

CHESHIRE EAST COUNCIL

REPORT TO: Cabinet

Date of Meeting: 4 July 2011
Report of: Lorraine Butcher, Director of Children's Services
Subject/Title: Proposed Changes to Home to School Transport Arrangements
Portfolio Holder: Councillor Hilda Gaddum

1.0 Report Summary

- 1.1 The Council is faced with unprecedented financial challenges. Over the next few years, it will need to find savings of around £50m. As a result, the Council has an obligation to its Council tax payers to examine each area of discretionary activity to clarify whether continued funding can be sustained.
- 1.2 As a consequence, the budget for Home to School Transport is being reviewed and the Children and Families Directorate is expected to find savings from it of approximately £1m over forthcoming years.
- 1.3 Failure to secure savings from the transport budget will require the Directorate to find savings from elsewhere. This will be a challenge and is likely to result in a reduction or a cut to higher risk service areas.
- 1.4 Under the current Home to School Transport Policy the Council has a **statutory** duty to have regard to, any wish of a parent for their child to be provided with education or training at a school or institution on grounds of their parent's religion or belief. However, free or subsidised transport support to denominational schools where attendance is through parental choice is discretionary for Local Authorities.
- 1.5 The Council is considering changes to three main policy areas. Currently the following numbers of pupils receive access to subsidised transport provided by the Council under these areas:
 - Denominational Transport – there are currently 685 pupils under sixteen accessing denominational transport. This represents 1.37 % of the 5 -16 school population.
 - Post 16 mainstream – 1003 students of whom 361 (36%) receive free transport under the Council's duty to provide transport for those eligible on low incomes.
 - Post 16 complex special needs – 167 students receive free transport either to college or special school.

- 1.6 This report provides the results of the consultation on proposed changes to home to school transport and asks members to comment on proposed recommendations in the light of responses received.
- 1.7 On 10 March 2011, Councillor Hilda Gaddum, Portfolio Holder, Children and Families approved the Council undertaking consultation with stakeholders in relation to proposed changes relating to the following discretionary areas of transport:
- post 16 transport;
 - some denominational transport; and
 - the post 16 element of the Complex and Special Needs Policy;
- 1.8 The purpose of the consultation was to seek the views of stakeholders and to assess the potential impact of the proposed changes. This report brings to Members' attention the results of the consultation. The consultation documents and questionnaire are attached at Appendix 1 and an analysis of the results is attached at Appendix 2.
- 1.9 Additionally this review is being undertaken as part of the wider Total Transport Transformation Strategy, a strategic plan for the development of transport within Cheshire East over the period 2011-2026, outlining how transport will contribute to and support the longer-term aspirations of the Borough.
- 1.10 A report on proposed changes to home to school transport arrangements was considered by the Children and Families Scrutiny Committee on 20 June 2011. A copy of the draft minutes of that Committee meeting are attached at Appendix 3. Attached at Appendix 4 is a summary of some of the key issues raised with responses.
- 1.11 At its meeting on the 20 June the Children and Families Scrutiny Committee did not endorse amended proposals made in relation to home to school transport arrangements. The Committee endorsed an alternative recommendation for consideration by Cabinet as follows:
- a) That the proposals to change the Home to School Transport Policy be not endorsed and that the status quo be maintained subject to annual increases in the parental contribution of 5% up to the 2015/16 academic year; and
 - b) That the Council's overall Budget be examined further to achieve elsewhere the potential savings identified in the report.

2.0 Decision Requested

- 2.1 Cabinet is asked to consider which of the following options it wishes to approve:

OPTION 1

Denominational transport

- 1) From September 2011, raise parental contribution for denominational transport from £299 to £314 per annum this reflects the current rate of 5% inflation, and thereafter by inflation until provision ceases; and that
- 2) From September 2012 withdraw transport to faith primary and secondary schools completely for all new entrants, except for those pupils who would remain 'eligible' for free transport to a faith secondary school under the Education Act 1996, as amended by the Education and Inspections Act 2006. This means that access to subsidised travel to denominational schools will not be available to new students who commence after the beginning of the academic year 2011/12. It will therefore not be available to new students who choose a faith school during the academic year 2011/12 or a new entrant to a faith school from the commencement of the academic year 2012/13; and that
- 3) Cabinet supports the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, full cost recovery and sustainable travel continues to be available for pupils attending faith schools.

Post 16 mainstream transport

- 4) From September 2011 raise parental contribution for post-16 mainstream transport from £415 to £436 per annum, this reflects the current rate of 5% inflation, and thereafter by inflation until provision ceases; and that.
- 5) From September 2012 withdraw post-16 mainstream transport completely for all new entrants.

Post 16 Complex and Special Needs

- 6) The proposal to charge for post-16 transport for students with special and complex needs be withdrawn.

OPTION 2

Recommendation of Children and Families Scrutiny Committee 20 June 2011

- 7) a) That the proposals to change the Home to School Transport Policy be not endorsed and that the status quo be maintained subject to annual increases in the parental contribution of 5% up to the 2015/16 academic year; and
b) That the Council's overall Budget be examined further to achieve elsewhere the potential savings identified in the report.

3.0 Reason for Recommendation

- 3.1 Having taken into account the representations received during the consultation period, the Portfolio Holder for Children and Families Services has approved a number of changes to the proposals.
- 3.2 As part of the Authority's wider Total Transport Transformation Strategy, Children's Services are required to review the provision contained within the Home to School Transport Policy and Complex Special Needs Transport Policy.
- 3.3 In relation to recommendations contained within 2.1 (1) (2) and (3) it is proposed that the original proposal to withdraw access to subsidised travel to denominational schools from September 2012 is amended. A significant concern raised during the consultation was of the potential disruption to the education of existing pupils at denominational schools. Although there is not a legal requirement to phase in policy changes, it is a DfE recommendation (Chapter 6 section 138 Home to School Travel and Transport Guidance DfES 2007). The proposed phasing of the changes will minimise disruption to pupil's education i.e. parents will not be required to change schools for their children mid way through their education career. Children currently attending a faith school and receiving subsidised transport will continue to have access to subsidised transport, but the subsidy will reduce by inflation on an annual basis, with provision ceasing at the end of their statutory education or change in school. The revised proposal reduces the impact on other non-faith schools who might receive pupils as result of the initial proposed policy change. Finally this phasing will provide an opportunity for all stakeholders to work together to develop sustainable travel options. The Council will offer support and expertise will be made available by the transport service to assist in the procurement and management of locally designed transport arrangements.
- 3.4 The legislation is clear that the Council is not obliged to offer free or subsidised transport to faith schools (except for those pupils who meet eligibility criteria, such as families eligible for free school meals or in receipt of the maximum level of Working Tax Credit) and the Council has discretion whether it should do so. Because the Council has exercised this discretion to make this provision in the past does not mean that it should continue to do so, given the significant changes in resources and priorities.
- 3.5 The Council is also conscious of the need to be seen to act equitably between the parents of all pupils. It is not only those children from faith backgrounds who travel to denominational schools. A number of parents motivated other than by religion or belief have decided that a denominational school is the best for their child's education and have elected to send their child there. The current policy on discretionary travel results in one parent having to pay for their child's transport to the school of their choice whereas another parent receives it free or subsidised. Even taking into account the fact that one parent may not feel that they have a choice in the matter because of their faith, it still raises the question as to whether it is right (even though it may be lawful) to discriminate between parents in this way when both are simply trying to secure the most appropriate education for their respective child's needs.

- 3.6 In considering the proposed recommendations, the Council is also aware of the need to adopt a school transport policy that is fair and equitable to the majority of parents who do not elect to send their children to a faith school. Currently transport to faith schools is subsidised by the Council – parents pay £299 per annum, whereas the cost to the Local Authority per place is approximately £1097 per annum. Denominational pupils receiving subsidised transport account for less than 2% of the 5-16 school population.
- 3.7 In relation to recommendation 2.1 (4) and (5) it is proposed that the original proposal to withdraw access to subsidised travel to mainstream pupils accessing post-16 provision should be amended. It is proposed that subsidised transport should remain accessible to those students continuing on existing courses of study, but that the subsidy will reduce by inflation on an annual basis, with provision ceasing at the end of their course of study; and that access to subsidised travel will not be available to students commencing courses of study after the beginning of the academic year 2011/12 or a new entrant to a post 16 institution from the commencement of the academic year 2012/13.
- 3.8 In relation to recommendation 2.1 (6) the original proposal to increase charging for transport for young people post 16 with complex special needs is withdrawn. The Council has decided that, as there is a limited range of special educational needs provision in the Cheshire East area, introducing a charge for transport will limit access to appropriate specialist provision and potentially limit the ability of those young people with complex disabilities to access appropriate educational provision. This will be reviewed when the Council brings forward its plans for SEN and Complex needs in the borough over the next 2 years.

4.0 Wards Affected

All

5.0 Local Ward Members

All

6.0 Policy Implications

- 6.1 The Home to School Transport Policy and the Complex and Special Needs Transport Policy will be revised to accommodate any approved changes arising from these proposals.
- 6.2 The policy and procedures regarding home to school transport arrangements for cared for children in foster placements will be reviewed and developed.
- 6.3 As these proposals include services for vulnerable groups, e.g. children, individuals with a disability, economically disadvantaged families, etc., the Council is required to conduct an Equality Impact Assessment to determine the effect of any proposals on such groups and, where possible, to enable the proposals to be modified in order to minimise that impact. An Equality Impact Assessment based on the recommendations within this paper is attached (Appendix 5). An assessment based

on the final decisions of Cabinet will be completed and published on the Council's website.

7.0 Financial Implications

7.1 In 2010-11, the Council spent £10.621 million on home to school transport per year, as follows:-

Table 1

Transport Expenditure per year	Gross Exp. £000s	Income £000s	Net Exp. £000s
Mainstream Home to School	4,287	71* ¹	4,216
Post 16 Travel	1,515	486	1,029
Denominational Travel	593	81	512
Medical Needs	30	0	30
Complex and Special Needs	3,944	0	3,944
Cared for Children & Foster place	890	0	890
TOTAL EXPENDITURE	11, 259	638	10,621

*¹ Income is from the purchase of spare seats by ineligible pupils

7.2 The proposed financial savings should all recommendations be approved are set out below and make the following assumptions:

- The following figures assume that transport charges will increase by 5% each year.
- Pupil figures are based on current numbers and trends. As such, they are approximate figures that do not take into account any future fluctuations.
- As transport runs from September to July in line with the academic year, the following table has been converted into financial year. This shows the autumn and spring savings in the first financial year and the summer term falling into the second year.

Denominational Transport

7.3 From September 2011, raise parental contribution for denominational transport from £299 to £314 per annum this reflects the current rate of 5% inflation, and thereafter by inflation until provision ceases.

- a. The following savings assume an increase in fees each academic year:
 - ⇒ 2011-12 - £314 or £15 increase
 - ⇒ 2012-13 - £330 or £16 increase
 - ⇒ 2013-14 - £346 or £16 increase
 - ⇒ 2014-15 - £363 or £17 increase
 - ⇒ 2015-16 - £381 or £18 increase

Table 2

Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	2015-16 £000s	Total £000s
Academic Year 2011-12	3	1	0	0	0	4
Academic Year 2012-13	0	4	1	0	0	5
Academic Year 2013-14	0	0	2	1	0	3
Academic Year 2014-15	0	0	0	1	1	2
Academic Year 2015-16	0	0	0	0	1	1
Total	3	5	3	2	2	15

7.4 From September 2012 withdraw transport to faith primary and secondary schools completely for all new entrants, except for those pupils who would remain 'eligible' for free transport to a faith secondary school under the Education and Inspections Act 2006. This means that access to subsidised travel to denominational schools will not be available to new students who commence after the beginning of the academic year 2011/12. It will, therefore, not be available to new students who choose a faith school during the academic year 2011/12 or a new entrant to a faith school from the commencement of the academic year 2012/13.

7.5 The following assumptions have been made:

- Each year, the previous Year 11 pupils will leave and will be no longer funded
- Each year there are approximately 90 new entrants to Year 7, of whom approximately 30 will be entitled to free transport (but will lose the income from 60 pupils)
- Each year there will be approximately 10 new entrants to the Reception year, of whom approximately 3 will be entitled to free transport

Table 3

Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	2015-16 £000s	2016-17 £000s	Total £000s
Academic Year 2011-12	39	20	0	0	0	0	59
Academic Year 2012-13	0	87	43	0	0	0	130
Academic Year 2013-14	0	0	81	41	0	0	122
Academic Year 2014-15	0	0	0	46	23	0	69
Academic Year 2015-16	0	0	0	0	38	19	57
Total	39	107	124	87	61	19	437

7.6 Cabinet supports the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, full cost recovery and sustainable travel continues to be available for pupils attending faith schools.

- No financial reductions proposed

Post 16 mainstream transport

7.7 The following assumptions have been made:

- There are approximately 1000 children currently accessing free or subsidised transport, split between 600 in Year 12 and 400 in Year 13.
- The savings estimated below assume a consistent population with 600 new entrants each year and only 400 progressing to Year 13.
- On average, it is estimated that a third of the total population will continue to receive free transport.

7.8 From September 2011 raise parental contribution for post-16 mainstream transport from £415 to £436 per annum; this reflects the current rate of 5% inflation, and thereafter by inflation until provision ceases; and that.

7.9 The following savings assume an increase in fees each academic year:

- ⇒ 2011-12 - £436 or £21 Increase
- ⇒ 2012-13 - £458 or £22 Increase

Table 4

Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	Total £000s
Academic Year 2011-12	8	4	0	0	12
Academic Year 2012-13	0	4	2	0	6
Total	8	8	2	0	18

7.10 From September 2012 withdraw post-16 mainstream transport completely for all new entrants.

7.11 The following assumes an average cost of £925 per pupil per annum.

Table 5

Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	Total £000s
Academic Year 2011-12	0	247	123	0	370
Academic Year 2012-13	0	0	178	69	247
Total	0	247	301	69	617

Post 16 Complex and Special Needs

7.12 Remove the proposal to charge for post-16 transport for students with special and complex needs.

- No financial reductions proposed

7.13 SUMMARY OF PROPOSED FINANCIAL SAVINGS

Table 6

		Financial Year						
	Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	2015-16 £000s	2016-17 £000s	Total £000s
1	Denominational - increase in charge	3	5	3	2	2	0	15
2	Denominational – withdraw transport	39	107	124	87	61	19	437
3	Support sustainable travel	0	0	0	0	0	0	0
4	Post-16 mainstream - increase in charge	8	8	2	0	0	0	18
5	Post-16 mainstream - withdraw transport	0	247	301	69	0	0	617
6	Post-16 SEN	0	0	0	0	0	0	0
	Total	50	367	430	158	63	19	1087

7.14 Following the meeting of the Children and Families Scrutiny Committee on 20 June, further analysis and sensitivity assessment has been undertaken on the overall savings and their potential achievement. The two main savings/cost reductions surround post-16 transport where the saving is estimated at approximately £0.6m and denominational transport with an estimated saving of £0.4m. These reductions are calculated using a number of variables that when combined provide a complex scenario with the potential for either bigger or smaller savings depending on the direction of movement of the individual variables and assumptions.

7.15 In broad high level terms, over the full period of change the change in policy will see transport removed from around 660 post-16 children and 514 denominational children, with 330 post 16 children and 171 denominational children continuing to receive free transport due to the low income levels within their families. Continuing to support transport for those children from low income families has been factored into the achievement of savings. However assessing the sensitivity of a change in the number of low income families, where the current assessment is that approximately 1/3rd of families will be entitled to free transport, would indicate that a change of 10% either way could either increase or reduce the estimated savings by approximately £50k. Similarly the sensitivity of the assessed average unit price

could, applying a 10% change increase or reduce the post-16 transport savings by £60k and £50k for denominational transport. A further variable is the number of children requiring transport. Changes in these numbers could result in similar changes to the sensitivity around the savings. Taken together this would indicate an upper and lower sensitivity range of approximately £300k from the estimated £1m savings.

- 7.16 In addition to these issues there are other factors such as continued parental choice to pay for transport to their child's current school, actions taken by schools and colleges to facilitate their own transport arrangements if they so choose and the use of surplus places within the local catchment school. In addition to the sensitivity assessment discussed above, these factors will also impact on the estimated saving, either increasing or decreasing the saving, adding to the range.
- 7.17 In summary, the savings will vary from the estimated figure stated, but that could either be to increase or reduce the saving depending on the assumptions made.

8.0 Legal Implications

- 8.1 Under section 508B of the Education Act 1996, the Council is required to provide free transport for “eligible children”, who are defined in Schedule 35B of the Act, where the Council considers it necessary for the purpose of facilitating attendance at school.
- 8.2 “Eligible children” include children:
- a) with special educational needs, disability or mobility problems;
 - b) who cannot reasonably be expected to walk because of the nature of the route to school;
 - c) who live outside walking distance and no suitable alternative arrangements have been made for them; and
 - d) who are entitled to free school meals or their parents receive the maximum amount of tax credits.
- 8.3 In addition, local authorities have the discretion under other sections of the Act to make transport arrangements for those who are not “eligible children” and transport arrangements made under those sections do not have to be provided free of charge, subject to that charge being reasonable in the circumstances.
- 8.4 These include sections 508B and 509AD of the Act, which obliges the Council to take account, amongst other factors, the wishes of parents to educate their child at a school providing an education that conforms to the religion or denomination to they adhere. However, in the case of *Regina v Rochdale Met Borough Council Ex parte Schemet* 1992 (which concerned not denominational education but transport to schools outside the borough) Mr Justice Roch stated:

“The parent’s wishes were an important consideration but they were not the sole consideration and the education authority might conclude that they could make suitable arrangements for the child to be registered at a school closer to his home despite a conflict with

the parents stated preference, provided the authority took account of that preference in reaching its conclusion”.

- 8.5 In the recent case *R(R and others) v Leeds City Council / Education Leeds (2005)*, free transport, religious education and the Human Rights Act 1998 were considered and the Court concluded that a decision to refuse free transport to a religious school was not a violation of Articles 2, 8 or 9 and that the only grounds for challenging such a decision could be on the irrationality of the decision to charge.
- 8.6 Please note that, because the definition of “religion or belief” includes a lack of “religion or belief”, the Council is also obliged to have regard to the wishes of parents who want their child to be educated in a non-denominational school because of their lack of “religion or belief”.
- 8.7 Some of the representations received assert that the proposals amount to unlawful discrimination against a family’s religion, but as the Council is able to demonstrate that it has taken account of the religion or belief of parents when reviewing its policy, it has complied with its statutory duty.
- 8.8 The Diocese of Shrewsbury and others have stated that the proposals contravene “long standing agreements” regarding the siting of Catholic schools and the provision of transport to support faith education. However, the Council can find no record of any such agreements and, despite requests, has not been provided with copies by those making these claims.
- 8.9 In the absence of said agreements, the Council can make the changes it considers necessary, provided its new policy complies with the law. However, even if it were possible to find evidence of these agreements, the Council would only be required to take them into account, it would not necessarily be required to follow prior practice.

9.0 Risk Management

- 9.1 With particular reference to withdrawing denominational transport for new entrants there is a risk of challenge on the grounds of discrimination. However, precedent has been set in a number of other local authority areas who have consulted on similar proposals and have adopted this approach.
- 9.2 There is a risk of destabilising pupil numbers attending primary and secondary faith schools. In the primary sector this risk is relatively low, although in the secondary sector the risk is slightly higher. However, reports from other local authorities that have changed their denominational transport policies indicate that overall pupil numbers in faith schools have changed little. The planned transition provided by the revised proposal in this paper this will diminish the possibility of reduced pupil numbers
- 9.3 The risk has been raised through the consultation about the potential impact of the proposals on school admissions in the future. Concerns have been raised that in the absence of any transport provision to a faith school, parents and carers affected may instead choose their local school as one of their preferences and, if none of their preferences can be offered due to the 'local' school being oversubscribed, under

current transport policy transport would still have to be provided, but to the nearest school with a vacancy where the school is over statutory walking distance or along a hazardous route.

- 9.4 The coordinated admission process implemented by the Local Authority provides parents and carers with an opportunity to state three school preferences ranked in order of priority. In the event that more than one school can be offered, a single offer is made for the preference ranked highest on the application form. However, where a school receives more preferences than it has places available in the relevant age group, the agreed oversubscription criteria is applied to determine priority for admission. The Local Authority gives priority for admission to its community and voluntary controlled schools to cared for children, children with medical and social needs which justifies admission to a particular school, to younger siblings of children attending the school in reception through to Year 5 and then to children resident within the school's designated catchment area. For secondary applications, the following criterion is based on attendance at a named feeder school. In all cases, applications that are not within one of these higher criteria will be considered on the basis of a straight line 'distance' measured from the home to school. The oversubscription criteria to other non-community or voluntary controlled schools is determined by the governing body of the school and can therefore vary. Some secondary foundation schools and Academies do not use catchment areas as a level of priority for admission but the majority do give priority to siblings and to children attending named feeder schools.
- 9.5 For most schools, residency within the school's designated catchment area provides sufficient priority for a place to be offered through the coordinated application process. For admission in 2011, at allocation there was only Wilmslow High School that could not accommodate all the secondary aged children resident within its catchment area and for reception admissions, there were 18 of the 124 primary schools where this was an issue. Many places are declined by parents and carers through this process and these are then re-allocated to parents of children held on a school's waiting list, which is held in criteria order. As an example, the waiting list for Wilmslow High for September now holds the names of only 15 children, all of whom are in the 'distance' criterion compared with 106 at allocation, which included 30 children resident in the school's catchment area. In summary, based on the information available, should parents who would have attended a faith school make an application to their local school in the future, it is likely to be successful in the case of most schools, so long as this is their first preference and their application is submitted on time.
- 9.6 The withdrawal of post-16 transport for mainstream pupils, combined with the withdrawal of Education Maintenance Allowances (EMA), could result in more young people becoming 'Not in Employment, Education or Training' (NEET).
- 9.7 Increased costs could also result in higher numbers of 'school run' journeys, which would undermine the Council's environmental objectives.
- 9.8 Increases in the number of children walking longer distances to school could potentially lead to more road accidents or safeguarding concerns from parents, unless supported by other strategies, for example: additional school travel planning,

road safety improvements and support for the walking bus schemes. Offsetting this is the clear desire of the Council – expressed through the Local Transport Plan – that more children should walk to school to derive health benefits from this activity, as opposed to motorised transport.

- 9.9 The Children and Families Services Directorate is unlikely to make the significant savings required without these changes, which will place additional financial pressure on the Council in this climate of severe financial constraints and could result in reduced funding elsewhere in the Council's budget, given the need to achieve £50 million in savings over the next three years, with the first financial year being 2011/12.

10.0 Background

10.1 Funding Context

- 10.1.1 The Council is charged with reviewing all areas of service delivery with a view to prioritising the deployment of resources according to greatest need, as a result of a significant funding reductions and growth pressures. This has arisen from the challenging economic climate currently being faced across the borough. In the pre-budget report for 2011/12 "Our People, Our Place" para 100 stated:

"A review of the Council's Home to School Transport Policy has identified increased expenditure pressures generally and key areas of discretionary activity and support provided by the Council which is no longer sustainable within the current financial climate. These areas include denominational transport and post 16 provision where it is intended to remove subsidies and/or increase charges, which results in an overall requirement to increase the budget by £0.989m".

10.2 Transport to denominational schools

- 10.2.1 Currently the Council has a discretionary transport policy that gives free transport and subsidises transport to Catholic and CE Schools. It also offers subsidised transport where parents whose children are not given free transport to school can pay towards the cost of a vacant seat, where available.

- 10.2.2 Under the Council's current arrangements, children who attend a denominational primary and secondary school between 2 and 15 miles of the home address for reasons of religious belief, but do not satisfy the definition of 'eligible children', are entitled to assisted (but not free) transport to the designated local denominational school. Transport assistance is offered subject to payment of a parental contribution to the cost of transport at a charge to be decided annually and reflecting the cost of provision. A family subsidy is also applied whereby only two statutory school age children per household will be subject to a charge. The Council is not required to provide free or assisted transport to pupils attending denominational schools for reasons of religious belief, with the exception of those families on qualifying benefits, i.e. eligible children.

- 10.2.3 In 2010/11 the cost to the Council of providing transport to faith schools was on average £1097 per pupil. The Council currently charges parents £299 per child, a

second child from the same household at the same rate and all other children travel free. This represents a subsidy of £798 per pupil attending a faith school in Cheshire East.

- 10.2.4 The denominational assisted transport policy was introduced in 2008. A pupil attending a school prior to September 2008 in receipt of free transport under the Council's Home to School Transport Policy for 2007 and continuing in statutory education at the same school beyond September 2008, remained entitled to free transport under the 2007 policy. This stands until such time as they change school place, they reach 16 when they are charged for transport or the Council changes its policy on transitional protection.
- 10.2.5 There are currently 685 pupils (1.37% of the 5-16 school population) who receive subsidised school transport at a net cost to the Council of £512,000. If the Council decides to continue to provide a subsidy there would need to be a decision on what level of subsidy should be provided.
- 10.2.6 Parents who choose a non-faith school as an alternative to their catchment or nearest school do not have the same entitlement to subsidised transport to a school of their choice/preference; they have always been obliged to arrange and pay for their own transport, unless they qualified under other eligibility criteria.
- 10.2.7 The withdrawal of subsidised transport to faith schools would mean that under a future home to school transport policy all requests for transport would be assessed under a policy which provides free transport to the catchment or closest school where the pupil is above walking distance.

10.3 **Post 16 transport**

- 10.3.1 The current Cheshire East Post-16 Transport Policy statement for the Academic Year 2010-2011 makes a commitment to ensure that learners of sixth form age (and for those with learning difficulties and/or disabilities aged 19-24) are able to access appropriate high quality education and training of their choice; and provide support to those young people who need it most and removing transport as a barrier to participation in learning.
- 10.3.2 In developing the policy statement, the former County Council had regard of its duties under the Apprenticeships, Skills, Children and Learning Act 2009 (ASCL). The duties include consideration of whether there is adequate transport provision available to facilitate the attendance of further education learners and consultation with young people of sixth form age and their parents when drawing up the Transport Policy Statement. However, again the provision of post-16 transport is not a statutory requirement and is at the discretion of the Council. If charges were not increased the effect would be to place even greater strain on services to more vulnerable groups, as the Council faces the challenge of living within its financial means.
- 10.3.3 There are currently 1003, 16-19 students receiving subsidised transport to colleges (Reaseheath College, Mid Cheshire College, Sir John Deans Sixth Form College, Macclesfield College, South Cheshire College,) or sixth forms attached to

mainstream schools (including St Nicholas's High School in Cheshire West and Chester). In the future unless students qualify for the governments new Bursaries (replacement of Education Maintenance Allowance) it will be for students/parents to pay for transport.

10.4 Post 16 transport for Students with Complex and Special Educational Needs

10.4.1 Currently students with complex special needs who continue their education after the age of 16, whether at school or college can apply for transport via the Complex Special Needs Policy. Entitlement via this Policy is reviewed annually and assisted transport for post 16 pupils with complex special needs is currently made at the Council's discretion. There are currently 167, post 16 students, with complex and special needs receiving subsidised transport to college and special schools. This provision is currently offered free of charge, but a number of other local authorities have introduced a charge for this provision. However given that the Council's limited range of specialist provision charging for transport will severely limit parental preference for appropriate specialist course

10.5 Consultation Process

10.5.1 In considering any amendments to the policy which could lead to a reduced entitlement for children to transport, case law has determined that local authorities must consult the parents of the children that are, and may be, affected before policy is altered. Once the policy is determined, a local authority is obliged to publish it at least 6 weeks before the deadlines set for parents to lodge applications for school places in the normal admissions process.

10.5.2 Between 25 March and 20 May 2011, the Council consulted publicly on proposed changes to arrangements for denominational transport, post-16 mainstream and post-16 with special and complex needs policies that would raise charges from September 2011 and that would withdraw all transport provision by 2012. The proposal would provide future cost savings, in a challenging financial climate, when the council is committed to making approximately £50m worth of savings over the next 3 years.

10.5.3 All Cheshire East schools/colleges were informed about the consultation and were asked to disseminate information to key stakeholders – parents/carers, staff, and governors. Other key consultees were contacted. A number of drop-in sessions were set up for members of the public to give their views face to face. A website was set up with an on-line form to enable all people to respond to the consultation if they wished to. All Cheshire primary and secondary school Headteachers and Chairs of Governing Bodies were also written to direct and invited to respond. At the request of the Shrewsbury Diocese, the consultation documentation was also translated into Polish.

10.5.4 It has been suggested that parents in some parts of the borough were disadvantaged by the arrangements for the drop-in sessions. However, the Council is not obliged to hold meetings everywhere providing the people being consulted in any part of the Council have a fair opportunity of putting their views across that can be done otherwise than at a meeting for example via the dedicated website. It was

not appropriate to write to every parent in Cheshire East, the cost of such was prohibitive. However, the Council did mail and email significant a number of booklets and consultation forms as and when requested and 186 questionnaires were completed in hard copy.

10.5.5 Responses received from the consultation demonstrate that parents and others concerned knew that the consultation was taking place, they understood the nature of the consultation proposals, and they felt able to express their views as part of the consultation through various means.

10.6 Outcome of the Consultation

10.6.1 The public consultation has provided members with a significant amount of feedback, including a range of views, comments and questions that will assist their understanding of the issues under consideration. 909 responses were received, to the feedback questionnaire, over 225 people attended the seven public drop-in sessions and 187 letters and emails have been received. Of these, 114 were from parents, grandparents and carers, 34 were from school staff and governors, 6 Councillors, 11 MPs, 13 unknown and 9 from colleges and other organisations, including the Diocesan Authorities, The Voice (an organisation of parents/carers of children with additional needs in Cheshire East) and Middleswich Town Council. Two petitions were also received. Due consideration has been given to the petitions received, responses to the web based survey, face to face contact and correspondence.

10.6.2 The consultation helped to establish the likely impact of the changes and consultees were asked to complete a questionnaire either online or in hard copy to give their views. Of the 909 questionnaires completed, 723 were completed online and 186 were received as paper copies, 5 of which were translated from Polish. The attached report sets out the responses to the questionnaire. The majority of responses were from the community that would be most affected by the proposed changes. The main headlines from the consultation are:

- Over a quarter of respondents (265 people) said that the proposals would influence their current or future choice of schools
- Of those who currently pay for school transport, almost half (96 people) said that the proposals would influence their current or future choice of schools
- Regarding denominational transport proposals, many comments were made stating that the pupil / student would need to find an alternative method of transport (car, walking, public transport)
- Regarding post-16 mainstream transport proposals, a number stated that the pupil / student would not be able to attend post-16 education
- Regarding post-16 complex and special needs transport proposals, a high level of concern was expressed by those not directly affected

- Most respondents disagreed or strongly disagreed with the statement that ‘parents should be responsible for getting their children to school / college’

10.7 Issues Raised

10.7.1 Appendix 6 provides an analysis and summarises the key themes from the consultation meetings and feedback received through the use of the on-line survey.

11.0 Access to Information

11.1 The background papers relating to this report can be inspected by contacting the report writer.

Name: Fintan Bradley
Designation: Head of Strategy, Planning and Performance
Tel No: 01606 271504
Email: fintan.bradley@cheshireeast.gov.uk