

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	CABINET
DATE:	22 AUGUST 2012
SUBJECT:	CONSULTATION ON PROPOSED REVISION TO THE POLICY ON ELIGIBILITY FOR HOME TO SCHOOL TRANSPORT
REPORT FROM:	CABINET MEMBER, CHILDREN AND FAMILIES
CONTACT OFFICER:	PAUL COOKE STRATEGIC LEAD (SCHOOLS, ACADEMIES AND COLLEGES)
TYPE OF DECISION:	CABINET (NON KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	THIS PAPER IS WITHIN THE PUBLIC DOMAIN
SUMMARY:	<p>This paper sets out a proposal to consult on revisions to the Council’s home to school transport policy as it applies to all pupils, but with a specific focus on changes to the eligibility criteria in respect of attendance at denominational (faith) schools.</p> <p>The purpose in bringing forward proposals is to enable funding pressures in relation to transport, as set out in the report to be addressed, and which would otherwise result in increasing demands on the Children’s Services budget, and to identify savings that can contribute to the significant budget pressures faced by the Council.</p>
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. That approval is given to consultation with stakeholders in respect of changes to the Council’s home to school transport policy. 2. That the existing home to school transport policy be retained. <p>Option 1 is recommended</p>

IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	<p>This proposal would generate a gross full year saving of £214,000.</p> <p>It is proposed that £40,000 be used to offset existing ongoing budget pressures within Childrens' Services; leaving a net saving of £174,000 per annum.</p> <p>Subject to implementation in September 2013, the first year saving is anticipated to be £102,000.</p> <p>The proposal contributes to the "Plan for Change" and also addresses known budget pressures within Childrens' Services.</p> <p>Costs of the consultation exercise are to be met from existing resources.</p>
Statement by Executive Director of Resources:	No further comments
Equality/Diversity implications:	Yes No (see paragraph 2.19 below)
Considered by Monitoring Officer:	Yes The proposals in this report comply with the relevant legislative provisions and guidance.
Wards Affected:	All
Scrutiny Interest:	

TRACKING/PROCESS

DIRECTOR: CHILDREN'S SERVICES

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
8 th August 2012			
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 The Council currently provides financial assistance to meet the cost of travel to pupils who live over the statutory walking distance from their nearest school. In addition, the Council provides financial assistance to meet the cost of travel on a discretionary basis to pupils attending a denominational school, where they live over the statutory walking distance, even if a place was available at a closer, non-denominational school.
- 1.2 The Council's statutory duties in respect of the provision of free transport are set out in section 444 of the Education Act 1996, and Schedule 35B of the Education Act 1996 (inserted by the Education and Inspections Act 2006). Section 508B of the Education Act 1996 (inserted by the Education and Inspections Act 2006) describes the local authority's duty in providing free travel arrangements for eligible pupils. Section 509AD of the Act places a duty on the local authority in fulfilling its duties and exercising its powers in relation to travel, to have regard to, amongst other things, any wish of the parent for their child to be provided with education at a particular school on grounds of the parent's religion or belief.
- 1.3 Schedule 3, part 2 of the Equality Act 2010 provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from school.
- 1.4 Local Authorities remain under a general duty to 'have regard' to the wish of a parent for their child to be provided with education at a particular establishment on the grounds of the parents' religion or belief. However, other than the statutory duty towards pupils who are from low income families, there is no statutory duty to provide free transport to denominational schools for children generally.
- 1.5 The policy on which the Council proposes to consult enables the Council to meet its statutory duties, whilst removing the discretionary provision of free travel to those pupils attending a denominational school where there is a nearer qualifying school. Free travel would continue to be provided to pupils of low income families in accordance with Schedule 35B of the 1996 Act.
- 1.6 The Council currently spends in the order of £337,000 per annum on home to school transport. It is estimated that the change in policy will save £174,000 per annum when fully implemented.
- 1.7 There are currently approximately 850 pupils in receipt of free transport on denominational grounds, from a total pupil cohort of approximately 29,000.

2.0 ISSUES

- 2.1 Under the current policy, financial assistance to meet the cost of travel is provided for all statutory age children who live in Bury and who attend their catchment area or nearest qualifying school, where the distance from home to school is over the statutory walking distance. This is defined as:
 - more than 2 miles from home for children aged under 8 years
 - more than 3 mile from home for children aged 8 years and over

- 2.2 In addition, where children are in a family with a low income there is additional entitlement where:
- the child is aged 8 or over, but under the age of 11 and is attending their nearest qualifying school over 2 miles
 - the child is aged 11 or over, in statutory education and is attending one of their nearest three qualifying schools between 2 and 6 miles from their home
 - the child is aged 11 or over, in statutory education and attending their nearest qualifying school, between 2 and 15 miles, in line with their parent/carers religion or belief
- 2.3 In considering entitlement to free transport the Council has to take into account any wish of a parent for their child to be provided with education at a particular school on the grounds of the parents' religion or belief. However, there is no statutory entitlement to free transport, as attendance at a faith school is through parental choice.
- 2.4 The current policy makes discretionary provision for the Council to provide financial assistance to parents of pupils attending a denominational school because of their faith, regardless of whether there is a nearer non-denominational school with places available and regardless of whether the low income criteria is met.
- 2.5 It is proposed to consult on ending this discretionary provision of free transport to pupils attending denomination schools with effect from 1st September 2013
- 2.6 The proposal does not affect the entitlement to free transport for families with a low income as set out in paragraph 2.2.
- 2.7 The majority of families in receipt of financial assistance for home to school transport are for pupils attending a denominational school. In the 2011/12 academic year, of the 1035 pupils receiving financial assistance, 846 were attending a denominational school. Approximately 9.2% of these pupils are likely to remain eligible for financial assistance because of low income.
- 2.8 Financial assistance is provided in the form of travel passes purchased by the Council from Transport for Greater Manchester (TfGM) at a cost of £361 each, per year. TfGM increased the cost of the travel passes by 18.5% with effect from 1st April 2011, thereby increasing the cost to the Council by £69,700, based on the number of passes issued in 2011/12. Currently the budget pressure created by the increased cost is unfunded.
- 2.9 In addition, there has been an increase in demand of 1.6% from families meeting the 3 miles or over criteria and 10.4% for those meeting the low income criteria.
- 2.10 Expenditure in the academic year 2011/12 was £337,200 against a base budget of £235,700 resulting in an overspend of £101,500. In addition to the base budget, a specific grant of £48,500 was available to support those pupils from low income families, which has had the effect of reducing the overspend to £53,000.

- 2.11 As the cost pressures are unfunded, any savings arising from changes to the home to school transport policy can only be made against the base budget and not the total expenditure. Therefore, the savings arising from the change in policy would be £142,677 in the first year rising to £214,000 in a full year.
- 2.12 In some circumstances, the Council provides financial assistance to students with special educational needs attending post 16 institutions. Because of increased costs of transport, and rising level of demand from this group of students, there is currently an unfunded cost pressure of approximately £40,000 per annum. It is proposed to utilise a proportion of the savings arising from the changes to the home to school transport policy to fund this budget pressure.
- 2.13 The revised savings would therefore be £102,677 in the first year, rising to £174,000 in a full year.
- 2.14 In recent years a significant number of local authorities have ceased to provide financial assistance to families of pupils attending denominational schools. The position in other Greater Manchester and neighbouring local authorities is as follows:
- Blackburn with effect from September 2012 pupils will be charged £1.50 per day for transport
 - Bolton with effect from September 2012, financial assistance will be withdrawn for pupils in Year 7, with a phased withdrawal for all pupils over a five year period
 - Lancashire with effect from September 2012, financial assistance will be withdrawn for pupils in Year 7, and a charge of £380 per year will be introduced with a phased introduction over a five year period
 - Manchester do not provide financial assistance
 - Oldham have phased out financial assistance over the last four years and will be fully implemented with effect from September 2012
 - Tameside Financial assistance is provided
 - Trafford with effect from September 2012 all financial assistance will be withdrawn
 - Wigan with effect from September 2012 all financial assistance will be withdrawn
 - Rochdale with effect from September 2012 all financial assistance will be withdrawn
- 2.15 A number of local authorities that have withdrawn financial assistance have done so on a phased basis whilst others have introduced the change in full. It is proposed that, in order to address the funding pressures and maximise savings, changes to the policy are implemented in full with effect from 1st September 2013.

2.16 The timeline for implementation of the new policy by September 2013 is set out below:

Date	Action	Comment
September 2012	Admissions Process for 2013/14 begins	A reference will be made in admissions information to parents that consultation is to take place on proposed changes to the home to school transport policy
3 Sept – 2 Nov 2012	Consultation on revised Transport Policy	Information posted on Council website All Stakeholders notified
31 Oct 2012	Deadline for receipt of admission applications for pupils transferring to secondary school in 2013	
Dec 2012	Cabinet report for decision on proposed change to home to school transport policy	
Sept 2013	Proposed implementation of revised policy	Subject to approval

2.17 The stakeholders to be consulted will include:

- § Parents/Carers of pupils attending all maintained schools;
- § Headteachers and Governing Bodies of all maintained schools;
- § Principals of Bury College and Holy Cross College;
- § Elected Members of Bury Council;
- § MP's including neighbouring local authorities;
- § Diocesan Bodies;
- § Teachers Associations and Trades Unions;
- § Bury Parent Partnership
- § Director of Children's Services in neighbouring authorities
- § Governing Bodies of schools in neighbouring local authorities affected by the proposed change.

2.18 Risk Management

The key risks associated with the proposed change in policy are of legal challenge and reputational damage to the Council, and the inability to meet the financial savings targets agreed by the Council.

The proposed changes to the policy seek to remove the discretionary element whilst ensuring that the policy remains statutorily compliant. However, there remains a risk that the Council may be challenged over its proposals. In mitigation, Council Officers have reviewed policies in other local authorities and noted that similar changes to policy have been successfully implemented.

2.19 Equality and Diversity

An equality assessment has been completed and this identified a potential negative impact in that the proposed changes will specifically affect parents/carers of pupils attending a school of a denomination to which the child's parents/carers adheres, although the intended outcome is to ensure that the policy on eligibility for home to school transport is applied consistently to all families regardless of religion or belief.

However, the Equality Act 2010, Schedule 3, Part 2 provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from school.

3.0 CONCLUSION

- 3.1 The current home to school transport policy goes beyond the statutory requirements in providing discretionary financial assistance to pupils attending denominational schools. Because of the significant funding pressures on the Council, this position cannot be sustained.
- 3.2 Furthermore, the Council's policy is increasingly out of line with those of our neighbouring local authorities.
- 3.3 Cabinet is asked to approve consultation on changes to the policy that will have the effect of removing the discretionary funding, and to receive a further report in December on the outcome of that consultation.

List of Background Papers:-

Contact Details:-

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