

Cabinet	CAB/006/11
Date:	Part I report

Commissioning Strategy – Home to School Transport – Travel Subsidy to Faith Schools

Report by Cabinet Member for Education and 2012 Games, Cllr Stephen Castle
Enquiries to Officer, Dave Hill, Executive Director Schools, Children and Families

1. Purpose of report

1.1 The report outlines the following:

The scope and context of the review and proposed changes to Essex County Council's Home to School Transport Policy, related to transport subsidised by reason of parental choice, to faith schools.

The public and stakeholder consultation required before implementation of the changes.

2. Decision Areas

2.1 The County Council's Home to School Transport Policy provides the framework for our approach to home to school transport. As part of the Essex County Council Transformation programme a significant review has been undertaken to ensure that the current policy is equitable, supports the most vulnerable and provides the best value for money.

2.2 A range of options to change the current policy have been considered during the review. A number of recommendations were taken to and approved by the Cabinet on 7th December 2010. The recommendations in that report were approved and will result in a total savings of up to £5.9m by financial year 2016-17.

3) Recommendations

3.1 For Cabinet to agree the following changes to the Home to School Transport Policy, subject to a formal public consultation:

Remove subsidy for travel to faith schools, whilst retaining it for low income families. This will impact on all new entrants to both the primary and secondary phase with effect from September 2012.

This will not affect the eligibility of pupils attending faith schools who have a statutory entitlement to free transport, by way of it being their nearest school and being over the statutory walking distance, or pupils' entitlement under Special Educational Needs (SEN) policies, subject to the changes agreed at the Cabinet meeting of December 7th, 2010.

4. Background, Context and Area of County Covered

4.1 There are 21,100 children who are provided with daily transport to mainstream, special and faith schools. The current home to school transport budget is £29.3 million.

4.2 Of the above, there are 1,790 children who are provided daily transport to 49 faith schools in Essex, other than through statutory provision. The current home to school transport budget for faith schools is £2.4 million. Of this £0.2m relates to the cost of subsidising pupils from low-income families.

4.3 The provision of transport for faith provision is a discretionary, rather than statutory, requirement for the County Council. The changes contained within this paper and recommendations will bring Essex into line with the majority of local authorities. The Home to School Transport Policy is reviewed annually and was last updated in July 2008; some changes were agreed at the Cabinet meeting of December 7th 2010. Proposals outlined in this report are broadly in line with those that other councils have implemented following review, both on the grounds of fairness and equity and to make financial savings. Some councils have opted for an immediate and non-phased withdrawal of transport subsidy to faith schools, rather than the phased approach recommended in this report.

4.4. The policy options and any changes arising from this will affect pupils and schools in all divisions within the county.

5. The Legal Entitlement to Transport

5.1 The **legal** entitlement for home to school transport is determined by simple criteria; entitlement exists where children attend their nearest or catchment school and it is beyond the statutory walking distances:

- more than 2 miles from home for children aged under eight, and
- more than 3 miles for children aged eight or over.

Not all of the statutory duties are set out. There are further duties in relation to this issue but they are not relevant to the matters referred to in this paper.

Extended Rights for Low Income Families

5.2 Where children are from a low income family, (defined as being entitled to free school meals or in receipt of the maximum level of Working Tax Credit), additional entitlement exists.

Primary

5.3 Children aged *above* the age of 8, but under the age of 11, from low income families are entitled to free travel, where they live more than two miles away and are attending their nearest qualifying school.

Secondary

5.4 Children aged above 11 from low income families are entitled to free travel where they are admitted to one of their three nearest qualifying schools, where they are more than 2 miles but less than 6 miles from their home address.

Denominational

5.5 Under the extended rights for low income groups, transport is also to be made available free to those children aged between 11 and 16 attending their nearest suitable school to their home address, preferred by reason of a parent's religion or belief, where the school is more than 2 miles but less than 15 miles from the home address.

5.6 The review of the Home to School Transport Policy does not propose any changes to the above eligibility as these are enshrined in statute; we are only proposing changes to areas where we have discretion. However in exercising its discretion, under Section 509AD of the Education Act 2006, an Authority must have regard to any wish of a parent for their child to be educated at a particular school on the ground of the parents' religion or belief.

5.7 There is **no statutory requirement** to provide transport where a parent has secured a place in a faith based school for their child on the grounds of religious belief and that school is beyond statutory walking distances. However in taking any of the decisions set out in paragraph 6 the guidance set out in Appendix A should be taken in to account; the documents are referred to in full as the background papers to this decision.

The current policy states:

Primary

5.8 The current policy states free transport will be provided for those children under the age of eight that are travelling two miles or more and children over the age of eight that are travelling three miles or more.

5.9 Denominational primary transport costs average £1,662 per child per annum.

5.10 It is proposed to continue to provide primary denominational school transport, but charge the full cost to parents. The charge would vary depending on the distance. Parents may make alternative arrangements.

Secondary

5.10 The current policy states free transport will be provided for those children for whom the denominational school is the nearest secondary school to their home or is nearer than the designated non denominational secondary school subject to a

qualifying distance of 3 miles. Outside of these criteria a nominal charge was introduced in 2004 and this currently stands at £110 per term.

5.11 Denominational secondary transport costs average £1,148 per child per annum. Parental contributions are currently £330 per annum per child.

5.12 It is proposed to continue to provide denominational school transport but charge this at full cost to parents. The charge would vary depending on the distance. Parents may make alternative arrangements.

6. Options/Proposals

6.1 In reviewing the policy the Council has taken into account its duties under the Equalities Act 2006, in respect of “religion and belief”. This is defined as any religious (including none) or philosophical belief. An equalities impact statement will be produced prior to the final decision being taken.

6.2. The council has had regard to “Home to School Travel and Transport Guidance” published in 2007 by the Department of Education and Skills (now Department for Education). Part 6 sets out good practice in relation to policy changes. This includes the Council’s intention to carry out a wide formal consultation, before any final decision on the proposals is taken and implemented.

6.3 The Recommended Option:-

Remove subsidy for travel to faith schools, whilst retaining it for low income families. This will impact on all new entrants to both the primary and secondary phase with effect from September 2012.

This will not affect the eligibility of pupils attending faith schools who have a statutory entitlement to free transport, by way of it being their nearest school and being over the statutory walking distance, or pupils’ entitlement under SEN policies, subject to the changes agreed at the Cabinet meeting of December 7th, 2010.

The main advantages of this option are that:

- a) it does not impact on the admissions round for academic year 2011-12
- b) there is no impact for existing faith school pupils whilst attending their current school or school starting in September 2011
- c) maximum savings from the policy changes are realised, ultimately
- d) it complies with DfE good practice guidance to phase in any changes, to come into effect as pupils start school

The main disadvantages of this option are that:

- a) no savings are realised until September 2012
- b) full savings are not realised until 2019-20

Other (could be seen as advantage or disadvantage, depending on different viewpoints):

- a) the policy of positive discrimination in favour of parental choice for children at faith schools and access to those schools would be removed

6.4 Alternative Option One:-

Do nothing.

The main advantage of this option is that:

- a) it would maintain the current discretionary policy and therefore have no impact on current or future parental plans and choices

The main disadvantage of this option is that:

- a) no savings are realised in either the short or longer term

Other (could be seen as advantage or disadvantage, depending on different viewpoints):

- a) the policy of positive discrimination in favour of parental choice for children at faith schools and access to those schools would remain

6.5 Alternative Option Two:-

Remove subsidy for travel to faith schools, whilst retaining it for low income families. This will impact on all new entrants to both the primary and secondary phase with effect from September 2011.

The main advantages of this option are that:

- a) there is no impact for existing faith school pupils whilst attending their current school
- b) maximum savings from the policy changes are realised, ultimately
- c) all savings are brought forward one year from the preferred option, delivering an additional £211,000 of savings
- d) it complies with DfE good practice guidance to phase in any changes, to come into effect as pupils start school

The main disadvantages of this option are that:

- a) there would be a major disruption and uncertainty to the academic year 2011-12 admissions round, affecting parental, pupil and school plans – including potentially budgets and staffing
- b) full savings are not realised until 2018-19

Other (could be seen as advantage or disadvantage, depending on different viewpoints):

- a) the policy of positive discrimination in favour of parental choice for children at faith schools and access to those schools would be removed

6.6 Alternative Option Three:-

Remove subsidy for travel to faith schools, whilst retaining it for low income families, for all pupils immediately from either September 2011 or September 2012.

The main advantage of this option is that:

- a) maximum savings from the policy changes are realised, earlier

The main disadvantages of this option are that:

- a) there would be a major impact for children and their families at their current school in terms of cost and could lead to disruption in their education
- b) both faith and other maintained schools would have uncertainty around pupil transfers outside of normal school transfers – impacting on school budgets and education
- c) it does not comply with DfE good practice guidance to phase in any changes, to come into effect as pupils start school

Other (could be seen as advantage or disadvantage, depending on different viewpoints):

- a) the policy of positive discrimination in favour of parental choice for children at faith schools and access to those schools would be removed at an early stage

6.7 Alternative Option Four:

In addition to any of the alternatives above, except alternative option two, which is no change, remove the low income subsidy for denominational schools.

The main advantage of this option is that:

- a) it would lead, ultimately, to additional savings of £0.2m

The main disadvantages of this option are that:

- a) there would be a major impact for children from families on low incomes
- b) the savings are relatively modest

6.8 Conclusion

In weighing the advantages and disadvantages set out above, the Council is recommending the preferred option, as set out in 6.3 above.

Section 5.5 sets out the statutory low income policy for faith schools, over and above the general statutory low income provision. The recommended policy goes beyond the statutory requirement in that:-

- a) it maintains the free transport, at the current school, for all pupils currently eligible and those who will be eligible from September 2011
- b) the free transport to faith schools, for pupils from families with low income, defined by eligibility to free school meals, will remain

7. Relevance to ECC Corporate Plan and Strategic Plans

Home to School Transport services are relevant to the following corporate priorities:

- Supporting vulnerable people
- Increasing educational achievement and skills
- Delivering value for money

The three year bi-lateral budget process, undertaken in response to significant reductions in Government grants to the Local Authority, required proposals for significant reduction in expenditure plans, for the periods 2011-2014.

8. Internal and External Consultation

8.1 Formal consultation is required for proposals to remove the transport subsidy to pupils of faith schools. We would need to consult with the following individuals and groups:-

- Schools
- Colleges
- Students
- Parents/carers
- ECC Employees
- Parents at both denominational and mainstream schools
- Members
- Bordering authorities
- Dioceses
- Providers
- District and Parish Councils

8.2 It is anticipated that the consultation period, which will be for at least six weeks, will be carried out during March and April 2011.

8.3 Once consultation responses are collated and analysed, a further report will be provided to Cabinet, with a report on consultation outcomes and final recommendation for decision and implementation. This will be tabled at Cabinet before the end of the current school year.

9. Legal Implications (Monitoring Officer)

9.1 Legal advice has been sought in relation to the contents of this report. Provided that the necessary consultation is carried out and acted upon, the proposal does not raise governance issues for the authority. In implementing any decision, the Authority will need to pay careful attention to the statutory framework and relevant guidance, in particular the Home to School Transport Guidance 2007.

10. Financial Implications (Section 151 Officer)

10.1 The implementation of the preferred option or any of the alternatives will be carried out within existing resources, in the short to medium term, and will lead to reduced resource requirements in the longer term.

The savings from the preferred option and alternatives are set out below.

10.2 The Preferred Option, as set out in paragraph 6.3

£m

Area	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Remove Faith School Subsidy	0.000	0.240	0.659	1.066	1.479	1.892	2.146	2.287	2.400
Retain low income subsidy	-0.000	-0.029	-0.078	-0.127	-0.176	-0.200	-0.200	-0.200	-0.200
Total	0.000	0.211	0.581	0.939	1.303	1.692	1.946	2.087	2.200

10.3. Alternative Option One, as set out in paragraph 6.4

No Impact

10.4. Alternative Option Two, as set out in paragraph 6.5

£m

Area	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Remove Faith School Subsidy	0.240	0.659	1.066	1.479	1.892	2.146	2.287	2.400
Retain low income subsidy	-0.029	-0.078	-0.127	-0.176	-0.200	-0.200	-0.200	-0.200
Total	0.211	0.581	0.939	1.303	1.692	1.946	2.087	2.200

10.5. Alternative Option Three, as set out in paragraph 6.6

Implementation date of September 2011

£m

Area	2011-12	2012-13
Remove Faith School Subsidy	1.368	2.400
Retain low income	-0.114	-0.200

subsidy		
Total	1.254	2.200

OR

Implementation date of September 2012

£m

Area	2011-12	2012-13	2013-14
Remove Faith School Subsidy	0.000	1.368	2.400
Retain low income subsidy	-0.000	-0.114	-0.200
Total	0.000	1.254	2.200

10.5. Alternative Option Four, as set out in paragraph 6.7

This would remove the deduction for retaining low income subsidy in the tables above.

11. Human Resources Implications

11.1 As part of the bi-lateral process two vacant posts have not been recruited to, and one recruited from the existing assessment team, leaving a vacancy in that area. The two vacant posts are to be deleted.

11.2 With reduced transport and new ways of working, from the proposals in this paper and the proposals agreed at Cabinet on December 7th 2010, we will make further reductions in staff from 2012-13, and will endeavour to do this without the need for compulsory redundancy.

12. Equality Impact Assessment

12.1 An Equality Impact Assessment will be carried out before any final recommendations are submitted to cabinet and implemented. This will take into account the Council's duties under the Equalities Act 2006, in respect of "religion and belief". This is defined as any religious (including none) or philosophical belief.

13. Background Papers

13.1 Cabinet paper to Cabinet 7th December 2010 – "Commissioning Strategy – Home to School Transport"

13.2 “Home to School Travel and Transport Guidance” published in 2007 by the Department of Education and Skills (now Department for Education).