

**Meeting of the Decision Session –
Cabinet Member for Education,
Children and Young People**

15 January 2014

Report of the Director of Children Services, Education and Skills

**Review of Home to School Transport Policy
(Denominational Schools)**

Summary

1. This report proposes undertaking consultation on proposals to make further changes to the provision of discretionary denominational transport, currently provided by the local authority without charge, from September 2014.

Background

2. The council is facing significant budget pressures and must reduce expenditure further. In 2012 Cabinet agreed to a phased withdrawal of denominational home to school transport following a report from the Learning and Culture Overview Scrutiny Committee who had concluded that the then current policy was not fair and equitable and gave advantage to those pupils attending denominational schools. This phased withdrawal began in September 2013 and over a seven year period the annual expenditure is estimated to reduce from the current £152k to £53k.

This paper sets out an option to consult on accelerating the withdrawal of this assistance.

Consultation

3. If the proposal is to be taken forward further consultation will be required with the local Diocesan Boards as well as with those individual schools likely to be affected by any further changes to denominational schools transport policy.

Options

4. In order to achieve savings within the 2014/15 financial year the option to be considered is to consult on withdrawing free discretionary denominational school transport provision from September 2014. This will impact on up to 123 secondary school students in years 8, 9 and 10 who attend All Saint's RC School and Manor CE Academy. There is a national scheme of assistance where pupils whose families are on low income qualify for free transport. These pupils are not included within the 123 and will continue to receive free transport.
5. It is recognised that withdrawing free transport for this group of pupils could lead to additional vehicles being on the roads at peak times of the day if parents/carers choose to take the pupils to school by car.
6. Public service transport will be available for the majority of these pupils which will allow them to get to and from school. All Saint's RC School is currently served well by public service transport routes. For Manor CE pupils the public transport routes will not be as direct as current dedicated home to school transport however the new A59 park and ride service will improve public transport links to the school. Ticketing and prices are flexible on public transport which would allow parents/carers or pupils to purchase daily, weekly, monthly or annual tickets.
7. Seven of the 123 pupils affected by these proposed changes live in areas that are not easily served by public transport. Currently the LA provides a taxi or minibus. The LA could continue to provide taxi transport but seek a contribution from parents/carers of £420 per annum, in line with other concessionary charges. This would mean however that the LA would continue to be subsidising the cost of those vehicles (approximately £14k per school year.) as the concessionary rate would not cover the full cost of the vehicle. These costs have been included when calculating the proposed savings.
8. Currently the Local Authority also commissions a vehicle to transport pupils to St Wilfrid's RC Primary School at an estimated annual cost of £35k. Public transport would serve the school but unlike secondary aged pupils they would need to be accompanied. The Local Authority could continue to provide the dedicated home

to school transport vehicle but that parents/carers of those pupils wishing to use the home to school transport would be charged an amount of £420 per school year to contribute towards the cost which is in line with the cost of current concessionary fares. A 50% discount is proposed that would be available for the 2nd and any subsequent children attending the school from the same family. This would mean that the Local Authority would continue to subsidise the cost of this transport at £430 per school year as the real cost of this transport is £850 per pupil per school year. It is estimated that the introduction of these charges would raise an additional income of £15,540 of income (37 pupils x £420) meaning the cost to the Local Authority of providing this service would be £19,460. Parents/Carers of children entitled to Free School Meals would continue to receive free transport, in line with the national scheme.

The Local Authority may prefer the option to withdraw the bus and only provide a vehicle to transport those pupils who are on a low income (estimated at 4 pupils each year). This would only cost £7k per school year saving the Local Authority a further £12k. This would mean that the 37 pupils whose parents do not qualify under the low income criteria would have to find alternative ways of getting to school and back each day.

Analysis

9. Both neighbouring local authorities North Yorkshire and East Riding have already agreed to withdraw free transport to denominational schools. These proposals would place the City of York's policy in line with those authorities.
10. To accelerate the withdrawal of free transport to denominational schools would secure an estimated £108k savings by the 2015/16 financial year. The first £74k would be achieved during the 2014/15 financial year as the changes would commence part way through (September 2014). Public transport would ensure that the majority of pupils affected by the withdrawal would have alternative ways to get to school and back. There would be a cost to the LA for a small number of pupils as set out in paragraph 7
11. St Wilfrid's RC Primary does admit pupils from a wide area mainly to the north of the city (Clifton, Rawcliffe, Haxby and Wigginton). If the dedicated school transport is withdrawn to achieve additional

savings the onus to get the children to school would fall on the parents/carers and potentially could lead to additional vehicles on the road. Introducing an annual charge to use the school bus would generate income which would reduce the cost to the Local Authority. The price of the annual charge to parents would need to be reviewed each year in line with the cost of the vehicle.

Council Plan 2011-15 Priorities

12. Get York Moving – to encourage more use of public transport.

Implications

Financial

13. The immediate withdrawal of free transport on a denominational basis would realise a saving for the council from the financial year 2014-15 onwards see Annex A.

Equalities

14. The Scrutiny Committee agreed that the provision of free transport on a denominational basis was neither fair nor equitable to all pupils in the city, and therefore agreed its withdrawal was necessary. However, in order not to adversely affect financially those families on low income those families will continue to receive free transport.
15. The Equalities Act duty not to discriminate on grounds of religion or belief in the provision of services does not apply to the provision of school transport. However, the public sector equality duty does still need to be considered. As members are aware this duty requires the council to:
 - eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
 - advance equality of opportunity between people who share a protected characteristic and those who do not
 - foster good relations between people who share a protected characteristic and those who do not

Legal

16. In certain circumstances the council has a duty to provide free school transport and this may include travel to a denominational school. The duty applies to “eligible children”. A child is eligible if he or she:
 - a. has special educational needs, disability or mobility problems which prevent him or her walking to school
 - b. cannot reasonably be expected to walk because of the nature of the route to school
 - c. lives outside walking distance and no suitable alternative arrangements have been made for him
 - d. is entitled to free school meals or his parents receive the maximum amount of tax credits
17. The recommendations do not affect these duties. The proposal is that the council adopts a policy of not funding transport where doing so is discretionary. It would be unlawful to adopt any policy which was incapable of allowing exceptions. The council’s procedures do allow for appeals to Members against the application of the policy and this therefore allows exceptions to be considered.
18. In making a decision the Cabinet Member must have regard to guidance issued by the Secretary of State. The key part of the relevant guidance says:

“the Secretary of State hopes that local authorities will continue to think it right not to disturb well established arrangements, some of which have been associated with local agreements or understandings about the siting of such schools.

“The Secretary of State continues to attach importance to the opportunity that many parents have to choose a school or college in accordance with their religious or philosophical beliefs, and believes that wherever possible, local authorities should ensure that transport arrangements support the religious or philosophical preference parents express.”
19. The Cabinet Member must consider that guidance but does not have to slavishly follow it. If there are other factors which, in the

Cabinet Member's view, outweigh the considerations referred to by the Secretary of State, then a decision can be made to reduce the discretionary support.

20. The Human Rights Act includes a right to education in accordance with parental religious convictions. There is judicial authority that does not include a right to transport to a particular school and, even if that authority is wrong, the right to education applies only so far as it is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure.

Other

21. There are no other known implications associated with the recommendations arising from this report.

Risk Management

22. There are no known risks associated with the recommendations arising from this report.

Recommendations

23. The Cabinet Member is asked to consider:
 - (i) To begin consultation on withdrawing from September 2014 the offer of free home to school transport to denominational schools except for those pupils whose parents/carers are on a low income.
 - (ii) Whether to continue to run dedicated home to school transport vehicles for pupils to attend denominational schools where no public transport is available.
 - (iii) Whether to continue to run the dedicated home to school transport vehicle to St Wilfrid's RC School and introduce a charge for those families not on low income and who wish to continue to use the vehicle.

Reason: To achieve budget saving targets

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Report Approved



Date

7 January
2014

Specialist Implications Officer(s) *List information for all*

Implication ie Financial

Implication ie Legal

Name

Name

Title

Title

Tel No.

Tel No.

Wards Affected:

All



For further information please contact the author of the report

Background Papers: Scrutiny Report January 2012

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=669&MId=6296&Ver=4>

Annexes

Annex A – Financial Implications