

# Individual Decision

---

The attached reports will be taken as  
Individual Portfolio Member Decision on:

**Tuesday, 26th August, 2014**

<b>Ref:</b>	<b>Title</b>	<b>Portfolio Member</b>	<b>Page No.</b>
ID2862	<b>Home to School Transport Policy 2015/16</b>	Councillor Irene Neill	1 - 8
ID2872	<b>Developing Proposals for a New School</b>	Councillor Irene Neill	9 - 16



This page is intentionally left blank

## Individual Executive Member Decision

---

<b>Title of Report:</b>	<b>Home to School Transport Policy 2015/16</b>
<b>Report to be considered by:</b>	Individual Executive Member Decision
<b>Date on which Decision is to be taken:</b>	26 <sup>th</sup> August 2014
<b>Forward Plan Ref:</b>	ID2862

**Purpose of Report:** To review and approve the Home to School Transport Policy, Fare Payer Scheme and the post-16 transport statement for 2015/16 (statutory requirement) following consultation.

**Recommended Action:** To approve the Home to School Transport, Fare Payer Scheme and the post-16 transport statement for 2015/16.

**Reason for decision to be taken:** Statutory requirement

**Other options considered:** None

**Key background documentation:** Home to School Transport Policy, Post 16 Statement, Farepaying Scheme,

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Irene Neill - Tel (0118) 971 2671
<b>E-mail Address:</b>	ineill@westberks.gov.uk

Contact Officer Details	
<b>Name:</b>	Caroline Corcoran
<b>Job Title:</b>	Service Manager (Access, Planning, Governance and Trading)
<b>Tel. No.:</b>	01635 519030
<b>E-mail Address:</b>	ccorcoran@westberks.gov.uk

## Implications

---

<b>Policy:</b>	The Local Authority must publish the 2015/16 policy and the post-16 statement by 31 <sup>st</sup> August 2014. New statutory guidance has been incorporated into the policy to ensure the Council meets its statutory duty.
<b>Financial:</b>	Extension of provision for post-16 students as a result of the statutory guidance published February 2014.
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	None
<b>Environmental:</b>	None
<b>Property:</b>	None
<b>Risk Management:</b>	None
<b>Equalities Impact Assessment:</b>	Yes

## Consultation Responses

---

### Members:

<b>Leader of Council:</b>	Gordon Lundie
<b>Overview &amp; Scrutiny Management Commission Chairman:</b>	Brian Bedwell
<b>Ward Members:</b>	N/a
<b>Opposition Spokesperson:</b>	David Allen
<b>Local Stakeholders:</b>	Schools, parents and public consultation on website.
<b>Officers Consulted:</b>	CDLT
<b>Trade Union:</b>	N/A

<b>Is this item subject to call-in?</b>	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

## Supporting Information

---

### 1. Background

- 1.1 West Berkshire Council's Home to School Transport Policy sets out the circumstances in which it will provide free transport to children and young people travelling to school or college. It therefore relates to West Berkshire residents of statutory school age (from the term following 5<sup>th</sup> birthday to the end of Year 11).
- 1.2 West Berkshire Council's post-16 Transport Statement sets out how the Council will meet the requirements of the statutory guidance for post-16 pupils.
- 1.3 Local Authorities are required by law to provide help for some pupils but may also provide help for others on a discretionary basis, such as through the Farepayer Scheme.
- 1.4 The Council reviews its Home to School Transport Policy, post-16 Transport Statement and Farepayer Scheme annually and is required to consult on proposed changes.
- 1.5 The consultation includes:
  - Home to School Transport Policy 2015/16
  - Post 16 Transport Statement 2015/16
  - Farepayer Scheme 2015/16
- 1.6 The changes are outlined in section 2 below.

### 2. Transport Consultation 2015/16

- 2.1 The consultation was available on the West Berkshire Council website between 27<sup>th</sup> June and 8<sup>th</sup> August 2014. It was also highlighted to statutory school age parents through the school's newsletter and text systems. Post-16 parents who already use the fare payer scheme were advised by letter. Respondents were asked for their views on the following proposed changes:

#### Home to School Transport Policy 2015/2016

- The definition of an available route (previously known as a safe route) has been refined to provide clarity.
- Special Educational Needs pupils in a mainstream school – the policy has been extended to clarify that low income families qualify in certain circumstances
- Reference to the School Transport Behaviour Code has been included
- Discretionary entitlement for post-16 students to places on the school bus, at a discretionary rate has been included
- Low income families can pay for 6<sup>th</sup> form transport in instalments.
- Exceptional circumstances has been extended to include 6<sup>th</sup> form students
- Discretionary entitlement is now subject to re-assessment for each academic year.
- Revised appeals process, matching national guidance
- Clarity regarding transport complaints
- Clarity re transport consultation

### Discretionary Fare Payer Scheme 2015/2016

- This scheme now guaranteed for 6<sup>th</sup> form students on existing bus routes, as per the Home to School transport policy
- The prices have been updated
- The date for the opening of the application window has been updated.
- The methodology for allocating places has been altered, in response to feedback from parents.
- Non-West Berkshire residents can access spare places left after West Berkshire residents allocations

### Post-16 Transport Statement 2015/2016

- The Statement has been re-drafted following the publication of revised statutory guidance in February 2014.
- The statement includes information on exceptional circumstances, feedback, complaints and consultation.
- The Statement should be read in conjunction with the updated:
  - Travel Guide for 16-19 year old students
  - Home to Schools Transport Policy
  - Behaviour Code

### Travel Guide for 16-19 year old students

- Re: 16-19 Bursary scheme – the Guide will be updated in Summer 2014 and will include commentary from each school and College about the use of the bursary and whether students can apply for support with transport.

2.2 During the consultation phase the government issued revised Statutory Guidance (July 2014). This was reviewed in detail, and as a result for clarity, a) the wording under Qualifying School now includes reference to the Education Health and Care Plan and b) more detail was included to expand the explanation about the Appeal Stage. The policy was fully compliant with the new Statutory Guidance.

### **3. Responses**

- 3.1 There were 9 respondents who logged into the online consultation. However, none of the respondents chose to comment on the proposals.
- 3.2 One paper based response was received in support of the introduction of a subsidised rate for sixth form students.
- 3.3 Councillor Allen responded and welcomed the changes and amendments that had been made. He proposed that the eligibility for paying by instalments be extended to all families who receive working tax credit. This change was agreed.

#### **4. Equalities Impact Assessment Outcomes**

- 4.1 There is no decision to be made and therefore no Equality Impact Assessment has been undertaken (EIA stage 1 completed below).

#### **5. Conclusion**

- 5.1 It is recommended that the proposed changes are implemented and the Home to School Transport Policy, Fare Payer Scheme, Post-16 Transport Statement and 16-19 Travel Guide are agreed for 2015/16, subject to the minor amendments noted in 2.2 and 3.3. above.

# APPENDIX A

## Equality Impact Assessment – Stage One

<b>Name of item being assessed:</b>	<b>Home to School Transport Policy and post-16 Transport Statement for 2015/16 - Consultation</b>
<b>Version and release date of item (if applicable):</b>	
<b>Owner of item being assessed:</b>	Caroline Corcoran
<b>Name of assessor:</b>	Caroline Corcoran
<b>Date of assessment:</b>	

<b>1. What are the main aims of the item?</b>
To agree the Home to School Transport Policy, Fare Payer Scheme and post-16 Transport Statement for 2015/16.

**2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this.** (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this.</b>
Age	Positive impact	The policy applies to all children of statutory school age. The proposed 2015/16 policy includes provision for Post 16 students.
Disability	Positive impact	The policy contains criteria for pupils with a disability and the circumstances where transport may be granted in the case of parental disability.
Gender	Positive impact	Gender is not a distinguishing factor in the application process and allocation of school transport.
Race	Positive impact	Race is not a distinguishing factor in the application process and allocation of school transport.
Belief	Positive impact	Belief is not a distinguishing factor in the application process and allocation of school transport.
Location	Positive impact	The policy takes account of urban transport difficulties and seeks to ensure that rural pupils and students are not disadvantaged



<b>Further comments relating to the item:</b>

<b>3. Result</b> (please tick by double-clicking on relevant box and click on 'checked')
<input type="checkbox"/> <b>High Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> <b>Medium Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> <b>Low Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> <b>No Relevance</b> - This <b>does not</b> need to undergo a Stage 2 Equality Impact Assessment

**For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.**

<b>4. Identify next steps as appropriate:</b>	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

**Name:** Caroline Corcoran

**Date:** 11.08.14

This page is intentionally left blank

## Individual Executive Member Decision

---

<b>Title of Report:</b>	<b>Developing Proposals for a New School</b>
<b>Report to be considered by:</b>	Individual Executive Member Decision
<b>Date on which Decision is to be taken:</b>	26 August 2014
<b>Forward Plan Ref:</b>	ID2872

<b>Purpose of Report:</b>	<b>To initiate the exploration the potential for a new primary school in West Berkshire.</b>
<b>Recommended Action:</b>	<b>To approve the statutory process to obtain expressions of interest for a new school.</b>
<b>Reason for decision to be taken:</b>	Pupil numbers in West Berkshire continue to grow and there is increasing pressure in terms of the Council's school capacity and its ability to meet its statutory duty in terms of providing a school place to its resident children.
<b>Other options considered:</b>	Expansion of existing sites – this has been the approach in recent years but potential for expansion has now been exhausted
<b>Key background documentation:</b>	Papers presented to the Education Capital Group (place Planning sub-group).

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Irene Neill
<b>E-mail Address:</b>	ineill@westberks.gov.uk

Contact Officer Details	
<b>Name:</b>	Caroline Corcoran
<b>Job Title:</b>	Service Manager (Access, Planning, Governance and Trading)
<b>Tel. No.:</b>	01635 519030
<b>E-mail Address:</b>	ccorcoran@westberks.gov.uk

## Implications

<b>Policy:</b>	Developing our 'new schools' policy.
<b>Financial:</b>	None at this stage.
<b>Personnel:</b>	Dedicated project time required, to be funded from capital allocation.
<b>Legal/Procurement:</b>	Staff contribute to project development.
<b>Property:</b>	Staff time.
<b>Risk Management:</b>	To ensure sufficient places in place to meet demand.

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Is it a major policy, significantly affecting how functions are delivered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
• Will the policy have a significant impact on how other organisations operate in terms of equality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Does the policy relate to an area with known inequalities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>			<input checked="" type="checkbox"/>	
Not relevant to equality			<input type="checkbox"/>	

## Consultation Responses

### Members:

**Leader of Council:** Gordon Lundie

**Overview & Scrutiny Management Commission Chairman:** Brian Bedwell

**Ward Members:** N/a

**Opposition Spokesperson:** David Allen

**Local Stakeholders:** N/a

**Officers Consulted:** Rachael Wardell, Ian Pearson, Richard Turner, Mark Lewis

**Trade Union:** N/a

<b>Is this item subject to call-in?</b>	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
---	--	------------------------------

## Supporting Information

---

### 1. Background

- 1.1 Section 14(1) of the Education Act 1996 placed a legal duty on local authorities to secure sufficient primary and secondary school places.
- 1.2 The Education Act 2011 introduced the academy/free school presumption to the Education and Inspections Act 2006. Where a Local Authority thinks there is a need for a new school in its area, it must seek proposals to establish an academy/free school (with effect from February 2012).
- 1.3 The LA can determine how to consult on the proposed new school and is required to be clear about the details of the school they wish to be established to aid potential proposers. The LA must ensure that the widest possible range of groups or organisations that might be interested in establishing the new school are aware of the opportunity to do so. The DfE will highlight the consultation on its website, encouraging key stakeholders to do the same and sign-posting proposals to existing sponsors or potential sponsors.

### 2. Growth in Pupil Numbers

- 2.1 The number of primary school pupils in West Berkshire has grown significantly over the past 5 years. In 2009, there were 12,238 primary school pupils and by 2014 this has risen to 13,115. Perhaps more significantly, the number of pupils in the Reception year intake has risen, and the trend analysis shows that year on year larger Reception cohorts are coming through. In 2009, the Reception intake was 1797 pupils, with a similar number in 2010 and 2011. Growth began in 2012 (1936 pupils), with an especially large cohort of 2017 pupils in 2013 and 1932 pupils for 2014.

### 3. Financial Implications

- 3.1 The annual return submitted to government in 2013 outlined our forecast demand for places and compared this to our capacity and capital spending plans. The outcome from this return was a 2-year 2015/16 - 2016/17 basic need allocation totalling £14.6m. The development of a substantive solution to meet basic need pressure was included in the Capital Strategy 2014/15 – 2018/19, approved by Executive, where £7.7m was allocated towards the cost of providing a new school.

### 4. Conclusion

- 4.1 The paper outlines the rationale for exploring the potential for a sponsor for a new school in West Berkshire, following the required statutory processes. The paper has also confirmed that there is capital funding allocated to support the costs of a new build.
- 4.2 It is proposed that the Council undertakes an *expressions of interest* exercise.

## **5. Recommendations**

- 5.1 To approve the recommendation to undertake a statutory process with regard to building a new school in West Berkshire, with expressions of interests sought for Newbury.

# Executive Report

---

## 1. Introduction

- 1.1 Section 14(1) of the Education Act 1996 placed a legal duty on local authorities to secure sufficient primary and secondary school places.
- 1.2 The Education and Inspections Act 2006 (EIA, 2006) means that when providing those places local authorities must also promote:
- Parental choice
  - Diversity
  - High standards
  - Fulfilment of every child's educational potential
  - Fair access to educational opportunity.
- 1.3 Local authorities also have to take account of and respond to parental views and concerns about the quality of local schools. The EIA 2006 puts the local authority in the role of strategic commissioner of provision for children and young people.
- 1.4 In its strategic role, the Council must ensure there is a response to changes in demand over time by securing the increase or removal of capacity, which can be achieved in a number of ways, including:
- working in partnership to engage others in the provision of free schools or academies;
  - extending the capacity at existing schools, either by the use of permanent extensions or, in exceptional cases, by modular buildings; or through changing the use of spaces;
  - reducing places at existing schools, for example by removing or relocating modular buildings or changing the use of spaces;
  - promoting the reorganisation of schools, including amalgamating, relocating or closing schools, changing the age range or range of special needs of the school;
  - reviewing and re-aligning catchment areas.
- 1.5 Many of these changes take time to achieve, bearing in mind the need to consult the school (governors, staff and parents) and the community, secure relevant approvals, obtain capital resources, plan, design, seek tenders and carry out building work. There is likely, therefore, to be a significant planning period that has to be included in the forward planning process.
- 1.6 Judgements about how best to manage school places across West Berkshire are not only concerned with ensuring that there are sufficient places available, but also about enhancing the quality of provision where surplus places are considered for removal and promoting the highest possible standards where additional places are required. Effective school organisation ensures the right number of good schools,

which are educationally and financially viable, of the right size and in the right locations.

- 1.7 The paper outlines the rationale for considering a new primary school for 2016/17 to meet basic need pressures in West Berkshire, and how this school project would be funded.

## 2. The Legal Context for establishing a new school

- 2.1 The Education Act 2011 changed the arrangements for establishing new schools and introduced the academy/free school presumption to the Education and Inspections Act 2006. Where a Local Authority thinks there is a need for a new school in its area, it must seek proposals to establish an academy/free school. The change to regulations came into effect from February 2012.
- 2.2 The government has subsequently issued non-statutory advice to clarify the requirements dated February 2014. The advice explains that the LA is under a duty to seek proposals to establish an academy/free school. The LA can determine how to consult on the proposed new school and with whom, and is required to be clear about the details of the school they wish to be established to aid potential proposers. The LA must take all necessary steps to ensure that the widest possible range of groups or organisations that might be interested in establishing the new school are aware of the opportunity to do so.
- 2.3 The process also includes notification to the DfE who will highlight the consultation on its website, encouraging key stakeholders to do the same and sign-posting proposals to existing sponsors or potential sponsors.
- 2.4 The consultation and evaluation of bids takes some considerable time, and it is anticipated that this process, including bringing recommendations through the corporate cycle, would not be completed until Spring 2015.

## 3. Rationale

- 3.1 In actual terms the number of primary school pupils in West Berkshire has grown significantly over the past 5 years. In 2009, there were 12,238 primary school pupils and by 2014 this has risen to 13,115.

	2009	2010	2011	2012	2013	2014
Total	12238	12349	12404	12483	12772	13115

- 3.2 Perhaps more significantly, the number of pupils in the Reception year intake has risen, and the trend analysis shows that year on year larger Reception cohorts are coming through. In 2009, the Reception intake was 1747, with a similar number in 2010 and 2011. Growth began in 2012 and has continued, with an especially large cohort in 2013.

	2009	2010	2011	2012	2013	2014
Total	1747	1722	1788	1836	2017	1932



- 3.3 The growth in primary pupil numbers has, so far, been addressed through:
- re-configuring schools to provide additional classroom space, for example, by replacing at IT suite with wifi and laptops,
  - adding modular classrooms on to a site or building a permanent extension,
  - changing the use of spaces around, for example swapping Year 6s and Reception area to accommodate more Reception children and replacing toilets in both areas to the right size, building replacement outdoor space for Reception as required by law.
- 3.4 The potential to address a continuation of high levels of primary pupil numbers through these methods has been exhausted in many schools.
- 3.5 The pupil forecasting in 2013 indicated large growth in Newbury (Planning Areas 3 & 5 combined).
- 3.6 The pupil forecasting for 2013, when tested against the September 2013 actual numbers, was proven to be within the expected 2% variance for West Berkshire as a whole.
- 3.7 The pupil forecasting for 2014 has confirmed the same level of growth across West Berkshire, and this round has had the benefit of the addition of GP registration data, which provides a more accurate count than ONS estimates.
- 3.8 The pupil forecasting process has been the subject of review by the Education Capital Group, which has included scrutiny by Members.
- 3.9 Pupil admissions applications for 2014 confirm a high level of demand in West Berkshire especially in urban areas. It will be possible to undertake further analysis to confirm the accuracy of the 2014 forecasts compared to the January school census before a final decision is made.
- 3.10 At this stage, permission is sought to explore interest in operating a new primary school in Newbury, and it is at a later stage that a final decision on a way forward would be determined by Members.

#### **4. Finance**

- 4.1 The annual return submitted to government in 2013 outlined our forecast demand for places and compared this to our capacity and capital spending plans. The outcome from this return was a 2-year 2015/16 - 2016/17 basic need allocation totalling £14.6m. The development of a substantive solution to meet basic need pressure was included in the Capital Strategy 2014/15 – 2018/19, approved by Executive, where £7.7m was allocated towards the cost of providing a new school.

#### **5. Conclusions**

- 5.1 The paper has outlined the rationale for exploring the potential for a sponsor for a new school in West Berkshire, following the required statutory processes. The paper has also confirmed that there is capital funding allocated to support the costs of a new build.
- 5.2 The historic and forecast data supports the new for a new school and indicates that this would be required in Newbury. It is proposed that the Council undertakes an

*expressions of interest* exercise, and aligns the future decision-making process against the further forecast and actual data which will be available at that time.

## **6. Recommendations**

- 6.1 To approve the recommendation to undertake a statutory process with regard to building a new school in West Berkshire, with expressions of interests sought for Newbury.

## **Appendices**

---

There are no Appendices to this report.