

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 21 MAY 2013**

REPORT BY: **DIRECTOR OF LIFELONG LEARNING**

SUBJECT: **HOME TO SCHOOL TRANSPORT POLICY CHANGES**
- DENOMINATIONAL TRANSPORT

1.00 **PURPOSE OF REPORT**

1.01 To consider the outcome of the consultation on proposed changes to the discretionary denominational home to school transport policy.

2.00 **BACKGROUND**

2.01 In November 2012 Cabinet agreed to commission consultation regarding two discretionary aspects of the school transport policy, namely post 16 and transport to denominational schools. The policy review has identified changes intended to produce a fair, equitable and sustainable transport policy.

2.02 The consultation was carried out from 1 March to 12 April 2013. A copy of all the responses received has been placed in the Members' Library.

2.03 The outcome of the consultation on proposed changes to the post 16 Transport policy was considered by Cabinet on 23 April 2013 when it was agreed that the policy be amended to reduce the number of sites to which free transport is to be provided from September 2013.

2.04 This report considers the outcome of the consultation in relation to proposed changes to the discretionary denominational school transport policy.

3.00 **CONSIDERATIONS**

3.01 **Proposed changes**

Free transport is provided under the existing policy for pupils to attend their nearest denominational school, subject to meeting the distance criteria (2 miles for primary and 3 miles for secondary). The proposed change would result in free transport being stopped for pupils who are not of the same denomination as the school, starting with new admissions in September 2014. Since denominational schools are "aided" schools and therefore have responsibility for their own

admissions, consultation with individual schools would take place to confirm the admission criteria under which pupils are admitted. Suitable evidence of adherence to the faith of the school, for example a baptismal certificate or a letter from a priest may be requested to support an application for free transport. For clarification, the proposed wording to the revised policy is:

“Free transport will be provided for pupils of statutory school age to the nearest voluntary aided school where admission to the school is on denominational grounds, subject to the distance criteria. Consultation with individual schools will take place to confirm the admission criteria under which pupils are admitted. Suitable evidence of adherence to the faith of the school such as a baptismal certificate or a letter from a priest may be requested.”

3.02 Transport Policies in other Local Authorities

The transport policies of several Welsh Local Authorities and many in England either restrict free transport to denominational schools or do not provide it at all. Examples include Neath & Port Talbot where a recent policy change now means that free transport will be provided to a denominational school only if it is the nearest school to home (i.e. not for faith reasons), and Pembrokeshire where transport is provided up to a maximum of 8 miles only if admission is based on faith grounds as evidenced by a supporting letter from a priest. In addition, Ceredigion and Torfaen local authorities only provide transport to denominational schools if suitable evidence of faith is provided. Cheshire and Chester West do not provide free transport to denominational schools except for pupils from low income families who live between 2 and 15 miles from the school.

3.03 Consultation

Following the Cabinet decision in November 2012 a range of strategies were implemented to maximise participation in the consultation exercise. This included extensive advertising on the Council's web site and the use of paper and electronic questionnaires as well as individual letters targeted at those stakeholders likely to be affected. Letters were sent to parents of pupils currently in Years 5 and 11, as these are the cohorts likely to be affected first by any discretionary policy changes. Consultation was also targeted at all headteachers and colleges including those out of county. Articles appeared in the local and national press and on TV news, therefore the proposals have been widely broadcast.

A total of 638 responses were received during the consultation period.

The responses to the questionnaire were as follows:

How strongly do you agree with the proposed changes to

denominational transport?

Strongly Agree	14 responses – 2.2%
Tend to Agree	14 responses – 2.2%
Neither Agree or Disagree	25 responses – 3.9%
Tend to Disagree	35 responses – 5.5%
Strongly Disagree	542 responses – 85%

A high proportion of the responses disagreed with the proposed changes to discretionary entitlement to transport. However the reasons for opposition were divided with some opposing all provision of transport to denominational schools (except where they happen to be the nearest school) and those wishing to retain entitlement for all irrespective of their faith.

3.04 Issues raised during consultation

(a) The proposals are discriminatory on the basis that they unfairly target admissions to Church schools and discriminate between children who are of the faith of the school and those who are not.

Response

Nothing in the consultation contravenes Article 2 of the European Convention on Human Rights or any legislation on unlawful discrimination. Article 2 of the First Protocol guarantees a right of access to education. The Article also requires all schools to respect parents' beliefs. It does not confer an entitlement to transport.

Section 9 of the Education Act 1996 places a general duty on local authorities to have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents' in so far as that is compatible with the "provision of efficient instruction and training and with the avoidance of unreasonable public expenditure".

It should be noted that in Flintshire, along with Welsh medium schools, voluntary aided schools are the only schools which currently benefit from discretionary school transport which results in the provision of free transport to schools which are not necessarily the nearest to a pupils' home address. However, the provision of free transport to Welsh-medium schools is based on the legal status of access to those schools, in contrast to the discretionary basis for denominational transport. Faith schools' own admissions policies make it clear that in cases where they are oversubscribed, preference will be given to those of that denomination.

(b) Asking for evidence such as a baptismal certificate or a letter from a Priest is intrusive.

Response

The Admissions Policies for Voluntary Aided schools in the County, as agreed by their governing bodies, clearly state that the use of a baptism certificate or supporting letter is required if the application for admission is being made under certain criteria (for example baptised Catholic children not attending Catholic Primary Schools and children of other Christian Denominations). The local authority is not proposing evidence other than these examples already used by the denominational schools in approving pupil admissions, to support an application for free transport.

(c) Cost of travel may affect choice of school

Response

This is already the case. Most children attend their nearest school to which free transport is provided (subject to the distance criteria). Our existing policy and proposed policies are very generous, giving discretionary provision to those of that faith free of charge even though other schools are nearer. That is not the case for other pupils. The Education Maintenance Allowance (EMA) is available to help with education costs for families on low income. Students can be awarded up to £30 per week, depending on household income (£23,078 or less per annum) and the number of dependent children.

(d) The proposal would limit choice for example for non-Catholic students to attend catholic schools and Church in Wales students wishing to access a faith-based education.

Response

The local authority is not the admissions authority for voluntary aided schools. The admissions authority is the governing body of the individual school and the local authority is not aware of any planned changes to their Polices. The impact on choice and future admissions is difficult to assess since families and students choose educational providers based on a variety of factors and individual circumstances. Parents will continue to be able to express their preferences for all schools as part of the admissions process. If parents are strongly in favour of such an education they will take responsibility for transport.

(e) Why is transport to Welsh medium schools not included in the review

Response

As already mentioned, the provision of free transport to Welsh-medium schools is based on the legal status of access to those schools, which places an obligation for Local Authorities to ensure transport is provided equally in accordance with the Local Authority

Transport Policy in contrast to the discretionary basis for denominational transport.

(f) St Richard Gwyn was built for the benefit of the wider Flintshire community. Numbers on roll would be affected.

Response

The impact on choice and future admissions is difficult to assess since families and students choose educational providers based on a variety of factors and individual circumstances. Parents will continue to be able to express their preferences for schools as part of the admissions process. Numbers would be dependent on parental preferences for secondary education. Admissions to school are not dependent on discretionary transport provision, as it is not the local authority's statutory responsibility to transport children involved to school and not the local authority's role to fill places at one school at the expense of others. Free transport will still be provided for Catholic children to St Richard Gwyn from the whole of Flintshire.

(g) Why should pupils have to pay to attend a school of their choice?

Response

They do currently if it is not their nearest school and they are not accessing a Welsh medium or denominational school. Local authorities have a responsibility to set out the discretionary circumstances under which transport will be provided above the statutory level of provision. The policy review has identified proposed changes intended to produce a fair, equitable and sustainable transport policy.

Parents who elect to send their children to a community school have to bear the cost if the preferred school is not the nearest. It is with the aim of being equitable that the proposed changes have been put forward in order to be fair to all concerned. The suggested evidence criteria for assessing free entitlement are the same as those published in the schools current admission policies.

(h) Concerns expressed about length and timing of consultation

Response

The level and quality of responses to the consultation demonstrate that the process was effective in enabling all participants to access information and have the opportunity to respond. Whilst it is recognised that the school Easter holidays fell during the last 2 weeks of the consultation, this did not prevent many people from submitting responses either electronically or in writing. Late responses received after the deadline were accepted.

After being brought to the Council's attention that the questionnaire was not easily accessible on the County Council's website, arrangements were made immediately to ensure that publication was more prominent on the home page, including a picture of a yellow school bus to draw readers' attention to the consultation area.

(i) Buses would have to run anyway and they would be half empty

Response

It is not intended to operate an open ended scheme for pupils who may not be entitled under a revised policy as this would incur administrative and enforcement costs. Smaller vehicles would be used at the earliest opportunity, therefore saving money. However, temporary places may be offered under the County Council's paid spaces scheme.

(j) Oppose the provision of transport to faith schools

Response

Although some local authorities have agreed to discontinue discretionary free transport to faith schools, Flintshire County Council is seeking to act reasonably in proposing to maintain transport for currently eligible pupils and in future for those pupils who can provide suitable evidence of adherence to the faith of the school and meet distance criteria.

In order to clarify these and other queries raised, the Frequently Asked Questions (FAQ) produced alongside the consultation has been updated and included as an appendix. A copy has also been placed in the Members' Library and on the Council's website.

4.00 RECOMMENDATIONS

4.01 That the proposed changes to the Home to school transport policy as detailed in paragraph 3.01 be approved.

5.00 FINANCIAL IMPLICATIONS

5.01 It is estimated that savings of £70k part year from September to April could be achieved by reducing entitlement to free school transport to denominational schools with a "phased" approach, rising to £100k in a full academic year. These figures (£70k part year rising to £100k full year) are built in to the Council's forward projection of savings in the MTFP. Existing pupils/students registered at a school would still benefit, but new admissions would be subject to the changes. It is difficult to fully identify accurately the consequences of a change in policy as this is dependent upon parental/student preference, where

students live, etc.

6.00 ANTI POVERTY IMPACT

6.01 To help with education costs, the Education Maintenance Allowance is available to support families on low income.

7.00 ENVIRONMENTAL IMPACT

7.01 The proposals are likely to result in a small reduction in school contract vehicles.

8.00 EQUALITIES IMPACT

8.01 An Equality Impact Assessment (EIA) has been completed in respect of the proposed changes to the transport policy. This has been updated to reflect the results of the consultation exercise. A copy has been placed in the Members' Library. ,

9.00 PERSONNEL IMPLICATIONS

9.01 If changes to the policy are agreed, this will result in additional work to check eligibility when pupils apply for school transport at the start of primary and secondary school. It is anticipated that this can be contained within existing resources.

10.00 CONSULTATION REQUIRED

10.01 Full consultation must be carried out prior to any changes in policy being agreed, to involve all stakeholders likely to be affected by any change: schools, parents, pupils, diocesan authorities.

11.00 CONSULTATION UNDERTAKEN

11.01 Consultation took place from 1 March to 12 April 2013.

12.00 APPENDICES

12.01 1. Consultation document.
2. Frequently asked Questions document.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 **BACKGROUND DOCUMENTS**

Consultation on Proposed Changes to Home to School Transport
1 March – 12 April 2013

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