrangements were not safe and that they were never told that the school their daughter attends was not the one zoned for her.

##### **Specific complaint and conclusion**

The complaint which has been investigated is that Aberdeenshire Council (the Council) failed to take adequate steps to ensure that Mr and Mrs C were aware of which primary school their daughter was zoned to attend nor did they explain the transport implications of this (*upheld*).

##### **Redress and recommendations**

The Ombudsman recommends that the Council provide free school transport to Child A and her sister, both of whom already attend School 1, until the end of their primary schooling from the pick up/drop off point which would have been agreed had Child A been within the catchment area of School 1. In addition, the Ombudsman recommends that the Council look favourably on future applications for transport to School 1 for any other siblings of Child A.

The Council have accepted the recommendations and will act on them accordingly.

## **Main Investigation Report**

### **Introduction**

1. On 3 July 2007 the Scottish Public Services Ombudsman received a complaint from two members of the public (Mr and Mrs C) against the Education Department of Aberdeenshire Council (the Council). As Mr and Mrs C had not raised their complaint with the Council in line with their formal complaints procedure at this stage, they were requested to do so. As they remained unsatisfied with the Council's final response they came back to our office on 25 March 2008.

2. From Mr and Mrs C's complaint it was clear that they were concerned about the location of the pick up point for their daughter (Child A)'s school transport. This, they considered, was in an unsafe position. They had stated the view that they considered that other children had been picked up at a point much nearer to their home and that this should be the case with their daughter. They further complained that they were not told that the school their daughter attended (School 1) was not her local zoned school until after she had started school. This failure had implications on their daughter's school transport arrangements.

3. The complaint from Mr and Mrs C which I have investigated is that the Council failed to take adequate steps to ensure that Mr and Mrs C were aware of which primary school their daughter was zoned to attend nor did they explain the transport implications of this.

### **Investigation**

4. I have reviewed the correspondence provided by Mr and Mrs C. I have obtained supporting evidence from the Council and have discussed the case a number of times with Council officers. During my investigation I have considered whether the Council have acted reasonably in their consideration of the issues raised by Mr and Mrs C.

5. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr and Mrs C and the Council were given an opportunity to comment on a draft of this report.

**Complaint: The Council failed to take adequate steps to ensure that Mr and Mrs C were aware of which primary school Child A was zoned to attend nor did they explain the transport implications of this**

6. The Council operates a procedure whereby children are allocated school places on the basis of their school catchment areas. A child would usually be expected to attend the school in which catchment area they fall. The Council have advised me that when Child A started her primary schooling it was the senior staff at the schools themselves who would make the decision about who could attend the school. This is no longer the case.

7. School transport is provided under the terms of existing legislation and within the Council's own policies. Currently all primary school pupils who live more than two miles from the school in whose catchment area they live are entitled to free school transport and would be picked up from an appropriate pick up/drop off point. The Council is required to ensure this is safe from a road safety point of view.

8. Where a child is enrolled in a school outwith their local school zone the parent is totally responsible for making transport arrangements and for meeting all costs involved except in very limited cases where the Education, Learning & Leisure Officer has discretion to grant travel costs.

9. Transport provision can be made available to pupils who are not entitled to free school transport. Subject to spare seating capacity, on dedicated school transport services, seats can be made available to non-entitled pupils on an annual basis at a fixed charge. These are called 'privilege places' and a 'School Privilege Pass' can be purchased. However, the Council have advised me that it is Council policy that no additional expenditure will be incurred in the transporting of 'out of zone' children to and from school.

10. Mr and Mrs C have stated that their daughter, Child A, attended nursery school at School 1. Prior to her starting primary school, Mr and Mrs C registered Child A at School 1. At this stage they state that there was no indication that School 1 was not the school that Child A was zoned to attend.

11. As they lived more than two miles from School 1 (they also live more than two miles from the school Child A was zoned to attend (School 2)) Mr and Mrs C assumed that Child A would be picked up by the school bus at the end of the farm road where they live.

12. Mr and Mrs C have advised me that it was not until after Child A started attending School 1 that they were informed that she was in fact zoned for another school and as such would have to apply for a Privilege Pass for school transport. They were also advised that Child A would be picked up at a site some distance from her home on the current bus route operated to School 1. Although this site had been assessed as being safe from a road safety point of view as a pick up/drop off point Mr and Mrs C did not agree.

13. The Council have advised me that in June 2006, just prior to Child A starting school, the School Administrator telephoned Mr and Mrs C to explain the situation regarding Child A being out of zone and to explain the possibility of her receiving a Privilege Pass. The Council advises that as there was no answer to this call a message was left on Mr and Mrs C's answering machine. Some time later a Privilege Place form was sent to Mr and Mrs C, however, there is no indication that an explanation of the zoning was provided with these forms.

14. Officers have explained that a note of this telephone call was made on a phone messages book but that this book had subsequently been disposed of when full. The only current record of this telephone call is a copy of an email detailing the officer's recollection. The Council have no other records of any explanation of the school catchment areas or how this could affect the transport arrangements for children.

15. Since Child A started school the Council's system for placing out of zone children in school has changed. If a parent wishes their child to attend a school outwith the catchment area they now make a placing request with the Council. The Council will then consider whether this request is appropriate and whether there are places at the school prior to agreeing to the request. This system should ensure that parents are fully aware of which school their child is due to attend before they start their schooling.

16. As previously explained, although the current procedure requires parents to make a formal placement request with the Council where the child is out of the school catchment area, at the time when Child A applied, the Head Teacher could agree to the registration of out of zone children.

17. The Council have advised me that if Child A had been zoned for School 1 free school transport would have been provided from a safe point at the end of her farm road.

#### *Conclusion*

18. It is clear from the evidence available that Child A attends a school which she was not zoned to attend. The Council's rules are clear and reasonable in respect of school transport provision. If a child attends the school to which they are zoned, and lives more than 2 miles from that school, they are entitled to free school transport. If parents of a child request that the child be placed in a school to which they are not zoned they may be entitled to apply for a Privilege Pass which would allow them to make use of an existing bus service for a fee. If they are provided with a Privilege Pass the Council will allocate a pick up/drop off point which they consider to be safe from a road safety point of view.

19. I consider that it is important to stress that the Council are entitled to operate their school allocations policy and school transport policy as they see fit providing they comply with their statutory responsibilities and do not conflict with their other internal procedures and responsibilities. I have no evidence which would allow me to criticise the Council's school transport policies in this case.

20. However, from my review of the background information, I consider in this case that the Council has not provided sufficient evidence to show that they made reasonable attempts to inform Mr and Mrs C that Child A was not zoned for School 1 or that they provided Mr and Mrs C with information on how this would affect Child A's school transport arrangements. As a result of this I uphold their complaint.

#### *Recommendation*

21. The Ombudsman recommends that the Council provide free school transport to Child A and her sister, both of whom already attend School 1, until the end of their primary schooling from the pick up/drop off point which would have been agreed had Child A been within the catchment area of School 1. In addition, the Ombudsman recommends that the Council look favourably on future applications for transport to School 1 for any other siblings of Child A.

**Explanation of abbreviations used**

Mr and Mrs C	The complainants
The Council	Aberdeenshire Council
Child A	Mr and Mrs C's daughter
School 1	The school Child A attended
School 2	The school Child A was zoned to attend