

CABINET

Date of Meeting	Tuesday, 20 th November 2018
Report Subject	School Transport – Sibling Entitlement
Cabinet Member	Cabinet Member for Streetscene and Countryside
Report Author	Chief Officer (Streetscene and Transportation)
Type of Report	Strategic

EXECUTIVE SUMMARY

The school transport route optimisation and re-procurement exercise was completed in September 2017. The exercise delivered maximum benefit by ensuring the most efficient use of vehicles and delivery of the most cost effective routes and vehicle capacity for the required number of eligible passengers.

As a consequence of this service review, a number of historical non-statutory transport arrangements were identified that were over and above the current Home to School Transport Policy and this presented opportunities for alternative service delivery and potential efficiency savings, which were considered at the special Environment Overview & Scrutiny Committee meeting and Cabinet meeting in July 2018.

At the respective committee meetings concerns were raised regarding siblings, and in particular, it was felt that parents may feel that their parental preference of school was being taken away from them, if it was not possible to access the transport arrangements already provided for sibling groups.

The formal resolutions from the special Environment Overview and Scrutiny Committee recommended that Cabinet give further consideration to the matter and that officers bring a further report to Cabinet on how to address the issue of sibling entitlement.

RECOMMENDATIONS

1	That Cabinet approves that sibling entitlement will not apply for the school transport service provision.
---	---

REPORT DETAILS

1.00	BACKGROUND TO THE PROPOSALS
1.01	The Learner Travel (Wales) Measure 2008 (as amended) ('the Measure') sets out the legal framework specifically related to travel and transport provisions for learners travelling from home to school in Wales. Under the legislation, the Local Authority must provide free home to school transport for learners of compulsory school age attending secondary school who live 3 miles or further from their nearest suitable school (2.5 miles if the family are receipt of benefit) and 2 miles or further for primary school.
1.02	Additionally, Flintshire County Council's Home to School Transport Policy reflects the statutory provisions of the Measure and stipulates that free transport for children of compulsory school age is provided where a child receiving secondary education lives over three miles from the nearest appropriate school and 2 miles or further for primary school.
1.03	The school transport route optimisation and re-procurement exercise was completed in September 2017. The optimisation exercise delivered maximum benefit by ensuring the most efficient use of vehicles and delivery of the most cost-effective routes and vehicle capacity for the required number of eligible passengers. As a consequence of the exercise, a number of historical non-statutory transport arrangements and anomalies were identified that were over and above the current Home to School Transport Policy and beyond the requirements of the Measure, and presented opportunities for alternative service delivery and potential efficiency savings.
1.04	A report was presented to the Council's Environment Overview and Scrutiny Committee in July 2018 to identify options for managing some of these non-statutory transport arrangements and at Cabinet in July 2018, it was resolved that the proposed approach for dealing with these be approved. Additionally, Cabinet agreed that the current school transport policies are to be applied in full from September 2019.
1.05	At both Committee meetings, concerns were raised regarding siblings and, in particular, it was felt that parents may feel that their parental preference of school was being taken away from them if it was not possible to access transport for sibling groups. The formal resolutions from the special Environment Overview and Scrutiny Committee determined that the Committee recommend to Cabinet that the school transport provision for siblings be given further consideration and that Officers bring a further report to Cabinet on how to address the issue of sibling entitlement.
1.06	The circumstances which raised the issue of siblings related to historical anomalies where free school transport has been granted on a discretionary basis to some pupils who are not attending their nearest appropriate school. Under the Measure, if parents exercise their parental preference and their child attends a school which is not the nearest appropriate school, the learner is not entitled to free transport (even if the learner meets the distance or age criteria usually entitling them to free transport provision).

1.07	Currently, the home to school transport policy is silent on the matter of siblings of pupils who are in receipt of free transport however, there is no legal requirement for the Local Authority to provide free school transport for siblings of eligible pupils or for siblings of those pupils where transport has already been granted on a discretionary basis.
1.08	<p>Although the right of a parent to express a preference for a particular school is recognised and the presence of an elder sibling in attendance at the school of the parent's choice may be an important factor in dealing with the question of school choice and transport, each individual application is required to be considered against the policy in place at that time.</p> <p>If one child is in receipt of free transport, there is no guarantee a sibling will qualify simply because a previous sibling was entitled. It could be that one child could not get into a nearer school and this led to transport being awarded, which may not be the case for another child. Additionally, transport is not provided on the basis that a family has children at different schools. If there is no entitlement to transport then by law, the responsibility of getting children to and from school(s) rests with the parent/carer.</p>
1.09	To administer a rule whereby siblings of pupils automatically receive free transport, would be unduly burdensome and complicated, and this may require additional resources to manage the eligibility assessments and verify whether each pupil applying for transport has any older siblings of statutory school age already in attendance at a particular school, whether they will be continuing to attend that school, and whether they are in receipt of transport. This could be further complicated if, for example, the older sibling has a differing surname to the younger sibling, or in cases of "dual residency" (i.e. shared parental responsibility and living partly with each parent) or if the learner has a statement of Special Educational Needs which includes transport provision etc. Additionally, it would perpetuate some of the historical discretionary transport arrangements, which the Council is seeking to dispense with and it would incur additional transport costs. Currently, it is estimated that the historical discretionary transport service arrangements cost the Authority approximately £400k per annum.
1.10	It is also important to note that no provision was made for siblings as part of the transition arrangements for pupils following the closure of John Summers High School in 2017, which raises the question of consistency when determining policies and decision making. A Local Authority must ensure that its school transport policy applies to all learners in similar circumstances. No other Local Authority in England or Wales has a "sibling" rule relating to school transport eligibility.
1.11	It is therefore proposed that siblings do not have an automatic entitlement to transport and that the provision of transport for an older sibling does not create any precedent for younger siblings. It is intended that each application will be considered afresh on its own merits and, if the School Transport Policy has changed since any older sibling received free transport, then the younger sibling will be subject to the Policy in force at the time of the latter's application and anticipated start date.

2.00	RESOURCE IMPLICATIONS
2.01	There are no additional resource implications as a result of this proposal; however, if a sibling rule were to be introduced, then additional resources may be required to administer and manage this process.
2.02	The target savings from the transport review would be negatively impacted by the introduction of a sibling rule for school transport and transport costs could increase as a result.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	With Cabinet Member (Streetscene and Countryside).
3.02	Consultation will be required with Schools.

4.00	RISK MANAGEMENT
4.01	A Local Authority could be at risk of challenge by way of judicial review or complaints to the Public Services Ombudsman for Wales if the school transport policy is not applied consistently and fairly in all cases. This risk can be mitigated by applying the school transport policy in full and addressing the historical anomalies highlighted earlier.
4.02	Progress will be reported to the Streetscene & Transportation Programme Board.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Stephen O Jones, Chief Officer, Streetscene and Transportation Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None.