

Title of Report:	Home to School Transport Policy and post-16 Transport Statement Consultation
Report to be considered by:	Executive on 10 September 2015
Forward Plan Ref:	EX2989

Purpose of Report: To review the consultation feedback on the proposed policies for 2015/16 and 2016/17 and determine the Council policy.

Recommended Action:

1. To approve the 2015/16 and 2016/17 policies.
2. To approve the specific proposal to remove free transport to the catchment school for secondary students.

Reason for decision to be taken: Statutory requirement to determine the Home to School Transport Policy and the post-16 Transport Statement

Other options considered: None

Key background documentation: Home to School Transport Policy, Post 16 Statement, Fare Payer Scheme

Published Works: Home to School Statutory Travel and Transport Statutory Guidance

The proposals will help achieve the following Council Strategy aims:	
<input checked="" type="checkbox"/>	P&S – Protect and support those who need it
<input checked="" type="checkbox"/>	HQL – Maintain a high quality of life within our communities
<input checked="" type="checkbox"/>	MEC – Become an even more effective Council
The proposals contained in this report will help to achieve the following Council Strategy priorities:	
<input checked="" type="checkbox"/>	HQL1 – Support communities to do more to help themselves
<input checked="" type="checkbox"/>	MEC1 – Become an even more effective Council

Portfolio Member Details	
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Date Portfolio Member agreed report:	20/7/2015

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Implications

Policy: The Home to School Transport policy is reviewed annually, and there is an annual consultation with the public on any proposed changes.

Financial: The proposals within the report have been reviewed and verified by the Home to School Transport Working Group. The proposals underpin corporate savings strategies for financial year 2016-17 and beyond. The potential savings would be within the range £57k - £90k for a full year.

Personnel: There are no implications.

Legal/Procurement: The duty to provide free school transport is contained in [section 508B](#) of the Education Act 1996 (EA 1996). The duty is owed by the Council if the child is an "eligible child" in its area; and either a) no arrangements relating to travel in either direction between their home and school are provided free of charge by any other person; or b) such travel arrangements are provided but (even if taken together with any other such arrangements) they are not suitable for the purpose of facilitating their attendance at school. Eligible child is defined in the EA 1996.

Under [Section 508C](#) of the EA 1996 travel arrangements for ineligible children may include a requirement for the child or his parent to pay some or all of the costs.

Under the Statutory Guidance for Home to School travel and transport July 2014 (the Guidance), the Secretary of State expects Councils to consider all possible options before embarking on changing/ disturbing well established arrangements.

Council is also obliged to consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. A phased in approach is preferred.

Any decision to change policy needs to take account of the above in particular the EA 1996 and the statutory guidance.

Property:

Risk Management:

Corporate Board's Recommendation: For the report to be considered by Management Board.

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at http://intranet/EqIA			<input checked="" type="checkbox"/>
Not relevant to equality			<input type="checkbox"/>

Is this item subject to call-in?	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"/>	

Executive Summary

1. Introduction

- 1.1 Parents are legally responsible for making sure that their children get to and from school at the appropriate times each day.
- 1.2 The Council reviews its Home to School Transport Policy, post-16 Transport Statement and Fare Payer Scheme annually and publicly consults on the proposals. The consultation began on 8th June 2015 and ended on 17th July 2015. A Consultation Summary Report is provided at Appendix A.

2. Consultation

- 2.1 In relation to the 2015/16 policy, two matters were raised, which have been addressed by amending the wording in the final version of the Policy:
 - the process for responding to urgent need in relation to temporary re-housing
 - the position for children of separated or divorced parents who live in two households
- 2.2 The 2016/17 policy will mirror the 2015/16 policy in this regard.
- 2.3 The 2016/17 policy included a proposal to remove free entitlement to discretionary transport to secondary catchment schools and introduce a fee. There is no legal entitlement to free transport to the catchment school, only to the nearest school. The Council is not obliged to provide catchment transport without a charge. The proposed fee was £250 p.a. (equivalent to £1.32 per school day for a return journey).
- 2.4 There was universal opposition to this proposal, which would affect c.400 students out of a cohort of 11500. The overwhelming majority of responses came from Curridge, Chieveley and Hermitage villages which feed The Downs school, which is the area most affected by the proposal.
- 2.5 Other Local Authorities have withdrawn some or all aspects of discretionary transport. Examples include Warrington, Essex, Herefordshire, Rochdale, Oxfordshire and Cornwall.

3. Finance

- 3.1 Home to School Transport budgets have been reduced for the last 4 years, (from £3.9m p.a to £3.3m p.a.) through robust procurement and streamlining routes. The ability to continue to make savings on Home to School Transport without impacting on families is now exhausted.
- 3.2 The proposed requirement to deliver a further £100,000 savings in 2016/17 is the driver for the proposal. This proposal will deliver some of the required savings for 2016/17.
- 3.3 The proposal would deliver between 57k and 90k of savings in a full year. The actual amount of savings would depend on whether parents paid a fee to use the school bus or made alternative arrangements. If parents opted for their child to use the school bus and pay the fee, the savings would be the lower figure. If parents elected to make alternative arrangements, savings could be achieved by reviewing and

rationalising bus routes and minimising provision to match demand. This could deliver up to £90k savings p.a.

4. Equalities Impact Assessment Outcomes

- 4.1 A Stage 2 Equalities Impact Assessment was undertaken, in discussion with Rachel Craggs, who is the Council's lead on equalities matters. There are mitigation measures within the proposal and the proposal was not considered to be discriminatory.

5. Conclusion

- 5.1 The Board is asked to approve the revised Policies for 2015/16 and 2016/17.

Executive Report

1. Introduction

- 1.1 Parents are legally responsible for making sure that their children get to and from school at the appropriate times each day.
- 1.2 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 relates to West Berkshire residents of statutory school age (from the term following 5th birthday to the end of Year 11).
- 1.3 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.
- 1.4 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 Fare Payer Scheme.
- 1.5 The Council reviews its Home to School Transport Policy, post-16 Transport Statement and Fare Payer Scheme annually and is required to consult on proposed changes.
- 1.6 The major change considered in the consultation was a proposal to remove the free entitlement of discretionary transport to the secondary catchment school. The proposed requirement to deliver a further £100,000 savings in 2016/17 was the driver for the proposal.
- 1.7 The proposal would deliver in the range of 57k and 90k of savings in a full year. The actual amount of savings would depend on whether parents paid a fee to use the school bus or made alternative arrangements. If parents opted for their child to use the school bus and pay the fee, the savings would be the lower figure. If parents elected to make alternative arrangements, savings could be achieved by reviewing and rationalising bus routes and minimising provision to match demand. This could deliver up to £90k savings p.a.

2. Consultation Process

- 2.1 The consultation began on 8th June 2015 and ended on 17th July 2015.
- 2.2 The information was available on the Council's website and information was sent to schools on 3 June 2015 to cascade to all primary and secondary school parents. The information was also circulated to Councillors and Headteachers.
- 2.3 In response to initial feedback, Frequently Asked Questions (FAQs) were produced, added to the consultation portal and circulated to schools for cascade to parents.
- 2.4 The Consultation Report includes:
 - A Summary of the proposed changes to the Policy.
 - Key Themes – You said, we responded
 - Equality Impact Assessment
 - Downloads of the comments received

3. Consultation Feedback

- 3.1 The feedback in relation to the 2015/16 policy was minimal. Two specific matters were raised, which have been addressed by amending the wording in the final version of the Policy. These are explained in the Consultation Report and relate to:
- the process for responding to urgent need in relation to temporary re-housing
 - the position for children of separated or divorced parents who live in two households
- 3.2 The 2016/17 policy mirrors the 2015/16 policy, with one exception. The main proposal for 2016/17 in relation to removal of free entitlement and introduction of a fee for discretionary transport to the secondary catchment schools is covered in section 4, which in turn affected the content of the discretionary Fare Payer Scheme.
- 3.3 Aside from the proposal in Section 4, any changes as a result of the consultation to the 2015/16 policy would also feature in the 2016/17 policy.
- 3.4 There were no other comments in relation to the 2016/17 policy.
- 3.5 A summary of the amended wordings is attached to this report at Appendix B.
- 3.6 The remainder of this report focuses on the proposal to remove free entitlement to discretionary transport to secondary catchment schools.

4. Removal of free entitlement to discretionary transport to the secondary catchment schools

- 4.1 There is statutory transport guidance which the Local Authority must comply with and this only requires free transport to the nearest school (subject to other criteria such as distance). The national guidance does not use the admission catchment as a measure of entitlement.
- 4.2 The Council currently provides the statutory entitlement to nearest school and the discretionary entitlement to catchment school at no cost to families. The consultation made the public aware that the current policy on home to school transport includes support on a discretionary basis for some communities. This is at a significant cost to the council at a time of reducing financial resources.
- 4.3 The Council's use of catchment for transport entitlement is a discretionary element of our provision. The national transport guidance is quite clear that discretionary elements can be charged for. Therefore, the Council is not obliged to provide catchment transport at no cost.
- 4.4 The 2016/17 Policy included a proposal to remove the free entitlement of discretionary transport to the secondary catchment school for new applications. The proposal included a guarantee of a place on the school bus for the nearest or catchment school, subject to the payment of a fee if a family do not qualify for free transport. A family may prefer to use the school bus and or, alternatively, a family may choose to make other arrangements. It would be for the family to decide what works best for them.

- 4.5 The proposal included the following considerations to mitigate the impact on affected families who may wish to continue to use the school bus, but would be required to pay a fee:
- Guaranteed seat on the bus
 - Reduced Fee
 - Flat Rate Fee
 - Ability to pay in instalments
 - Low Income
 - Appeal process, where Exceptional Circumstances could be considered.
 - Up to 4 years protection for students who are receiving free transport before the implementation date of the change (proposed for September 2016).
- 4.6 The scale of budget reductions means that the Council needs to prioritise statutory functions, and consider whether it can continue to provide discretionary elements of its Home to School Transport services.
- 4.7 The Home to School Transport budgets have reduced year on year, primarily through robust procurement and the streamlining of routes and resources. The ability to continue to make savings on Home to School Transport without impacting on families is now exhausted. The figures show the actual budget after deduction of savings and the addition of inflationary increases where applicable.

BUDGETS	2012/2013	2013/2014	2014/2015	2015/2016
Mainstream	£1,843,610	£1,762,280	£1,664,610	£1,605,120
Special Educational Needs	£1,791,670	£1,632,610	£1,581,170	£1,497,950
Pupil Referral Units	£271,600	£286,030	£277,340	£269,190
Total	£3,906,880	£3,680,920	£3,523,120	£3,372,260

- 4.8 For 2016/17 and beyond, future savings need to be made by reducing discretionary elements of the policy, whilst maintaining a robust procurement process for transport provision.
- 4.9 The proposed requirement to deliver a further £100,000 savings in 2016/17 is the driver for the proposal. This proposal will deliver some of the required savings for 2016/17. The Council is working in partnership to deliver revised arrangements to meet the rest of the required savings.
- 4.10 The potential savings would be within the range £57k - £90k. The introduction of a fee would generate income of £57k p.a. if parents elected to continue to use the guaranteed places on the school bus (at the subsidised rate of £250 per year, which is equivalent to £1.32 per school day). If parents elected to make alternative arrangements, savings could be achieved by reviewing and rationalising bus routes and minimising provision to match demand. This could deliver up to £90k savings p.a.
- 4.11 The flat rate in the Fare Payer Scheme proposal is £250 p.a. This compares, for example, to the average cost of a seat on the buses which travel to the Downs school of £572 p.a, and represents a Council subsidy of £322 p.a. per seat.

4.12 Using daily rates as a comparator, over 190 school days per year:

Fare Payer Scheme	£1.32 per day for a return journey
Cost to Council	£3.01 per day for a return journey
Public Bus Pass	£3.68 per day for a return journey (based on 4 x 90-day pass)

4.13 Based on existing students, it was estimated that the proposal would affect the following numbers of students at any one time, out of a total cohort of 11500 secondary students. As the older cohorts leave the schools and young cohorts join the schools, the total number affected should remain relatively constant:

School	Students affected
The Downs	225
Theale Green	78
The Willink	28
Kennet	16
St. Bartholomew's	7
Trinity	36
Total	390

4.14 It should be noted that other Local Authorities have withdrawn some or all aspects of discretionary transport due to financial pressures, and, in some cases, have also removed the subsidy on Fare Payer prices. Examples include Warrington, Essex, Herefordshire, Rochdale, Oxfordshire and Cornwall.

4.15 The finally determined Policy for 2016/17 would be published in September 2015.

5. Consultation Responses – Key Themes

5.1 Downloads of the responses to the consultation can be found in Appendices to the Consultation Summary Report. Example quotes from the responses and the Council's reply in relation to the key themes is available at the Consultation Report – in the section "Key Themes: You said, we responded".

5.2 The 5 main themes were:

1. Respondents did not understand why the Admissions process uses *catchment* school and the Transport proposal uses *nearest* school. Some suggested that, if transport entitlement is changing, catchment areas should change too.
2. Respondents thought that there would not be a guaranteed space on the school bus.
3. The cost of a Fare Payer place would place a financial strain on families
4. The cost of a Fare Payer place would be a burden on families on lower incomes.
5. There would be traffic congestion if parents used their cars to transport their children, with a risk of accidents.

- 5.3 Some respondents were also concerned about:
- Working parents and the potential impact on their domestic arrangements.
 - Rural families are disproportionately affected and respondents felt this was discriminatory (see Equalities Impact Assessment).
 - The proposal will “split” villages based on transport entitlement and this will impact on community cohesion/spirit.
 - Parents would have to choose a school which has transport, rather than the school which provides the best education for their child.
 - Going on the school bus has a positive effect on social and emotional wellbeing.

6. Considerations

- 6.1 There was universal opposition to this proposal, particularly from rural areas. The proposal affects 6 out of 10 secondary schools in West Berkshire.
- 6.2 An overwhelming majority of responses opposed the proposal and these responses came from the Downs catchment area. This is the geographical area that would be most affected. The families from Curridge, Chieveley and Hermitage (which feed the Downs school) unanimously rejected the proposal to charge for home to school transport. It was clear from the consultation responses that families would prefer the free entitlement to remain unchanged.
- 6.3 The proposal would mean that affected families would either have to pay a fee to access the school bus or make alternative arrangements to get their child to school. Alternatively, they could select a school based on the ability to access transport, but this might not be their preferred school. These issues have always existed when parents choose secondary provision, hence not all parents opt for their nearest or catchment area schools.
- 6.4 The Council’s use of catchment for transport entitlement is a discretionary element of our provision. There is no legal entitlement to free transport to the catchment school, only to the nearest school. The Council is not obliged to provide catchment transport without a charge.
- 6.5 The decision to apply for a place at a particular school is one of parental preference. Parents can express a preference for any school regardless of whether their child has attended a partner primary to a particular secondary school.
- 6.6 The Council has no legal obligation to meet the travel cost associated with this decision if the child could have accessed a place at a nearer school from home.
- 6.7 To ensure fairness and consistency, any changes in discretionary support should apply to all pupils.
- 6.8 It is not proposed that there is mitigation for specific communities. The Council provides free transport to a large number of secondary pupils on a discretionary basis. However it does not provide free transport to all secondary children. Therefore implementation of the proposal will mean that secondary children are only provided with transport assistance when there is a legal obligation to do so, which means that the policy will be fairer overall for all communities.

6.9 The Council has the ability, as described in paragraphs 36 and 37 of the statutory transport guidance, to impose a charge or fee for discretionary transport. As per the guidance, the proposal includes mitigation for low income families.

36. Section 508C of the Act provides local authorities with discretionary powers to go beyond their statutory duties and provide transport for children who are not entitled to free transport. Charges can be made, or, as stated in Subsection (5) of 508C local authorities may also pay all or part of the reasonable travel expenses of children who have not had travel arrangements made either under the statutory duty placed on local authorities, or under their discretionary powers to make travel arrangements. Where charges are imposed, good practice suggests that children from low income groups (those not eligible for extended rights, either due to being just outside financial eligibility or live outside of the distance criteria and therefore not in receipt of free travel) should be exempt.

37. It is very much for the individual local authority to decide whether and how to apply this discretion as they are best placed to determine local needs and circumstances. It is recognised that local authorities will need to balance the demands for a broad range of discretionary travel against their budget priorities. While the department offers guidance, the final decision on any discretionary travel arrangements must rest with the individual local authority who should engage with parents and clearly communicate what support they can expect from the local authority.

6.10 The proposals are mindful of the impact on the families that would be affected and include a range of mitigating factors, including protection for existing students, a phased-in approach, mitigation of the cost of the Fare Payer fee and guarantees to ensure that families can rely on transport arrangements.

7. Recommendation

The Executive is asked:

1. To approve the Home to School Transport policy for 2015/16, with minor amendments following the consultation.
2. To approve the specific proposal to remove free transport to the catchment school for secondary students and determine whether to proceed with this proposal.
3. To approve the Home to School Transport policy for 2016/17, updated with minor amendments mirrored from the 2015/16 Policy following the consultation.

Appendices

Appendix A – Consultation Summary – Home to School Transport, and its' Appendices:

- 1: Transport Consultation – summary of Changes
- 2: Key Themes: You said, we responded
- 3: Equalities Impact Assessment
- 4: Email responses
- 5: Letter responses
- 6: Survey Monkey responses

Appendix B – Proposed Amendments following the Consultation

Appendix C – FAQs

Appendix D – Original consultation documents

Consultees

Local Stakeholders: Public consultation, Headteachers, Councillors

Officers Consulted: Rachael Wardell (Director – Communities), Ian Pearson (Head of Education), Rachel Craggs (Principal Policy Officer (Equalities), Shannon Coleman-Slaughter (Finance Manager), Melvina Dimmott-Franking (Finance) Shiraz Sheikh (Principal Solicitor), Andrew Brown (Transport) , Emma Jameson (Transport), Corporate Board

Trade Union: