

## CABINET MEETING –19 JUNE 2013

### EXECUTIVE SUMMARY SHEET – PART I

**Title of Report:**

Review of discretionary Home to School transport: outcomes from the consultation process

**Author(s):**

Executive Director Children's Services

**Purpose of Report:**

The purpose of this report is to provide an update on the review of discretionary transport including outcomes from the public consultation/ engagement sessions.

**Description of Decision:**

Cabinet is recommended to:

- i. Consider the outcomes of the consultation on the proposal to cease to provide discretionary transport in September 2013 or 2014:
- ii. Given the issues described in 6.1-6.3 of the report, agree that discretionary transport should continue for a further year from September 2013 and cease in September 2014.

**Is the decision consistent with the Budget/Policy Framework?** **\*Yes**

**If not, Council approval is required to change the Budget/Policy Framework**

**Suggested reason(s) for Decision:**

The rationale for the review of discretionary transport is to achieve the efficiencies set out in the Medium Term Financial Strategy. Current arrangements for Oxclose Academy, Barnwell and St Michaels RC Primary have a significant cost and are not consistent with the practice for the vast majority of schools in Sunderland. The current denominational arrangements (with the exception of those children receiving free school meals or higher band tax credits) are also discretionary and the Council is under no legal obligation to provide these.

**Alternative options to be considered and recommended to be rejected:**

Given the rationale described it is suggested that there are no alternative options to consider.

**Impacts analysed:**

Equality ☒ Privacy ☐ N/A Sustainability ☐ N/A Crime and Disorder ☐ N/A

|   |                                  |
|---|----------------------------------|
| <p><b>Is this a “Key Decision” as defined in the Constitution?</b>      <b>Yes</b></p> <p><b>Is it included in the 28 Day Notice of Decisions</b>      <b>Yes</b></p> | <p><b>Scrutiny Committee</b></p> |
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**REVIEW OF DISCRETIONARY HOME TO SCHOOL TRANSPORT : OUTCOMES OF THE CONSULTATION PROCESS**

**REPORT OF THE EXECUTIVE DIRECTOR CHILDREN'S SERVICES**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to provide an update on the review of discretionary transport including outcomes from the public consultation/engagement sessions.

**2. DESCRIPTION OF THE DECISION**

- 2.1 Cabinet agreed on 13 March 2013 to a review of discretionary transport to schools in Sunderland.
- 2.2 Cabinet is further recommended to:
- i) Consider the outcomes of the consultation on the proposal to cease to provide discretionary transport in September 2013 or 2014:
  - ii) Given the issues described in 6. -6.3 of the report, agree that discretionary transport should continue for a further year from September 2013 and cease in September 2014.

**3. CURRENT POLICY**

- 3.1 Cabinet received a report on 13 March 2013 which described the detail of the statutory and discretionary Home to School transport. Generally parents and carers are responsible, in law, for making arrangements for their children's attendance at school. Therefore when deciding on which school to apply for a place, parents/carers have to decide whether they require transport and then organise provision themselves.
- 3.2 Councils are required, by law, to provide assistance for those pupils who are eligible. If a pupil qualifies under the following circumstances then transport is provided free of charge. This includes pupils who:
- are registered at their nearest school and live more than the recognised (statutory) walking distance from it, 2 miles for children of primary school age and 3 miles for secondary aged children;
  - are registered at their nearest school and are unable to walk to school due to a route which the Council has assessed as hazardous;
  - are registered at their nearest school, or the most appropriate school to meet their special educational needs and those needs prevent them from achieving independent travel or walking the statutory distance safely accompanied by an adult;

- are from low-income families (entitled to free school meals or on maximum working-tax credit) and attend a mainstream school or a faith school which is more than two miles from home.
- 3.3 Non-statutory discretionary transport is currently provided to three schools within the City of Sunderland, these are Barnwell Primary School, St Michaels RC Primary School and Oxclose Community Academy. Provision of these services originally came about due to school closures and/or historic boundary changes and these are now accepted as custom and practice. In addition discretionary transport arrangements are also in place for some children attending denominational secondary schools. For St Aidan's, St. Anthony's and St. Robert's Roman Catholic Voluntary Aided Schools, where the nearest faith school is three miles or over, travel permits are provided. Although these arrangements are discretionary, there is a statutory requirement to provide free transport for children from lower income families who travel two miles or over to their nearest faith school, with free school meals/ higher working tax credits being the criteria.
- 3.4 The overall budget for home to school transport is £2.2 million in 2012/13, almost all of which is allocated for statutory provision as outlined in 3.2. The medium term financial strategy identifies an efficiency target for transport of £318,000 in 2013-2014, and therefore all aspects of home to school transport are under review. Whilst some efficiencies can be achieved through reviewing procurement methodology, route planning and more efficient use of available transport, there is also a need to review the discretionary elements. The annual cost of providing current discretionary transport is £195,000. (£105,000 to provide bus support to Barnwell, St Michael's and Oxclose; and £90,000 in travel permits to denominational secondary schools).
- 3.5 770 children and young people are currently in receipt of discretionary support. Analysis has indicated that Sunderland City Council has a statutory duty to provide assistance to 94 of the 770. To further contextualise this, there are over 36,000 children aged 4-16 within Sunderland and therefore the vast majority of children do not receive any financial assistance with home to school transport.
- 3.6 Current costs of providing discretionary transport are in the region of £200,000 and break down as follows:
- |   |         |
|---|---------|
| Barnwell                                      | £25,500 |
| St Michael's RC Primary School                | £21,750 |
| Oxclose Academy                               | £51,600 |
| St Aidan's RC Secondary School                | £24,000 |
| St Anthony's RC Secondary School              | £26,800 |
| St Robert's of Newminster RC Secondary School | £47,500 |
- 3.7 The 13 March Cabinet Report agreed two proposals should be moved forward for consideration. Proposal 1 was to withdraw discretionary transport from the start of the next school year September 2013. Proposal 2 was to withdraw discretionary transport from September 2014. In addition it was decided that

consultees should be advised of proposed changes and given the opportunity to offer alternative ideas that would still achieve the same efficiencies.

- 3.8 Department for Education (DfE) guidance advises that Local authorities should consult widely on any changes to home to school transport policies. Consultations should run for at least 28 days during term time. With this in mind a public engagement / consultation process started on 8 April until 24 May 2013. The consultation commenced with three information events for all ward councillors on Tuesday 9 April. A leaflet explaining the proposals was developed and was sent to all families likely to be directly impacted by proposed changes along with an accompanying letter to advise of the nearest engagement event. Whilst the leaflet advised of five meetings, a further meeting was added into the programme and took place on 30 April at George Washington Primary School. An on-line version of the leaflet with questions was added to Sunderland City Council's website. All school headteachers across Sunderland were notified in writing of the proposals and leaflets were made available within all schools in order that those parents not in receipt of discretionary transport support could respond as appropriate. The Diocese of Hexham and Newcastle was formally consulted and the three MP's for the Sunderland area have been notified formally in writing and sent the related Cabinet report to provide context. The consultation response from the Diocese is included as an Appendix 2 to the report and an interim response has been sent. A formal written response will be made following the Cabinet decision.

#### **4. Outcomes of consultation (interim findings from 8 April 2 May)**

- 4.1 All six community engagement sessions followed the same format with a formal presentation lasting 15-20 minutes followed by 40-50 minutes of questions. All sessions had formal minutes which are attached as Appendix 1 to this report. Some general themes have emerged through all of the engagement sessions and through the consultation leaflet in response to the question on the impact of the proposals on households:
- The financial impact upon parents currently in receipt of free transport was raised at all sessions, often by parents with two or more children;
  - Some parents also felt they may have to change working patterns in order to accompany children to school who would otherwise have had free transport;
  - Personal and road/traffic safety were also raised, particularly for younger children;
  - Parents of primary aged children (in Year 6) stated that they had made their preferences for secondary school on the basis of transport being available;
  - Some parents felt that transport could be phased out in line with a child's school career rather than being removed totally in 2013 or 2014.
- 4.2 In relation to the faith schools St Aidan's, St Anthony's and St Roberts some respondents have advised they feel at a disadvantage on the grounds of faith in that non faith families have schools within walking distance. Also there has been concern from St Roberts that 'scholars' bus routes may be withdrawn if

fewer parents choose not to pay for these and transport children to and from school themselves.

- 4.3 Oxclose, George Washington, Barnwell and St Michael's respondents have highlighted issues relating to the history of their situations. Notably for Barnwell and St Michaels arrangements have been in place for some considerable time.
- 4.4 Oxclose respondents have highlighted that the bus routes came about due to the closure of Usworth School in 2007 and no end date had been put in place for this arrangement. In addition respondents felt that there are inadequate current public transport links and currently the public bus routes are already oversubscribed in terms of passenger numbers.
- 4.5 A total of 218 written and on-line returns have been received. Of these a number have had an interest in more than one school so the number of responses will be greater than forms returned, also in relation to responses some respondents chose more than one category eg ticking both the disagree and strongly disagree categories. A breakdown of the responses received is shown below and the full analysis breakdown is available as background information to the report.

**Proposal 1 To withdraw discretionary transport from the start of the next school year September 2013**

| <b>Number of Responses</b> | <b>218</b> |     |
|----------------------------|------------|-----|
| Strongly agree             | 5          | 2%  |
| Agree                      | 2          | 1%  |
| Disagree                   | 10         | 5%  |
| Strongly disagree          | 198        | 91% |
| [No Response]              | <u>3</u>   | 1%  |

## **Proposal 2 To withdraw discretionary transport from September 2014**

### **Number of Responses**

218

|                   |     |     |
|-------------------|-----|-----|
| Strongly agree    | 6   | 3%  |
| Agree             | 10  | 5%  |
| Disagree          | 20  | 9%  |
| Strongly disagree | 177 | 81% |
| [No Response]     | 5   | 2%  |

### **Number of Responses by School**

218

|                   |           |     |
|-------------------|-----------|-----|
| St Roberts        | 62        | 28% |
| St Aiden's        | 32        | 15% |
| St Anthony's      | 38        | 17% |
| Barnwell          | 8         | 4%  |
| George Washington | 6         | 3%  |
| Oxclose           | 30        | 14% |
| St Michael        | 14        | 6%  |
| St Benet's        | 2         | 1%  |
| St Joseph's       | 1         | 0%  |
| Monkwearmouth     | 1         | 0%  |
| Unknown           | <u>24</u> | 11% |

## **5. REASONS FOR THE DECISION**

- 5.1 The rationale for the review of discretionary transport is to achieve the efficiencies set out in the Medium Term Financial Strategy. Current arrangements for Oxclose Academy, Barnwell and St Michaels RC Primary have a significant cost and are not consistent with the practice for the vast majority of schools in Sunderland. The current denominational arrangements (with the exception of those children receiving free school meals or higher band tax credits) are also discretionary and the Council is under no legal obligation to provide these.

## **6. FURTHER CONSIDERATIONS**

- 6.1 Discussions are underway with the transport provider Nexus to understand the implications of removing discretionary transport. This includes any gaps in provision (currently met through private hire vehicles) and the impact on the viability of existing routes of the removal of the discretionary passes. Furthermore it will be necessary to take into account the numbers of children and young people (currently 94) who will continue to meet the criteria to qualify for a free transport pass. Early discussions have taken place with some



schools about alternative options that they intend to explore further to mitigate the removal of discretionary transport.

- 6.2 From the responses received it is anticipated that there may be challenge from parents currently in receipt of discretionary transport who believe that there is no safe walking route from home to school. It should be noted that the Home to School Transport policy states that the measurement of safe walking routes are from the home address to the nearest school, which may not be the school to which the child currently has free transport. Nevertheless there are likely to be a number of appeals from individual families whether discretionary transport is removed in 2013 or 2014.
- 6.3 One of the key concerns expressed through consultation is that parents have made preferences for September 2013 for reception and Year 7 on the basis that free transport would be available. Although ending discretionary transport arrangements from September 2013 will clearly result in achieving cost efficiencies at the earliest opportunity, the 2014 date addresses this issue and admissions literature for September 2014 could clearly state that the offer of discretionary transport is no longer available. September 2014 would also provide parents with more time to alter their personal arrangements to accommodate the change and allows the Council sufficient time to fully assess safe walking routes and any individual appeals or challenges which may emerge as a result of withdrawal of discretionary transport.

## **7. ALTERNATIVE OPTIONS**

- 7.1 Given the rationale described above it is suggested that there are no alternative options to consider.

## **7. IMPACT ANALYSIS**

- 8.1 An equality impact assessment was initially undertaken and has been reviewed and updated following the outcomes from the consultation.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 The overall budget in 2012/13 for home to school transport is £2.2 million against which proposed efficiencies of £318,000 have been identified. Withdrawal of discretionary transport will achieve savings of £185,000 per annum, taking into account the statutory responsibility to continue to provide transport support to children from low income families within the relevant distances.

## **10. LEGAL IMPLICATIONS**

- 10.1 The statutory requirements in relation to home to school transport are contained within the Education Act 1996. Legal Services have confirmed that the provision currently under review is provided on a discretionary basis.

## **11. APPENDICES**

1. Minutes of consultation sessions

2. Response from the Roman Catholic Diocese of Hexham and Newcastle

**12. BACKGROUND PAPERS**

Cabinet Report of 13 March 2013

Consultation leaflet

Data analysis of responses by individual school and cumulatively.

Sunderland Council's Home to School Transport Policy (Review and amendment of the policy has been arranged to follow on from Cabinet Decision in June)