



# DIOCESE OF Hexham & Newcastle

St Vincent's Diocesan Office, St Cuthbert's House, West Road, Newcastle upon Tyne, NE15 7PY  
Tel: 0191 243 3313 | Fax: 0191 243 3309 | Email: [education@diocesehn.org.uk](mailto:education@diocesehn.org.uk) | Web: [www.edurcdhn.org.uk](http://www.edurcdhn.org.uk)

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## DEPARTMENT FOR EDUCATION

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Mr John Mordy  
Commissioning Lead  
Children's Services  
Sunderland City Council  
Sandhill Centre  
Grindon Lane  
Sunderland  
SR3 4EN

23 April 2013

Dear Mr Mordy

### **Proposed changes to Home to School Discretionary Transport**

I am writing on behalf of the Diocese of Hexham and Newcastle to formally object to the proposed changes to the Home to School/College Transport Policy with regard to Denominational (faith) Transport where it is proposed that free transport to faith schools stops, except where there are legal requirements that must be met.

#### **Looking first to principle, the Diocese would identify consideration of the following:**

- Assistance with travel costs to denominational schools was enshrined within Section 55 of the 1944 Education Act. It was reinforced in Schedule 19, paragraph 15 of the 1993 Education Act and Section 509 of the 1996 Education Act.
- More recently the 2006 Education and Inspections Bill specifically aimed to reduce the impact of transport as a barrier to parents exercising their education preferences and also improved and extended the offer of free transport originally set out in the 1944 Education Act. As a result the Government is funding Local Authorities to provide secondary age pupils from low-income families with transport to the nearest school preferred on the grounds of religion or belief where this is between 2 and 15 miles from the pupil's home.
- The maintenance of free transport where it currently exists is also reinforced via conventions developed by the United Nations on Human Rights (1948), Civil and Political Rights (1996) and the Rights of the Child (1989). All three have been ratified by the UK Government in 1951, 1976 and 1991 respectively. The European Convention on Human Rights, incorporated into UK Law in 1998, guarantees that the enjoyment of the rights and freedoms to education shall be secured without discrimination on religious grounds.
- Children accessing their nearest zoned Community schools and Foundation schools will continue with their present support whilst those looking to the nearest Catholic school may well be penalised. Add to this that the parents who will be most heavily hit in Catholic schools are likely to be those just over the income thresholds and may well find expression of their preferences a financial impossibility. This discriminates against such parents on both religious and socio-economic grounds.
- The ending of transport entitlement will also lead to the Authority contravening long established practices. The Diocese would suggest that withdrawal from these is not acceptable. This view is echoed by the Secretary of State for Education who has recently expressed his hope that Authorities will continue

to think it right not to disturb well established practices. The Secretary of State continues to attach great importance to the opportunity that many parents have to choose a school or college in accordance with their religious convictions. Moreover I am certain that all parties concerned would not wish to see changes in school transport which might disrupt the excellent education standards achieved by pupils currently attending St Michael's Primary School and the three Catholic High Schools in Sunderland.

- Restrictions on transport provision to Catholic schools runs contrary to the thrust of legal obligations and long standing practices so the conclusion is that a reasonable Local Authority properly directing itself as to its legal obligations and the principles of public service should find it necessary to continue the relevant free transport in order to facilitate attendance at Catholic schools.

### **Nationally Agreed Policies**

#### **The Diocese suggests that ending of entitlement contradicts:**

- The promotion of education diversity to enhance the range of preferences available to parents. For many of the latter the lack of transport support to St Michael's Primary School and the three Catholic High Schools will necessarily diminish that range.
- Currently 20% of morning rush hour traffic is attributable to the school run and Government policy is to generate a modal shift from car to bus. For children entering St Michael's Primary School and the three Catholic High Schools in the future and lacking transport support to the school the outcome could be an unacceptable increase in car use, presenting risks to the environment and subsequently to children's health and well-being.

#### **Lack of Clarity exists under several headings**

- In the interests of community cohesion and social inclusion Catholic schools, with places available, welcome applications from parents of other faiths or no faith who want a Catholic education for their children. As these parents are not expressing those preferences as a result of their Roman Catholic faith do they in turn still qualify for free transport?
- Bear in mind too that non Catholic schools within the Authority will not be offering Collective Worship and Religious Education in accordance with the teachings, doctrines, disciplines and norms of the Roman Catholic Church and so may not be deemed suitable in that context for those seeking a Catholic education.

### **Proposed Financial Savings**

I draw attention to the fact that the consultation document makes no reference at all to the amount of money that might be saved. It is therefore legitimate to ask whether such a figure has been researched and if so why is it being deliberately withheld? We are asked to take "on trust" that such a proposal will generate significant savings yet no evidence is presented.

From any potential saving must be deducted the costs of transport to Catholic schools for children deemed as vulnerable and hard to place:

- Pupils permanently excluded from other schools;
- Looked after children (LAC)
- Children who have been out of education for longer than one school term and where attempts at 'normal' admission have so far failed;
- Children of registered refugees and asylum seekers where previous attempts through 'normal' admissions have failed;
- Children returning from secure units or otherwise having serious offending issues.

Added to these are children with Statements of Special Needs. Taken together the cost of exemptions and their administration will eat into any proposed savings.

### **Timescale**

I am extremely disappointed that in proposal 1 Sunderland City Council is seriously proposing to introduce the change this September for ALL pupils including those already "in the system". Parents of current pupils have expressed their preference for a Catholic school place on the basis of the long-standing current arrangements as have parents of current Year 6 and pre-Reception age pupils. To change the rules at this late stage is not justifiable. Natural justice surely would indicate that at the very least such a radical change ought not to be introduced until September 2014. Both proposals make it clear that if the change is implemented it will impact on all pupils immediately. Again this flies in the face of natural justice. To penalise current pupils in this way is unjust. If introduced at all the only fair way is to phase it in over a five year period.

### **Disadvantaging the Poor**

Whilst children on free school meals will still be entitled to free school transport there are many from families just above the threshold for free school meals who will suffer. As a consequence St Michael's Primary School and the three Catholic High Schools could well become establishments for the better-off who can afford to send their children to them. Such a change flies in the face of our mission as Catholic schools.

### **Damage to Community Schools**

If places are freed-up by Catholic children unable to afford the travel costs they will, in many instances, be filled by children who would otherwise have attended another local school. This factor is one which I feel may cause concern to headteachers of local schools.

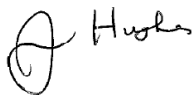
It is worth emphasising too that provision of schools by the Diocese has saved the Authority many millions of pounds and that parents at Catholic schools are still heavily subsidising the public purse by a 10% contribution to building and repair costs in those schools. These same parents, as tax and rate payers, are also contributing to Sunderland's school education budget and if charges were introduced they will continue to do this whilst being denied any transport support to their nearest Catholic secondary school. An outcome which is contrary to natural justice and clearly undermines the concept of 'free' Catholic education.

### **Conclusion**

For the reasons outlined here the Diocese of Hexham and Newcastle and indeed the whole community served by St Michael's Primary and the three Catholic High Schools asks that the Authority withdraws any proposal to penalise parents for seeking places at schools for their children on the grounds of religion or belief. As per its remit the Diocese has advanced its arguments on behalf of those schools which fall to the responsibility of the Bishop of Hexham and Newcastle but equally feels that the case presented applies with the same force to all parents seeking places in denominational schools for their children.

With every good wish.

Yours sincerely



Joe Hughes  
Director of the Education Service

cc Mr P Foster, Headteacher, St Michael's RC Primary School  
Mr S Hammond, Headteacher, St Aidan's Catholic School  
Mrs M Shepherd, Headteacher, St Anthony's Girls' Catholic Academy  
Mr W Branney, Headteacher, St Robert of Newminster Catholic School and Sixth Form College  
Mr K Moore, Executive Director of Children's Services, Sunderland City Council  
Councillor Paul Watson, Leader of Sunderland City Council

