Report to:	Children's Services Scrutiny Committee
Date:	7 September 2010
By:	Director of Children's Services
Title of report:	Review of discretionary provision of home to school transport for pupils attending denominational schools
Purpose of report:	The Committee is asked to consider the proposals for the Council to cease to assist with home to school transport to church aided schools

Recommendation:

Having considered the report and the responses received to date from the consultation process, the committee is recommended to provide a view on the proposal to cease home to school transport to church aided schools

1. Financial Appraisal

1.1 East Sussex County Council's budget for home to school transport (HTST) for the 2010/11 financial year is £11,438,600 (not including the payment of £269,300 to the Transport and Environment Department through the service level agreement). Included in this budget figure is an Area Based Grant (ABG) allocation of £626,785. The Government has made cuts to the ABG within the current financial year. A reduction of 25% is required within the grant element of the HTST budget meaning that a saving of £192,000 must be achieved in 2010/11. A paper on proposals to achieve the grant cuts in 2010/11 was considered by the Cabinet on 5 July 2010.

1.2 The Council's current planned expenditure on all HTST to denominational schools (both statutory entitlement and discretionary) for the 2010/11 financial year is attached as **Annex 1.** The removal of the discretionary element of HTST for denominational schools would be expected to achieve a saving of around £500,000 in the full financial year 2011/12. This saving would gradually reduce to an estimated £450,000 (at 2010 prices) in 2013 when the current policy would have been implemented for all year groups.

2. Supporting Information

2.1 A summary of the legal requirements on the council to provide HTST is shown in **Annex 2.** In addition, local authorities have the discretion to provide support. In East Sussex, the major area of discretionary transport is for children attending denominational schools who do not meet the requirements for statutory entitlement.

2.2 The Council's current policy for HTST to denominational schools was agreed by the Cabinet in June 2007 and implemented from September 2008. The policy is shown in **Annex 3.** The Cabinet agreed to apply the revised policy to new entrants to denominational primary and secondary schools. Pupils who were on roll of a denominational school and receiving HTST through the previous policy retained their previous entitlement. Currently pupils in Years 2-6 and Years 9-13 are in receipt of HTST through the previous policy. From September 2010 the previous policy will apply to pupils in Years 3-6 and Years 10-13. Pupils in these year groups and who were receiving transport in July 2008 are provided with free HTST. Parents of pupils covered by the current policy make a financial contribution towards the cost of the HTST provision. At the current time 1350 children are transported to denominational schools.

2.3 The current proposal is to cease to provide the discretionary element of HTST to denominational schools for all pupils with effect from 1 January 2011. The consultation timescale and subsequent milestones are set out in **Annex 4**. Annex 4 also includes details of the groups consulted and the consultation approaches.

2.4 An overview of the current policies of other local authorities is included in **Annex 5**.

2.5 Members may recall that the consultation on proposed changes to the policy in 2007 included three possible options:

- (1) withdraw all discretional school transport progressively to children attending denominational schools starting with the intake for 2008/9;
- (2) continue to provide some level of discretionary school transport to children attending denominational schools;
- (3) take no action

2.6 The responses were very strongly opposed to Option 1 and Option 3 would not have achieved the required savings at that time. The Cabinet agreed to implement Option 2 so that parents whose children did not qualify for statutory assistance would pay a contribution, parents on low incomes would receive free transport for their children to denominational primary schools, and parents on low incomes would not be restricted to travel to denominational schools up to 15 miles from home as per the Education and Inspections Act 2006.

2.7 The current consultation started on 22 July 2010. 254 completed consultation questionnaires and 21 letters / e-mails had been received by 13 August. Revised numbers will be provided to the meeting. The consultation leaflet is attached as **Annex 6**.

2.8 Key themes arising from the responses so far are listed in **Annex 7**.

2.9 Implementation of the change to policy within the school year will have a significant impact on many families but it will not impact on those who are entitled through low income. There are also a number of other impacts of the proposed change to the policy. One is that some parents may feel it necessary to seek to transfer their children to alternative schools because of the transport costs or because there is no readily available alternative method of transport from their home to the school. However, most pupils use public transport to go to denominational schools.

2.10 There is hired transport operating to Annecy Catholic Primary, Rodmell CE Primary, Our Lady of Lourdes RC Primary Schools, St Paul's Catholic and St Richard's Catholic Colleges. There is also a small number of children travelling on hired transport to denominational primary schools who are using the vacant places scheme. When making the decision on the proposal the Lead Member will wish to consider the availability of public transport to these schools and whether or not the Council should continue to operate some or all of these services on a full cost recovery basis.

2.11 The law requires the Council to provide transport to secondary aged children from low income families to denominational schools between 2 and 15 miles from their home. There are some addresses in East Sussex where there is not a denominational school within this distance (see **Annex 8**). Other LAs are also in this position and do not have the current East Sussex policy of having no upper distance limit. This area of policy will be considered by the Lead Member in October.

3 Conclusion and Recommendations

3.1 The Committee is asked to consider the proposals contained in the current consultation.

MATT DUNKLEY Director of Children's Services

Contact Officer: Jean Haigh, Head of Access and Disability 01273 482967 Local Members: All Background Documents: None

Spend on HTST for denominational schools

	Freedo	m Tickets	Bus	Tickets	Hired	Vehicles	Paren	t Mileage	Rail	Tickets
Primary	Tickets	Cost	Tickets	Cost	Tickets	Cost	No	Cost	Tickets	Cost
Annecy Catholic School	0	£0	0	£0	4	£21,297	1	£380	0	£0
Our Lady of Lourdes	12	£6,156	0	£0	1	£3,845	0	£0	0	£0
Rodmell CE Primary	0	£0	0	£0	13	£16,055	0	£0	0	£0
St Augustine's Catholic Primary	0	£0	0	£0	0	£0	0	£0	0	£0
St Josephs RC	0	£0	0	£0	0	£0	1	£96	0	£0
St Mary Magdalene's Catholic Primary	0	£0	0	£0	0	£0	6	£1,681	0	£0
St Mary's Catholic Primary	0	£0	0	£0	0	£0	1	£475	0	£0
St Pancras Catholic Primary	0	£0	0	£0	0	£0	2	£650	0	£0
St Peter's RC Primary	0	£0	0	£0	0	£0	0	£0	0	£0
St Philip's Catholic Primary	0	£0	0	£0	0	£0	4	£3,230	0	£0
St Thomas a Becket Junior	0	£0	0	£0	0	£0	11	£3,520	0	£0
St Thomas a Becket Infant	0	£0	0	£0	0	£0	0	£0	0	£0
St Wilfred's Catholic Primary	0	£0	0	£0	0	£0	1	£475	0	£0
Secondary										
Bennett Memorial Diocesan	57	£29,241	42	£36,918	0	£0	0	£0	12	£5,016
Cardinal Newman Catholic	55	£28,215	1	£690	0	£0	0	£0	1	£460
St Gregory's Catholic Comprehensive	20	£10,260	58	£50,982	0	£0	0	£0	4	£1,752
St Paul's Catholic College	0	£0	0	£0	159	£158,900	0	£0	0	£0
St Richard's Catholic College	526	£226,993	0	£0	0	£0	0	£0	319	£81,345
The Bishop Bell CE	39	£20,007	0	£0	0	£0	0	£0	0	£0
	709	£320,872	101	£88,590	179	£200,097	27	£10,507	336	£88,573

Total Cost £708,639

Total Income £126,000 (420 fixed charge) Total Number of children 1350

Net £582,639

Legal Position

Free school transport

Local authorities must provide transport where they consider it necessary to ensure that a child goes to school. If transport is necessary, then it must be provided free of charge. In most cases, it's up to the local authority to decide what transport is necessary. Children will be automatically entitled to free transport if they:

- are between five and 16 years old and
- attend the nearest suitable school, and the school is further away than the 'statutory walking distance'

The statutory walking distance is:

- two miles for pupils aged under eight
- three miles for those aged eight and over

The measurement of the 'statutory walking distance' is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, can walk with reasonable safety. As such, the route measured may include footpaths, bridleways and other pathways, as well as recognised roads. If there is no such route, the local authority must provide free transport no matter what distance you live from the school.

Children with special educational needs or disabilities

Local authorities should take any disability or special educational needs into account when deciding whether transport is necessary for a child. If the child has a statement of SEN and has transport requirements written into their statement, the local authority must meet them.

Extended rights to free transport

Primary school pupils

Since 1 September 2007, the right to free school transport has been extended to pupils who:

- are aged eight to eleven
- are from low income families
- go to their nearest suitable school, and live more than two miles away

Secondary school pupils

Since 1 September 2008, secondary school aged pupils (11 to 16 years old) have been entitled to free school transport if they are from a low income family, and they go to either:

- any one of their three nearest suitable schools, and the schools are between two and six miles away from their home address
- the nearest school preferred by their parents on the grounds of religion or belief, and the school is between two and 15 miles away from their home address

The extended rights to free transport are part of wider changes introduced under the Education and Inspections Act 2006.

East Sussex policies for HTST to denominational schools

Policy prior to September 2008

(This policy continues to apply to children currently in the following year groups: 2, 3, 4, 5, 6, 9, 10, 11, 12, 13)

Free transport was given to the nearest or designated school where the distance between home and school is more than 2 miles (for children under age 8) or 3 miles (for children aged 8 or over).

Policy for new entrants from September 2008

(This policy applies to all children in the following year groups and to new entrants to other year groups: reception, 1, 7, 8)

1. Secondary schools

To qualify for assistance, the child must be a baptised member of the relevant denomination. Alternatively, the parents' religion should be the same as the school where the child receives their religious education.

Additionally, the school has to be the nearest aided school of the relevant denomination to the child's home. Confirmation that the child has been baptised or support from the parish priest/minister is also required.

The distance from home to school:

a. Low income families

Children from low income families will be entitled to free transport if the school attended is more than two miles from home and the religious qualification are met. More information can be found on the 'Help for low income families' section of financial help with home to school travel on the ESCC Website

b. Other families

Children from other families will qualify for limited assistance if their school is more than three miles from home and the religious qualification is met.

Parents will be required to contribute towards the cost of transport. The charge for 2009/10 is £50 per term, based on a six term year.

2. Primary schools

Children attending primary schools for religious reasons cannot receive financial assistance, unless they are from a low income family. Children from low income families will be entitled to free transport if the school attended is more than two miles from home and the religious qualification is met.

Timetable and Milestones

Lead Member approved decision to consult	15 July 2010
Consultation started	22 July 2010
Children's Services Scrutiny Committee	7 September 2010
Consultation ends	30 September 2010
Lead Member to consider consultation outcomes	18 October 2010
Deadline for secondary school applications for September 2011	31 October 2010
Notification to parents of outcome of consultation	15 November 2010
Policy changes implemented if agreed	1 January 2011

NB

The Home to School Travel and Transport Guidance document 2007 produced by the then Department for Education and Skills, to which the Council is required to have regard, recommends that consultations on changes to local policies should last for 'at least 28 working days during term time'. The proposed consultation timetable covers a period of just over 2 months (49 working days), of which 22 are school days. Although the period does not cover the recommended 28 school days it is as long as possible given the necessary timescale for the consultation responses to be considered and any decision to be made in sufficient time to inform parents of the outcome prior to the school holidays in December.

Although the guidance identifies that 'good practice suggests that any such changes should be phased in and come into effect as pupils start school', in light of the need to achieve the savings required by the government cuts to grant to East Sussex within this financial year, it is anticipated that any changes decided upon would have to be introduced from 1 January 2011. The timetable for the consultation takes this into account.

List of direct consultees

- All parents of children resident in East Sussex currently receiving free or subsidised transport to denominational schools (including the parents of pupils due to join Year 7 at a denominational secondary school and those due to join a reception class at a denominational primary school in September 2010 and who are eligible under the current policy for subsidised transport)
- 2. All parents of children in Year 5 of denominational primary schools resident in East Sussex who would be due to enter secondary school in September 2011.
- 3. The Diocesan authorities
- 4. All headteachers and governing bodies of East Sussex maintained primary and secondary schools (including denominational schools)
- 5. All headteachers and governing bodies of denominational schools in neighbouring authorities where there are children resident in East Sussex attending currently
- 6. All East Sussex Members of Parliament
- 7. All East Sussex county councillors
- 8. Neighbouring local authorities' Directors of Children's Services
- 9. Members of the youth parliament

Any pupil, parent or resident can submit their views.

Consultation approaches

- 1. Consultation document and feedback form
- 2. East Sussex County Council website including on line feedback form, further information and background data
- 3. Public notices in all local newspapers
- 4. Posters in all libraries
- 5. The East Sussex Schools' Admissions Booklet for 2011/12 will identify that the consultation is underway, specify the proposals and provide details of how to get further information

Overview of policies in other local authorities

Council	Policy
Brighton & Hove	Assistance only if: - lives more than statutory walking distance - is the nearest school of relevant faith to home address
	 if a child is entitled to free transport the council will usually meet the full cost of travel on public services, or provide a seat on a hired vehicle, and will issue season tickets or special travel permits as appropriate in exceptional circumstances the council may agree to pay a mileage rate to parents/carers who wish to make their own arrangements. This will normally be paid only where there is no public transport to the appropriate school or the appropriate school is outside Brighton & Hove, and special agreement has been given in advance
Free transport provided	The council never hires transport to take children to church aided schools where no public transport exists.
Cambridgeshire	 LA will ASSIST with transport costs for children aged 5-16 under the following criteria – beyond statutory walking distance the denominational school is the one nearest to the child's home address existing transport can be used families may be required to pay a contribution towards transport costs (most families do)
Contribution required	- reapplication required annually
Central Bedfordshire No entitlement to transport assistance for all year groups.	Children who are currently attending faith schools through parental choice and who are receiving free transport from home to school through the former Bedfordshire CC policy will no longer receive transport from September 2010.
Cumbria Free transport provided	 Assistance may be given if: your child is attending the nearest such school and it is no more than 8 miles away in the case of a primary school and 15 for a secondary school; and your child is aged under eight and you live more than 2 miles from school or aged eight or over and you live more than 3 miles away [2 miles for low income families], measured by the shortest available walking route. Where assistance is given it is limited to a permit to travel by public service or as a free concessionary rider on a vehicle hired by the Authority for children it has a responsibility to provide transport for. Alternatively, a parental grant would be paid
Derbyshire Free transport provided	Pupils whose parents/carers adhere to a particular faith, and have chosen an Aided school which provides education in adherence of that faith, may be eligible to receive assistance with transport. This is dependent upon the chosen school being designated to provide such education for the area where they live (in most cases the nearest school in which such education is provided) and the school is outside the statutory walking distance. Assistance with travel to a Catholic School will only be provided where a child has been baptised Roman Catholic and a baptismal certificate has been provided as proof of eligibility. For assistance with travel to another faith or denominational Aided School, applicants should provide a letter from a priest, minister, pastor or religious leader, as proof that at least one of the parents/carers attends public worship regularly (at least once a month).

Council	Policy
Devon	 Transport may be provided to nearest school on grounds of religion or belief, provided: You live in Devon. The school can confirm your faith. You live within the designated transport area of the school. You live more than the statutory walking distance from the school.
£378 per annum charge	There is a charge for transport to a faith school which is reviewed annually. In 2010/2011 this charge will be £378 per annum.
Essex	Charge for transport to denominational secondary school set at £110 per term.
£110 per term charge	Where a family has 3 or more children attending a school they would only be expected to pay for two of those children at any time.
Gloucestershire Free transport provided	Assistance will be given to children who are practising, baptised Catholics attending their nearest Catholic Primary school, but only if they meet certain criteria: - They are attending the nearest Catholic Primary school to their home and - The home to school journey, measured by the shortest available pedestrian route, is two miles or over for a child aged under 8, and three miles or more for a child aged eight or over and - The home to school journey is not over six miles measured by the shortest available pedestrian route. For secondary aged students: - must attend nearest Catholic secondary school to their home address and - their home to school distance is between 3 miles from St Peter's and 10 miles from Gloucester Cross OR - their home to school distance is between 3 miles and 10 miles from Christ College (Cheltenham)
Hampshire	Assistance only if: - age 4-8 – minimum 2 miles, maximum 5 miles - age 9-10, minimum 3 miles, maximum 5 miles - age 11-15 years, minimum 3 miles, maximum 10 miles
£250 per academic year per child	Charge for assisted denominational transport 2010/11 academic year £250 per child
Hertfordshire Consultation to remove provision of free transport	Currently undergoing consultation to remove provision of free transport to denominational schools.
Kent Free transport provided	 Transport provided if: attend the nearest appropriate school for transport purposes live more than 2 miles from the school (under 8) more than 3 miles (over 8) and application form signed by vicar or priest to confirm regular practising member of the church

Council	Policy
Lancashire Consultation to charge £2 per day	Currently undergoing consultation to introduce contributions to transport costs for denominational schools. Parents to pay £2 per day return flat rate for primary and secondary pupils. Any change would be phased in over 5 years for secondary pupils and 7 years for primary pupils starting with new entrants in September 2011.
Medway No entitlement to transport assistance	Do not provide free transport to denominational schools. If parents express a preference for a school which is not the nearest appropriate school and are offered a place, the pupil does not qualify for free transport even if the school is more than the two or three mile statutory walking distance. When deciding the nearest appropriate school, a parent's preference for a single-sex, mixed or particular type of school is not taken into account.
Norfolk	 Attending a school preferred on denominational grounds The county council's general policy does not provide free transport for children attending a school on denominational grounds. Some Assistance may give given if: A parent/carer or pupil adheres to the denomination for which the school provides regular collective worship The transport application is supported by evidence eg baptismal certificate or a letter from a person of authority within the appropriate religion or alergy or
	 a letter from a person of authority within the appropriate religion eg clergy or diocesan representative The pupil fulfils the distance and age criteria detailed in the general policy - The pupil lives within a radius of 20 miles at primary school stage or 25 miles at secondary school stage (measured from the school to home in a straight line) The pupil can travel within the maximum travelling time criteria of 45 minutes at primary school stage and 75 minutes at secondary school stage from door to door
Contribution required	 The school is the nearest maintained school of the family's stated religion and denomination Travel assistance will normally be a travel pass for the nearest available bus or train service on payment of the appropriate contribution from parents. In exceptional circumstances a grant may be paid to parents for taking their child to school. Parents are responsible for getting their children to and from the nearest transport pick up points.
North Lincolnshire No assistance for new pupils 2009 onwards.	New pupils starting voluntary aided schools on or after September 2009 not entitled to free transport. Free transport remains available to those who were eligible prior to that date, whilst they remain at the same school.
North Yorkshire	If a child attends a school (other than the normal school) because his/her parent or guardian choose that he/she be provided with religious education according to the religion or belief to which the parents/guardian adhere, either: a) free transport will be provided to a denominational school beyond the appropriate statutory walking distance where this is nearer to the child's home than the normal school (the school the Local Authority has decided will serve
	 your home address) or b) assistance with transport will be provided to the nearest denominational school by either: a travel permit on an existing service payment of a travel allowance as considered appropriate. Travel Permits Primary: where a travel permit is issued for a primary-age child it will be to/from

Council	Policy
	a point not further than five miles from the school attended. Parents/guardians will be responsible for the arrangement and cost of any transfer to this point. Secondary: where a travel permit is issued to a secondary age child it will be to/from a point not further than 12 miles from the school attended. Parents/guardians will normally be responsible for the arrangements and cost of any transport to this point.
	Allowances:
Free transport provided	Primary school children: where an allowance is paid this will normally be at a fixed rate per mile up to a maximum of five miles. Secondary school children: where an allowance is paid this will normally be at a fixed rate per mile up to a maximum of twelve miles.
Northumberland	Northumberland County Council may provide free transport for children attending a school out of the catchment area when the parent has expressed a preference for the child to be educated at a faith school provided that it is the religion or denomination to which the parent adheres and that such religious education is not available within the catchment school.
Free transport provided	From September 2008, the local authority have a duty to provide transport for secondary age pupils (11+)(middle/high/secondary) from low income families to support their attendance at the nearest suitable school on the grounds of religion or belief where they live more than two miles but no further than 15 miles from that school, see Section 17 - <i>Glossary</i> for definition of "religion" or "belief".
Nottinghamshire	Currently undergoing consultation to discontinue school travel assistance for all
Consultation to discontinue from September 2011.	new pupils attending their nearest faith or single sex secondary school with effect from September 2011.
Oxfordshire Entitlement removed from September 2011 for new applicants.	There will be a phased introduction to remove entitlement to free transport from September 2011. Those children for whom free or subsidised transport has been agreed before that date will not be affected by any policy changes.
Staffordshire	Currently undergoing consultation to change policy from September 2011.
Consultation underway to remove free transport from	Any new applications from September 2011 would not receive free transport. They may be able to purchase a seat on an existing route – likely to be £410 per pupil per year. No reductions for more than one child.
2012.	From September 2012 no free transport will be given on denominational grounds to any school.
Suffolk	Discretionary Travel Scheme to Roman Catholic Schools Transport assistance is only available to students who live in Suffolk (and whose Parents/Guardians pay their Council Tax to a District or Borough Council in Suffolk) and who are a baptised Roman Catholic or are adhering to the Roman Catholic faith. The discretionary policy for assistance to denominational schools is the same as the discretionary travel scheme for children of compulsory age with the following exceptions: If a child started a new school or changed school after the beginning of the Autumn term 2005, a parental contribution to transport will be charged under the same terms and conditions of Suffolk County Councils discretionary policy. If a child started their current school before the 2005-06 school year, then a

Council	Policy
Contribution charged.	parental contribution will not be charged until they move to a new school. To qualify for transport assistance pupils need to attend their "nearest" or "designated" Roman Catholic Schools as identified by the County Council.
Surrey	To receive assistance:
Free transport provided	 must attend nearest school for religious reasons and be regular worshipper with a declaration from priest/minister live between 2 and 6 miles from the school (aged under 8) or 3 and 10 miles (over 8) if nearest appropriate voluntary aided school is more than the distance stated above applications will be considered of their individual merits members of other faiths or denominations of the Christian faith e.g. Methodists, Baptists, United Reform Church do not quality
Warwickshire Free transport provided	Transport assistance may be available to the nearest Roman Catholic or Church of England Aided School. You or your child will need to have been accepted into that faith (proof may be required) and / or regularly practice that faith. The school must be your nearest Roman Catholic or Church of England Aided School, and should meet the distance criteria The walking distance (using the shortest walking route) from your home to the nearest qualifying school is over: i) Two miles for children under the age of 8 years ii) Three miles for children aged 8–16 For primary school children, the distance from home to school should not exceed six miles, and for secondary school children, should not exceed fifteen miles. However, if the distance from Home to School exceeds fifteen miles, and the school is within Warwickshire, transport may be granted.
West Berkshire	With effect 2010/11 academic year assistance with denominational transport (other than statutory entitlement) will not normally be approved.
From 2010/11 academic year no entitlement for new pupils.	Existing denominational transport arrangements will continue for pupils until the pupil leave the school currently attended or there is a change in circumstances.
West Sussex	Assistance is provided if:
	 attending nearest appropriate church aided school AND live more than 3 miles or more from the school AND the journey can be made by existing public transport within 1 hour 15 minutes from leaving home to the start of the school session
Assistance up to 10 miles.	Assistance with transport to denominational schools is limited to the cost of travel up to 10 miles. If the distance is greater than 10 miles the parent/guardian must meet the additional cost.
Worcestershire	Denominational transport is not provided free of charge – a contribution is always required.
Contribution required.	 live beyond statutory walking distance attend the nearest or nominated denominational school

Key themes arising from the current consultation

- 1. financial cost to families (including larger families)
- 2. this is discriminating on grounds of faith
- 3. the council should provide more faith schools
- 4. should continue for existing children and remove for new ones
- 5. pressure will be placed on other schools
- 6. consultation period is too short and in school holidays
- 7. environmental impact and congestion on roads
- 8. council should use same criteria for all children whether or not they go to denominational schools
- 9. it is not possible to get the children to school without help
- 10. mid year change is unfair
- 11. council has to make a saving this is discretionary not a right
- 12. parents have the responsibility to get their children to school
- 13. all children should go to their local school