



CABINET – 9th JULY 2013

**RESULTS OF CONSULTATION ON HOME TO SCHOOL TRANSPORT
POLICY AND PROPOSED CHANGES TO POLICY AND CHARGING**

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

PART A

Purpose of Report

1. The purpose of this report is to advise the Cabinet of the results of the recent public consultation on proposals to change the Mainstream Home to School Transport Policy. The Cabinet is invited to consider its responses to the consultation process in light of the findings of an Equality Impact Assessment.

Recommendations

2. The Cabinet is recommended to -
 - (a) note and consider the Equality Impact Assessment (EqIA) and the responses to the consultation on proposed changes to the Mainstream Home to School Transport Policy;
 - (b) consider the draft Mainstream Home to School Transport Policy set out in Appendix A to the report, for approval, having had regard to consultation responses made, and that the particular changes to the policy contained therein be noted, namely -
 - (i) With regard to 16+ transport to educational provision - from September 2014 to continue to provide this at an annual charge for each pupil of £425 (up from £252 from September 2013) which recovers the full cost of provision.
 - (ii) To introduce a new entitlement to free 16+ transport for qualifying students from families on low income or in receipt of maximum Working Tax Credits from September 2014.
 - (iii) With regard to transport to denominational schools - from September 2014 to continue providing this at an annual charge for each pupil of £450 (up from £252 from September 2013). Then from September 2015 to cease this provision for any new students and also to phase it out for students part-way through their denominational education and to apply full cost recovery at a yearly charge of £640 in 2015/16;
 - (iv) With regard to transport to denominational schools to continue to provide free transport for students from families on low income between 2 and 15 miles from school.

- (v) All farepaying spaces to be increased to £450 per academic year from September 2014 and then £640 in 2015/16 to be consistent with the charge for denominational transport;
- (vi) From September 2013 - to cease automatic provision of free transport for pupils in their final year(s) of each phase of their compulsory education, when they move to a new address which is outside their current Transport Eligibility Area (TEA) as defined in the new Home to School Transport Policy.

Reasons for Recommendations

3. To enable the Cabinet to take into account the results of the consultation, ending 30th June 2013, and the EqIA before making a decision on the Mainstream Home to School Transport Policy published in September 2013 (effective from September 2014). The consultation arose from the need to meet the savings requirements published in the Medium Term Financial Strategy.

Timetable for decisions (including Scrutiny)

4. This report will be considered by the Scrutiny Commission on 5th July 2013 and its comments will be reported to the Cabinet.
5. The Mainstream Home to School Transport Policy for the 2014/5 academic year starting in September 2014 has to be published by early September 2013. Any changes to this Policy are required by September 2013 to achieve the savings targets agreed in the MTFS for 2014/15 onwards.

Policy Framework and Previous Decisions

6. The Cabinet considered the provisional Medium Term Financial Strategy (MTFS) at its meeting on 17th January 2012 and authorised the Director of Environment and Transport to undertake consultation on proposals for changes to the discretionary elements of home to school transport with a view to achieving the proposed savings as indicated in paragraph 46 of the report.
7. The Full County Council on 22nd February 2012 approved the MTFS for 2012/13 through to 2015/16. The Cabinet considered a refreshed MTFS on 16th January 2013 and the Full County Council on 20th February 2013 agreed the Medium Term Financial Strategy 2013/14 to 2016/17, including saving S39 in appendix D
8. The Cabinet, on 8 May 2012 deferred consideration of the outcome of the consultation.
9. The Director of Environment and Transport then undertook a further consultation from 20 May to 30 June designed to examine the potential impact of savings agreed in the Medium Term Financial Strategy (MTFS) in February 2013.

Resource Implications

10. Within the MTFS, a saving of £735,000 is built in against denominational and 16+ transport for 2014/15 rising to £1,100,000 from 2015/16 onwards. This breaks down as approximately £605,000 for 16+ transport charges, £350,000 for denominational school

transport charges and £145,000 for both the reduction in the final year cost for pupils moving address and an increase in farepaying places income.

11. Both of these discretionary schemes require a contribution of £252 towards the cost of provision from September 2013. The existing policy provides for reductions for low-income families at denominational schools (but not at 16+) and the cost of transport to denominational schools is presently capped at £480 for any family with more than two children of compulsory school age. The County Council provides a grant of £20,000 for a hardship fund administered by the diocesan authority for all denominational schools. This hardship fund will continue until the 2015/16 academic year to allow for phasing out of this discretionary provision. By increasing the parental contribution for denominational school transport to £450 rather than the full cost of £640 the saving in 2014/15 for the provision of denominational school transport would reduce from £350,000 to an estimated £178,000 in a full academic year.
12. The Director of Corporate Resources has been consulted on the financial implications of this report.

Legal Issues

13. The changes to the policy and the legal implications have been fully considered in the drafting of the proposed Mainstream Home to School Transport Policy to be published in September 2013 and to be effective from September 2014.

Comments of the County Solicitor

16+ Transport

14. The Council is required to produce an Annual Transport Policy Statement specifying the arrangements for the provision of transport to facilitate the attendance of students of 6th form age receiving education or training as well as the arrangements the Council considers it necessary to make for the provision of financial assistance in respect of reasonable travel expenses.
15. The Council has discretion to determine what transport and financial support is necessary to facilitate attendance but must have regard to the Secretary of State's guidance and must give effect to the arrangements set out in the Policy Statement.
16. In assessing what arrangements may be required, the Council must have regard to:
 - the needs of those who could not access education or training if no arrangements were made,
 - the need to ensure learners have reasonable opportunities to choose between different establishments,
 - the distance and journey time from the learner's home,
 - the cost of transport and any alternative means of facilitating attendance.
17. A new duty is placed on the Council by the Education and Skills Act 2008 in relation to the participation of young people in education, employment or training. From 2013, all young people will be under a duty to participate in education or training until the end of the academic year in which they turn 17. From 2015, this will rise to their 18th birthday.

Denominational Transport

18. The Council is under a duty to have regard to the wish of a parent for their child to be educated at a particular school on the grounds of the parents' religion or belief including any religious or philosophical belief.
19. The Council must make travel arrangements for pupils from low income families to attend the nearest school preferred on the grounds of religion or belief where such pupils live between 2 and 15 miles from the school.

Fare Paying Places

20. The Council has discretionary powers to provide transport for children who are outside of the statutory eligibility criteria and where such transport is provided to make a charge for it.

Timing of Proposed Changes

21. The current Department for Education guidance on home to school travel and transport does not specify any timescales for policy changes. However it would be good practice and avoid significant parental complaints to introduce any change at the beginning of an academic year and to take into account phasing and transitional arrangements for those already in receipt of provision or assistance.

Equality and Human Rights issues

22. The Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination and to promote equality of opportunity between different protected groups. The Council will need to take account of the requirements of disabled parents and children in the application of the policy and to make reasonable adjustments to the policy where required by individual circumstances.
23. The Equality Act does not apply to the provision of transport on faith grounds as the discrimination provisions on the grounds of age and religion or belief do not extend to transport arrangements.
24. Article 2 of the First Protocol of the European Convention on Human Rights (ECHR) states that no person shall be denied the right to education and that the state shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions. This is subject to a reservation entered by the UK government which states that this right is applicable only so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. Case law confirms that the ECHR is concerned with access to the educational institutions that the state makes available and requires the Authority to consider the wishes of the parents but this does not equate to a duty to give effect to those wishes.

Circulation under the Local Issues Alert Procedure

25. A copy of this report is being circulated to all Members via the Members' News in Brief.

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PART B

26. The results of an Equality Impact Assessment (EqIA) are attached as Appendix F to this report. A consultation was undertaken between 20 May and 30 June 2013, designed to examine the potential impact of savings originally agreed in the Medium Term Financial Strategy (MTFS) in February 2012, deferred in May 2012 and reviewed and agreed by the County Council in February 2013. The results of this consultation will inform the design of the Mainstream Home to School Transport Policy to be published in September 2013 and applicable from September 2014 (with some transitional arrangements).

Results of the Consultation on Home to School Transport

27. The main results of the consultation, up to and including 25th June 2013, are attached in Appendix B to this report.
28. A number of comments to 25th June 2013 were made on this part of the consultation and a summary of these is attached at Appendix C to this report.
29. The consultation closed on 30th June and an update to the consultation responses contained in appendices B and C received beyond 25th June will be reported to Cabinet.

Proposed Changes to the Provision of Mainstream Home to School Transport

Home to School Transport Policy (with reference to denominational schools)

30. There are three options for delivery of denominational transport:
- a. to cease providing denominational transport from September 2014.
 - b. to introduce the full cost recovery of £640 per pupil per annum from September 2014 or a proportion of cost recovery between £252 and £640 from September 2014.
 - c. to make no change and to reconsider the position in the future.
31. Subject to officer analysis of the consultation results, it is proposed that the discretionary provision will be made for any child starting at a denominational school on faith grounds from September 2014, at a cost of £450 for the 2014/15 academic year and then at full cost recovery (£640) from September 2015. No transport provision will be made for children starting at denominational schools on faith grounds from September 2015. Effectively, this would phase out the provision of denominational school transport over 4 years (longer for primaries) from September 2014 through to July 2018. The full cost recovery of provision would be reviewed on a yearly basis during the transitional period.
32. It is also proposed that the present cap of £480 per family per year be removed from September 2014 and that full cost recovery be made for all pupils, in line with the withdrawal of denominational schools transport for new applicants. Transport payment terms for parents paying by installments by direct debit would be increased from 6 installments to 8 installments during the academic year.
33. Pupils attending denominational schools continue to have the alternative option of applying for a nearer maintained or academy school and to receive statutory free transport, if over the qualifying distances.

Home to School Transport Policy (16 plus sixth form and Further Education College supported transport)

34. There are three options for delivery of 16+ transport:
- a) remove provision from September 2014. All 16+ transport is withdrawn for students starting at colleges or 6th forms from September 2014. For transitional arrangements for students starting a second year the charge for 16+ transport is increased to £425 from September 2014.
 - b) increase charges from September 2014 to recover the full cost of provision
 - c) continue to provide transport and potentially remove at some point in the future
35. Subject to officer analysis of the consultation results, it is proposed that transport for 16+ students continues to be provided at average full cost recovery of £425 from September 2014. This cost is likely to increase as students migrate to lower cost commercial bus pass offers. However, there will be a number of 16+ students, especially in rural areas, who have no alternative and no nearer school or college they could attend. The introduction of a new entitlement to free 16+ transport for qualifying students from families on low income or in receipt of maximum Working Tax Credits would promote effective participation in Raising the Participation Age in paragraph 17.
36. Raising the age of participation could be further supported by removing the charge for families who are on low income. Further Education providers have raised this as a specific concern. The numbers of families on low income is estimated to be around 15% of applicants and the provision of an exemption for low income families would align provision with the SEN Transport policy being introduced in September 2013.
37. Transport payment terms by installment on direct debit would be increased from 6 payments to 8 payments during the academic year.

Home to School Transport Policy (farepaying spaces)

38. The farepaying charge needs to be in line with that for denominational or 16+ full cost recovery (whichever is higher). Therefore it is proposed that the charge for farepaying spaces is increased from £300 to £450 for primary age children and from £400 to £450 for secondary age children from September 2014 and then reflects the higher of the two charges from September 2015.

Home to School Transport Policy (change of address)

39. It is proposed to remove entitlement to free/assisted transport to families who move during their final year(s) of each phase of education after September 2013. Consideration will be given to continuing provision in the case of exceptional circumstances.

Home to School Transport Policy (other issues)

40. The Mainstream Home to School Transport Policy has been redrafted to reflect the recommendations in paragraph 2 (c) above. This must be published by early September 2013 to be applicable from the start of the 2014/15 academic year in September 2014.

41. Appendix 1 of the policy (see Appendix A to this report) has been redrafted to reflect the reissued statutory Home to School Travel and Transport Guidance covering changes to the appeal process.
42. The revised policy also defines in more detail the circumstance in which home to school transport will be provided on medical grounds and the types of medical evidence supporting the case for short term travel provided under statutory walking distances.

Equality Impact Assessments (EqIAs)

43. An EqIA, attached at Appendix F, has been completed for the proposals in the consultation on mainstream home to school transport.
44. The EqIA notes there may be a high impact for a minority of students either living in remote areas with no access to either public bus services or private transport, or on low income and unable to afford daily fares.

Background Papers

Guidance on home to school travel and transport (Department for Education - March 2013)
<http://media.education.gov.uk/assets/files/pdf/g/stat%20guidance%20home%20to%20school%20transport.pdf>

Mainstream Home-School/College Transport Policy (May 2013)
http://www.leics.gov.uk/mainstream_policy_2013_-14_v1.0_final_may_2013.pdf

Report to County Council - Medium Term Financial Strategy 2013/14 – 2016/17 – 22 February 2013 (minute 136 refers)
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=3295&Ver=4>

Report to the Cabinet – Provisional MTFS 2012/13 – 2015/16 – 17 January 2012 (minute 443 refers)
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=3491&Ver=4>

Your guide to Primary Education in Leicestershire 2013/14 –
http://www.leics.gov.uk/primary_general-2.pdf

Your guide to Secondary Education in Leicestershire 2013/14 -
http://www.leics.gov.uk/secondary_your_guide_section_1.pdf

Statutory Guidance on the Participation of Young People in Education, Employment or Training (March 2013)
<http://media.education.gov.uk/assets/files/pdf/p/participation%20of%20young%20people%20-%20statutory%20guidancev3.pdf>

Appendices

- Appendix A - draft Mainstream Home to School Transport policy
- Appendix B - details of consultation responses on Mainstream Home to School Transport
- Appendix C - summary of written responses
- Appendix D - copy of consultation
- Appendix E - copy of consultation response form
- Appendix F - Equalities Impact Assessment