

1. Supporting Information

1.1 On 12 June a letter was received from Mr A. Campbell OBE seeking a 'call in' on the decision reached by Cabinet on 5 June 2007 in relation to assistance with transport for pupils attending denominational schools. The letter states that the request for 'call in' has been supported by Mr J Taylor and Mrs S Maynard. The request relates to eight different points. In his response, the Director of Law and Personnel has accepted the 'call in' related to only three of the points.

1.2 **Point 3.** 'The Council has failed to assess the potential impact of the decision on the pattern of use of school places. The basis of the decision is therefore insecure and could well lead to unforeseen costs, disruption and inefficient use of school places.'

1.3 This issue was raised in the letters submitted by both Diocesan authorities and the schools in their responses to the consultation exercise. It was included in the papers considered by Cabinet. In addition, it was reported to Cabinet that this point had been made by some of those who returned the consultation form.

1.4 There is always the potential for a change of preference pattern resulting from removing free transport for pupils attending denominational schools, although it is very difficult to anticipate the full impact. Some research was carried out by officers and Members to establish experience elsewhere. The scrutiny review of home to school transport considered this issue when it carried out its review in 2005/06. There were telephone conferences with officers at Essex and Northamptonshire when the review took place and they were specifically asked about the effect of their change of policy on parental preference. In Essex where charging had been introduced, it was reported that there was no change in the popularity of schools or numbers attending although children were now coming from a more local area. In Northamptonshire where no provision was now being made, it was said it was difficult to measure whether there had been a change in attendance patterns and, if there were, it might be for different reasons. The same officers were e-mailed for an update on this specific issue on 20 March 2007. In Essex it was reported that the number of pupils being transported to denominational schools had fallen slightly but no additional school places had been provided elsewhere. There was nothing further to report from Northamptonshire.

1.5 Both East Sussex aided secondary schools are heavily oversubscribed. Transport is only an issue to one of the schools, St Richards Catholic College. It is anticipated that St Richards will continue to receive more applications than places available although the level of oversubscription could drop for a variety of reasons. If that were the case, the demographic evidence suggests it would relate to children living in the Hastings and Eastbourne areas. The intakes predicted for 2008/09 show that in both towns the number of children likely to be admitted, based on present admission patterns, will leave some spare places. The number of spare places will be greater in subsequent years.

1.6 **Point 5.** 'The Council has failed to recognise the huge financial benefit that the churches and communities provide to the Council by their provision of land, buildings and finance to support state school places in East Sussex'.

1.7 Again this point was made in the consultation process and included in the papers attached to the report to Cabinet. Members have always been anxious, in reaching a solution, to recognise the significant contribution made by the church schools to education. This led to the adoption of a policy which only reflects half the cost of transport to denomination schools rather than a total withdrawal of support.

1.8 Whilst the church community's facilities do effectively support the provision of state school places, those communities also benefit from the increasing value of those assets in the event of sale etc. It also needs to be recognised that in legal terms the church schools have other benefits which reflect their aided status. Most significantly, it relates to admissions whereby church schools set their

own criteria for deciding which children will be offered places. That includes prioritising children of that faith.

1.9 **Point 6.** 'The Council has failed to take account of the recent advice of the Secretary of State. He reminded Councils that they should not disturb arrangements for denominational transport which were put in place when schools were sited.'

1.10 It is important to recognise this quote is only part of the relevant paragraph of the guidance issued by the DfES. The full section (131) states 'Whilst under the European Convention on Human Rights, parents do not enjoy any right to have their children educated at a faith or secular school, or to have transport arrangements made by their local education authority to and from any such school, 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 schools'.

1.11 These points were also made in the submissions received by Cabinet on 5 June 2007. In addition, when a report was made to Cabinet on 30 January 2007 asking whether the County Council wished to consult on a change of policy the latest views of the Secretary of State were outlined in an annex to the report. Those views had been considered previously by the Passenger Transport Executive Review Board. Cabinet agreed to proceed with consultation fully cognisant of these views.

1.12 The new legislation in the Education and Inspections Act 2006 requires local authorities to provide free transport to denominational schools where the child is from a low income family subject to religious qualification and the distance being between two miles and fifteen miles. Legislation does not require local authorities to make any other provision to denominational schools. However, Cabinet has agreed not to operate the 15 mile upper limit since it was recognised that this could result in some children from low income families not being provided with free transport to the school which for many years has served that area. Transport will still be available to denominational schools albeit a charge/contribution towards the cost will be sought from those parents whose children do not qualify for free provision.

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