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| Meeting: | Decision Session Executive Member for Children, Young People and Education |
| Meeting date: | 7 November 2023 |
| Report of: | Martin Kelly, Corporate Director of Children and Education |
| Portfolio of: | Cllr Bob Webb, Executive Member for Children, Young People and Education |

Decision Report: Free Discretionary Transport to Tadcaster Grammar School

Subject of Report

1. The Executive Member for Children and Young People is asked to approve the start of a public consultation process for the proposed phased removal of free discretionary transport to Tadcaster Grammar School. This concerns legacy provision of free transport to a non-York school and does not affect SEND eligibility or pupils currently in receipt of the service.

Benefits and Challenges

2. **Pros:**
 - i. The Council of the City of York (the “Council”) will deliver previously agreed savings on home to school transport.
 - ii. The removal of discretionary free transport to Tadcaster Grammar School would be consistent with previous decisions that removed discretionary free transport to faith schools in the city. This would ensure that there is consistent application of the decisions not to maintain discretionary free transport.
 - iii. Tadcaster Grammar is an out of area school. The provision of transport to Tadcaster Grammar is an historic commitment

and the review provides the opportunity to address this as it is an anomaly within the provision of home to school transport by City of York.

- iv. It does not impact on parental choice as parents can continue to apply for places at Tadcaster Grammar School.

3. **Cons:**

- i. There will be short-term considerations about the sufficiency of school places in York. Overall, beyond 2025 there should be enough school places, but this may not always result in children being able to attend their first preference school.
- ii. An increased pressure on numbers at secondary schools in York may require additional capital investment to create new places. However, the capital cost is not a charge to the general fund as it would be the DfE (Department for Education) Capital Fund that would be used.

Policy Basis for Decision

4. Education and Skills: High Quality Skills and Learning for All.
 - Getting eligible children and young people to and from school each day via the Council's home to school transport arrangements is a key part of the Local Authority's education responsibilities. The responsibility is to make arrangements to the nearest suitable school.
5. Transport: Sustainable Accessible Transport for All.
 - The options available for getting eligible children and young people to school each day need to be considered in terms of the environmental impact of those options. It is essential therefore that the Council encourages use of public transport, shared transport, and sets targets around the types of vehicles used to transport children and young people around the city where it is able to. It also enables the council to work with transport providers in partnership to cut congestion, pollution, and carbon emissions.

Financial Strategy Implications

6. The bus contract for transport to Tadcaster Grammar School is funded from the Local Authority's General Fund budget. The current contracted cost, for the academic year 2023/24, is £184,000. The saving from the phased withdrawal of this service will be spread over 5 academic years (6 financial years), with the full saving achieved from September 2030.

Recommendation and Reasons

7. The Executive Member is asked to approve a consultation process for phased removal of free discretionary transport to Tadcaster Grammar School to achieve previously agreed savings. Feedback from the consultation will be brought back to the Executive Member for a final decision on removal of discretionary transport to Tadcaster Grammar School.
8. Reason: To achieve agreed savings targets, whilst ensuring that parents are able that to make an informed choice about school places from the year prior to admission to secondary school.

Background

9. The Council has significant savings to deliver which were agreed at Full Council in February 2022:

| Savings agreed in February 2022 | 2022/23 Impact £000 | 2023/24 Impact £000 | Total Saving Impact £000 |
|--|------------------------------------|------------------------------------|---|
| PEO01: Home to School Transport. Alongside contract efficiencies explore a policy change which encourages the use of personal transport budgets by the majority and provides targeted support for families on low incomes following an assessment of need. | 150 | 100 | 250 |
| PEO02: Home to School Transport. Undertake a consultation to identify possible changes to the universal provision of discretionary transport to mainstream Children and Young people. Savings would be phased over 5 academic years. It is not proposed to remove transport from pupils currently receiving it. | 18 | 31 | 49 |

10. The contracts for Home to School dedicated coach services are currently held by York Pullman Ltd., one of which serves Tadcaster Grammar School at a cost of £184,000 per annum. At their meeting on 17 March 2022, the Executive agreed to extend these contracts until August 2024, and this was in response to the disruption caused by the COVID-19 pandemic and to allow adequate time to review the Tadcaster bus contract.
11. The full review of the Tadcaster Grammar School transport contract was constrained by the available capacity within the Education Support Services team. This capacity has since been

enhanced through the recruitment of a small in-house transport team who are able to provide better oversight and effective contract management to contribute to the delivery of overall transport savings, including those agreed by potentially removing free discretionary transport to Tadcaster Grammar School.

12. The current school admission policy sets out that for secondary school education most addresses in York are in the catchment area of one secondary school. The only exceptions to this are:
 - i. The village of Bishopthorpe and Acaster Malbis, which are in the catchment area of Fulford School, Millthorpe School and Tadcaster Grammar School, and;
 - ii. The village of Copmanthorpe, which is in the catchment area of Millthorpe School and Tadcaster Grammar School, and;
 - iii. The villages of Askham Bryan and Askham Richard, which are in the catchment area of York High School and Tadcaster Grammar School.

13. Whilst the above villages are within City of York Local Authority area, North Yorkshire Council have historically included these villages within the catchment area for Tadcaster Grammar School located in North Yorkshire Local Authority area.

14. Distances measured from the relevant primary schools to York secondary schools and Tadcaster Grammar School are:

| Measured from Copmanthorpe Primary School | | Measured from Archbishop of York Junior School | |
|---|------------------------------|--|------------------------------|
| School | Distance GIS synergy (miles) | School | Distance GIS synergy (miles) |
| All Saints RC School | 3.9 | Millthorpe School * | 2.4 |
| York High School | 3.9 | All Saints RC School | 2.8 |
| Millthorpe School * | 4.2 | York High School | 2.9 |
| Fulford School | 5.5 | Fulford School * | 3.4 |
| Manor CE Academy | 5.6 | Archbishop Holgates CE School | 4.3 |
| Vale of York Academy | 5.8 | Vale of York Academy | 4.5 |
| Archbishop Holgates CE School | 6.2 | Manor CE Academy ** | 4.7 |
| Huntington School | 6.9 | Huntington School | 5.5 |
| Joseph Rowntree School | 7.2 | Joseph Rowntree School | 5.9 |
| Tadcaster Grammar School * | 9.5 | Tadcaster Grammar | 10.9 |

* Catchment School

** Priority Area

15. The local authority is not responsible for the cost of transport where:

- i. Parental preference results in a pupil being placed in a school or facility other than the nearest appropriate schools, and;
- ii. To schools maintained by other authorities where admission to those schools is a result of parent preference unless that school is the nearest school.

16. In the case of Tadcaster Grammar School this is parental preference.

17. The removal of free discretionary transport requires a lead in time so that parents who could be affected are able to apply using the amended and published Home to School Transport Policy in order to make an informed choice from the year prior to admission to secondary school. Therefore, the earliest any change could take effect is for those children who begin applying for a secondary school place in Autumn 2024, ready for admission in September 2025
18. The removal of free discretionary transport would be phased in over a five-year period beginning September 2025 so that children and young people who started attending Tadcaster Grammar School under the previous arrangement can complete their secondary education to the end of Year 11.

Existing Contract and Student Numbers

19. The current contract with York Pullman Ltd provides 4 coaches and any spare places are offered as concessionary fares to families who are non-catchment at a cost of £450 per annum rising to £550 in September 2023. Currently there are 25 non catchment pupils and 30 Year 12 and 13 students who purchase their concessionary passes directly from York Pullman Ltd.

| Academic Year | Number of eligible pupils | Cost |
|---------------|---------------------------|----------|
| 2019-2020 | 253 | £153,628 |
| 2020-2021 | 249 | £154,396 |
| 2021-2022 | 228 | £159,028 |
| 2022-2023 | 221 | £183,674 |
| 2023-2024 | 225 | £183,674 |

20. Currently there are no SEND children or low-income families in receipt of free discretionary transport to Tadcaster Grammar School.

Consultation

21. Local authorities should consult locally on proposed changes to their home to school travel policy. As a minimum this should include consulting:
 - i. Schools whose pupils will be affected by the proposed changes, including those located in other local authority areas; and
 - ii. Parents whose children will (or may) be affected by the proposed changes, including those whose children attend school in a neighbouring authority, and those whose children may be affected in the future; for example, because they live in the catchment area of, or attend the feeder school of, a school affected by the proposed changes.
22. Local authorities should give careful consideration to the impact proposed changes to their home to school travel policy will have on parents' school choices, and on the financial impact they will have on affected families. Wherever possible, local authorities should phase in changes so that children who begin attending a school under one set of travel arrangements continue to benefit from those arrangements until they leave that school.
23. Consultation should last for at least 28 working days during term time.
24. Feedback from the consultation would be brought back to the Executive Member for a final decision on removal of discretionary transport to Tadcaster Grammar School.

Options Analysis and Evidential Basis

Option 1 – Commence the consultation to remove discretionary transport to Tadcaster Grammar School.

25. Option 1 would mean the process would begin in November 2023. Thereafter feedback from the consultation would be shared with the Executive Member for a final decision about removal of transport in advance of the Guide for Parents being published so that parents can make an informed decision when choosing a school place.

26. By approving Option 1 the savings would be achieved although there may be a reduction in overall savings if children living more than 3 miles from the nearest suitable school are eligible for transport. There may be other unintended financial consequences as set out in the financial implications. However, these are based on assumptions about school place pressures and uncertainty about where parents would choose to send their children if discretionary transport is removed.

Option 2 – Do nothing

27. This would mean the agreed savings are not achieved. However, this may relieve pressure on school places and reduce unintended financial consequences until school forecasts are more stable, primary numbers begin to reduce and there is more certainty about planned housing developments.

Organisational Impact and Implications

Financial

28. The bus contract with York Pullman Ltd. for transport to Tadcaster Grammar School is funded from the Local Authority's General Fund budget. The current contracted cost, for the academic year 2023/24, is £184k. The saving from the phased withdrawal of this service will be spread over 5 academic years (6 financial years), with the full saving achieved from September 2030. The actual profile of savings will be dependent on how the pupil reductions affect the provision of the service over the current 4 routes to the school and is therefore difficult to accurately predict at this point.
29. There is a possibility that a consequent increase in transport costs may result from children being accommodated in York schools more than 3 miles from home who become eligible for free transport to these schools due to the changed wording in the Home to School Transport Policy. This would reduce the overall saving achievable from this proposal. A single additional bus to transport children to a York secondary school would cost approximately £37k annually, therefore if this was required the total net saving achievable would be reduced to £147k but this would be a recurring saving each year after 2029/30. At this stage it is not possible to predict with certainty what all the unintended consequences may be and therefore the overall net revenue saving that would be achieved.

Human Resources (HR)

30. There are no HR implications.

Legal

31. The recommendations in this report relate to non-statutory functions which are currently provided by the Council under their discretionary powers under section 508C of the Education Act 1996 to provide transport for children who are not entitled to free transport under the Act.

Health and Wellbeing

32. There are no health and well-being implications.

Environment and Climate Action

33. A phased approach mitigates the risk that withdrawing funded bus travel will result in more car trips, with the consequent negative impacts on air quality and carbon.

Affordability

34. There are no affordability implications of instigating a consultation. If the savings are implemented, whilst the reports says there are currently no low income families, this may be an unaffordable cost for some families in the future which is likely to influence the parental decision on the chosen school for their children.

Equalities and Human Rights

35. The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

36. An **Equalities Impact Assessment (EIA)** has been carried out and is annexed to this report at **Annex A**.
37. In summary, the result of the EIA is that there is provision of home to school transport for eligible children and young people to ensure they are able to attend a York school. The phasing in of the removal of free discretionary transport means that children and young people currently receiving this transport can complete their secondary education at Tadcaster Grammar School. New starters from September 2025 who are eligible for transport to a City of York school will receive free statutory provision. They will be able to attend a City of York secondary school where they will receive education in good or outstanding provision.

Data Protection and Privacy

38. Please see Annex B.

Communications

39. There are unlikely to be any demands on the Communications Service, beyond handling any related media enquiries.

Risks and Mitigations

40. The risks are about sufficiency of places in York. The Local Authority sufficiency planning demonstrates that overall beyond 2025 there should be enough school places but this may not always result in children being able to attend their first preference school. In addition any savings from ending free discretionary transport are likely to result in an additional costs around providing home to school transport to children coming back into York.

Wards Impacted

41. The wards impacted are Copmanthorpe and Bishopthorpe.

Contact details

42. For further information please contact the authors of this Decision Report.

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Background papers

None

Annexes

Annex A: Equalities Impact Assessment (EIA)

Annex B: Data Protection Impact Assessment (DPIA)