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DATE: 25 May 2011

Dear Councillor

CHILDREN AND FAMILIES SCRUTINY COMMITTEE - TUESDAY, 31ST MAY, 2011

I am now able to enclose, for consideration at next Tuesday, 31st May, 2011 meeting of the Children and Families Scrutiny Committee, the following reports that were unavailable when the agenda was printed.

Agenda Item 5

Home to School Transport update (Pages 1 - 42)

To receive an update on the progress and emerging issues following the consultation as part of the Home to School Transport Review.

Yours sincerely

Mark Grimshaw
Scrutiny Officer

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CHESHIRE EAST COUNCIL

REPORT TO: Children and Families Scrutiny Committee

Date of Meeting: 31 May 2011
Report of: Lorraine Butcher
Subject/Title: **Consultation on Home to School Transport**
Portfolio Holder: Councillor Hilda Gaddum

Report Summary

- 1.1. This paper outlines the process and a summary of feedback from the consultation on the proposed changes to the home to school transport services that Cheshire East Borough Council (the Council) is legally permitted to make a charge for under the Home to School Transport Policy and the Complex and Special Needs Policy Transport Policy.
 - 1.2 Full feedback from the consultation is currently being collated and analysed. Key issues will be presented to the Children and Families Scrutiny Committee on 31st May, but further consideration of the feedback will be required after this date.
 - 1.3 The consultation on the review of the Council's Home to School Transport Policy has been required as a result of the tight financial framework within which all Local Authorities are now operating. As a consequence it has been proposed that the Policy is reviewed and consultation undertaken in relation to the services for which a charge can be made, which are:
 - post 16 transport;
 - some denominational transport; and
 - the post 16 element of the Complex and Special Needs Policy;
 - 1.5 This consultation and review of home to school transport policy is also being undertaken as part of the wider Total Transport Project (LTP). The LTP is 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.
- 2.0 Decision Requested**
- 2.1 The committee to note the initial findings of the consultation.
 - 2.2 A special meeting of the committee be organised in advance of the July Cabinet meeting to consider the options and recommendations arising from the Consultation.

3.0 Reason for Recommendation

- 3.1 As part of the Authority's wider Passenger Transport Strategy, Children Services are required to review the provision contained within the Home to School Transport Policy and Complex Special Needs Transport Policy and the transport arrangements for cared for children in foster placements travelling to/from school. This review is required to recognise the financial constraints upon the Council as set out in paragraph 107 of Cheshire East Council's Budget report 2011/12.

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 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 will be 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.

7.0 Financial Implications

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

Table 1

Transport Expenditure	Gross Exp. £000s	Income*¹ £000s	Net Exp. £000s
Mainstream Home to School	4,287	71	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 charges made for eligible pupils and also spare seats for ineligible pupils

7.2 Table 2 below shows the net effect on school transport income and expenditure over the next three financial years. Due to an overlap between financial and academic years, the policy options will be implemented over a number of financial years.

7.3 The options, if all proceed, could realise savings of just under £1 million over the next three years. In addition to the specific proposals outlined below, a number of efficiency savings are being proposed, such as contract re-tendering.

Table 2 - Net Budget Savings over 3 Years if Proposals Approved

PROPOSAL	YEAR 1 Apr 2011 - Mar 2012	YEAR 2 Apr 2012 - Mar 2013	YEAR 3 Apr 2013 - Mar 2014	Total
<u>Proposal 1</u> – To increase the charge for existing users of denominational transport from £299 to £385 from September 2011	£23,000	£16,000	£0	£39,000
<u>Proposal 2</u> - To increase the charge for new intake for denominational transport from £299 to £385 from September 2011 (figures include full cost of income and not difference between £299 and £385)	£37,000	£18,000	£0	£55,000
<u>Proposal 3</u> – To withdraw denominational transport from September 2012	£0	£280,000	£138,000	£418,000
<u>Proposal 4</u> – To increase the charge for post 16 mainstream transport from £415 to £500 from September 2011	£37,000	£18,000	£0	£55,000
<u>Proposal 5</u> – To withdraw post 16 mainstream transport from September 2012	£0	£218,000	£109,000	£327,000
<u>Proposal 6</u> – Introduce a charge for post 16 Complex and Special Needs transport from September 2011	£43,000	£21,000	£0	£64,000
<u>Proposal 7</u> - Foster placement review (current spend on accessing school £400k)	tbc	tbc	tbc	tbc
<u>Proposal 8</u> - Medical withdraw current provision from 2011, review in accordance with “exception” policy	£13,000	£6000	£0	£19,000
School organisation changes from 2011 (reduction in administration costs)	£4000	£2000	£0	£6000
Total reductions	£157,000	£579,000	£247,000	£983,000

7.4 These estimates are supplied only as a guide and would be subject to any limitations to changing the policy arising from for the Council’s duty to provide free transport to ‘eligible children’ under the Education Act 1996, and the take up of assisted (but not free) transport by parents. It is not possible to estimate with any accuracy what income (take up) levels would be realised if an increase in the charge was approved, but it might be assumed that, as long as the charge continued to be competitive with

the costs of car travel, and the transport provision was convenient, then take up would be fairly high.

- 7.4 The introduction of a charge for all Post 16 pupils with complex special needs would be expected to deliver revenue savings of £64,500 (this figure accounts for 20% of pupils who would be exempt from charging due to hardship).

8.0 Legal Implications

- 8.1 The sections of the Education Act 1996 that detail the home to school transport that local authorities are entitled provide state that those authorities must make the arrangements that “... *they consider necessary to facilitate attendance at ...*” a relevant educational establishment. Therefore, all home to school transport is discretionary, but the law and the guidance stipulates how local authorities are expected to exercise that discretion in relation to some groups.
- 8.2 In particular, the Council cannot charge for home to school transport arrangements made under section 508B of the Education Act 1996, which obliges local authorities to provide ‘eligible children’ free of charge with the home to school travel arrangements that “... *they consider necessary to facilitate attendance at ...for the purpose of facilitating the child’s attendance at the relevant educational establishment ...*”;
- 8.3 ‘Eligible children’ are defined in Schedule 35B of the Education Act 1996 (Appendix 1) and can be seen as falling into three groups:
- those living within walking distance of their educational establishment, such as children with special educational needs, a disability, mobility problems or unsafe routes to their educational establishment;
 - those living outside walking distance of their educational establishment for whom no suitable alternative arrangements have been made; and
 - those children, 8 years and above, who satisfy an ‘Appropriate Condition’, along with some other criteria.
- 8.4 A charge can be made for transport arrangements made under the other relevant sections of the Education Act 1996, i.e. sections 508C to 509A, subject that charge being reasonable in the circumstances.
- 8.5 However, when determining what is reasonable, what is “necessary to facilitate attendance” or what is an appropriate educational establishment, local authorities are expected to take into account, amongst other factors, the wishes of parents. This was confirmed in the case of Regina v Rochdale Metropolitan Borough Council, ex parte Schemet 1992, which dealt with a request for transport to schools outside the borough, in which 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”.

9.0 Risk Management

- 9.1 With particular reference to withdrawing most free denominational transport there is a high 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 The withdrawal of Post 16 transport for mainstream pupils, introduction of charges for complex special needs pupils, combined with the withdrawal of Education Maintenance Allowances (EMA), could result in more young people becoming NEET (Not in Employment, Education or Training).
- 9.3 Increased costs could also result in higher numbers of ‘school run’ journeys which would undermine the Council’s environmental objectives.
- 9.4 Increases in the number of children walking longer distances to school could potentially result in more accidents or safeguarding concerns from parents, unless supported by other strategies, for example: additional school travel planning, road safety improvements or support for walking bus schemes.

10.0 Background

Potential Cohort Affected by the Proposals

- 10.1 There are approximately 84,500 0-19 year olds resident in Cheshire East. The current cohort groups directly affected by the school transport proposals are set out in the table below. These figures include pupils who are eligible for free transport and who will continue to receive this so long as their circumstances do not change, for example 83 of the 685 pupils who currently get transport to denominational schools would continue to receive this if the proposals were approved.

Cohort Group	Approximate Number
Denominational transport	685
Post-16 mainstream	1003
Post-16 SEN	167
Total	1855

Consultation Process

- 10.2 The consultation process period ran for 57 days from 25th March to 20th May, ie, 37 working days or 30 working days during school term time (taking into account school and bank holidays).
- 10.3 The following groups/individuals have been asked for their views on the proposals:

- Parents/carers of children and young people in primary, secondary, special schools and colleges
- The Diocesan authorities
- Headteachers and governing bodies of Cheshire East primary, secondary and special schools (including denominational schools)
- Headteachers and governing bodies of denominational schools in neighbouring authorities where there are children resident in Cheshire East attending currently
- Cheshire East Elected Members
- Neighbouring local authorities' Directors of Children's Services
- Colleges of Further Education
- Unions and Professional Associations
- Staff of Cheshire East Council
- Transport Providers

CONSULTEE ENGAGEMENT WITH CONSULTATION PROCESS

- 10.4 Appendix 1 shows the number of interested parties who chose to access the Cheshire East school transport consultation web pages during the consultation period. In summary, this shows that there were 2190 views of the pages. Of these, 937 individuals accessed the information once, and 587 returned to the pages on a number of occasions.
- 10.5 At the end of the consultation period 906 questionnaires have been received. Of these, 719 were completed online and 187 were received as paper copies, 5 of which were in Polish and translated. In addition, 2 petitions and a significant number of letters and emails have been received.
- 10.6 Table 3 below sets out the dates and venues of the public consultation events and the number of people who attended.

Table 3

Venue	Date	Number of attendees
Macclesfield Town Hall	5/4/11	20
Crewe Alexandra Football Club	7/4/11	54
Middlewich Community Church	13/4/11	42
New Life Church, Congleton	14/4/11	17
Middlewich Civic Centre	12/5/11	92
Total		225

- 10.7 Table 4 sets out media coverage of the school transport consultation.

Table 4

Newspaper	Date	Headline
The Sentinel	15/3/11	School buses under threat
Sandbach Chronicle	17/3/11	Plan to increase school bus fares is 'more bad news for young people'
Crewe Chronicle	23/3/11	Charge may be made for school bus

Sandbach & Middlewich Chronicle	23/3/11	Charge may be made for school bus
Nantwich Chronicle	23/3/11	Charge may be made for school bus
Knutsford Guardian	23/3/11	Pupils could be charged for school bus journeys
Macclesfield Express	23/3/11	Big review of free school transport
Winsford & Middlewich Guardian	23/3/11	Bus charge plan for school pupils
Congleton Chronicle	24/3/11	School transport under review in cash squeeze
Wilmslow Express	24/3/11	Free transport for school kids may be at risk
Biddulph Chronicle	24/3/11	School transport under review in cash squeeze
Crewe & Nantwich Guardian	31/3/11	Public consultation on school transport review
Biddulph Chronicle	31/3/11	Have your say on term dates and school transport plans
Congleton Chronicle	31/3/11	Have your say on term dates and school transport plans
Cheshire Independent	30/4/11	Having a say on school matters
Crewe & Nantwich Guardian	05/5/11	School travel
Chronicle Xtra	06/5/11	Transport consultation
Crewe Chronicle	11/5/11	Transport consultation
Middlewich Guardian	11/5/11	Parents fury over transport cost rise

10.8 A wide range of communication channels have been used during the consultation process including the schools bulletin, press releases. Information regarding the consultation was distributed and highlighted in the school bulletin. Schools were asked to distribute the letter to parents and encourage them to respond. Some feedback was received that this did not happen in all instances. When this was brought to the attention of the Local Authority, a further meeting was arranged for parent/carers. Details of this meeting were distributed to all schools via the schools bulletin.

10.9 Dedicated website pages were set up on the Cheshire East Council website. All information regarding the proposals was available to view, download or complete online and were also available in Polish. The consultation information is attached at Appendix 2. A dedicated email and postal address were set up to allow consultees to give their views in hard copy.

10.10. A wide range of other websites carried information on the consultation, these are listed below.

Communication channels used

Table 5

Communication Channel	Detail
<ul style="list-style-type: none"> Website 	<p>All information was available to download on Cheshire East's website. Feedback form available to complete online.</p> <p>Other websites including information are:</p> <ul style="list-style-type: none"> SPACE website – parents with children with autism Cheshire East Parents and Carers Voice Student intranet – Stockport Wilmslow High website Eaton Bank School website Kings Grove High School website Park Royal Primary School St Nicholas High School Tytherington High School Poynton High School Millfields Primary School St Vincents De Paul RC Church Campaign for better transport Alderley Edge.com Prestbury.com High Legh News Cheshiremagazines.co.uk Independent Catholic News thisisstaffordshire.co.uk
<ul style="list-style-type: none"> Telephone 	<p>Interested parties were asked to contact the contact centre on tel: 0300 123 5012</p>
<ul style="list-style-type: none"> Press releases 	<ul style="list-style-type: none"> March 15, 2011 - School term time consultation given the go-ahead March 21, 2011 - Arrangements confirmed for two school consultations April 28, 2011 - Additional consultation event for school transport consultation
<ul style="list-style-type: none"> Dedicated email address 	<p>Responses made by email to all stakeholders who have contacted the Council via email. Letters and information emailed to those with access</p>
<ul style="list-style-type: none"> Postal address 	<p>Letters have been sent from and received into the postal address published for those stakeholder wishing to respond by post</p>

<ul style="list-style-type: none"> • Meetings 	<p>Individual meetings have been held with the Diocese, Councillors, groups of parents. The school Transport consultation has been on the agenda at the following meetings:</p> <ul style="list-style-type: none"> • Parent Partnership • Schools Forum • Union Meeting
<ul style="list-style-type: none"> • Drop in sessions 	<p>7 x sessions for the general public. Took place in the afternoon/evenings in Macclesfield, Congleton and Middlewich.</p>
<ul style="list-style-type: none"> • Members Bulletin 	<p>25 March 2011</p>
<ul style="list-style-type: none"> • Reaseheath College open day 	<p>All information was available for parents in hard copy at the open day on 15th May 2011</p>
<ul style="list-style-type: none"> • Schools Bulletin 	<p>Information and details (including a letter to send out to parents informing them of the consultation) was included in following issues of the Bulletin:</p> <ul style="list-style-type: none"> • 21/3/11 • 28/3/11 • 4/4/11 • 3/5/11
<ul style="list-style-type: none"> • Director of Children's Services Report to Governing Bodies 	<p>Issued May 2011</p>
<ul style="list-style-type: none"> • Team Talk 	<p>Included in Cheshire East's staff bulletin on 25/3/11</p>
<ul style="list-style-type: none"> • Children and Families Bulletin 	<p>Included in Cheshire East's Children and Families staff bulletin on 31/3/11</p>

10.11 The Home to School transport consultation has been conducted widely with a range of interested parties. A summary of the views expressed in the consultation, and initial responses to these, have been captured in Appendix 3.

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

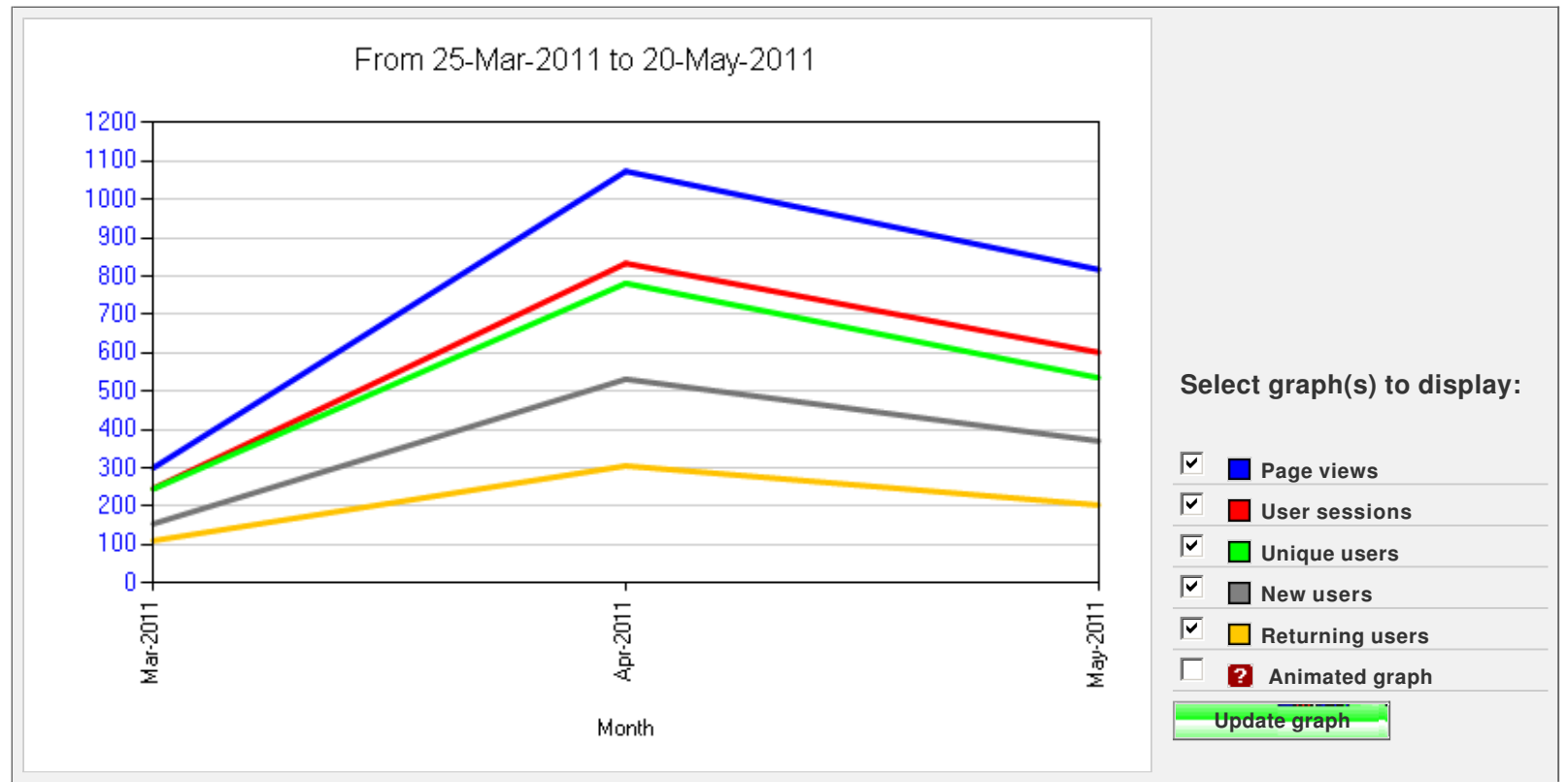
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Select period: or start day (dd-mm-yyyy): end day: [Show](#)

Active filter: **Exclude Cheshire East Council IP** [Deactivate](#)

Page Title:	School Transport Consultation	EDIT TITLE
Url:	http://www.cheshireeast.gov.uk/educ.../school_transport_consultation.aspx	
Path:	Home Page > Education and Learning > Schools > School Transport Consultation	
Group:	School Transport Consultation	
Average time:	01:05	
Page views:	2,190	
User sessions:	1,680	
Direct pageviews:	66	
Unique users:	1,524	
New users:	937	
Returning users:	587	



Cheshire East Council School Transport Consultation Feedback Form

Cheshire East Council has set out a number of proposed changes to school transport. These changes will affect many families within Cheshire East and we need to know, before we make these decisions, what the impact will be. These changes do not affect those groups for whom the Council must provide transport by law (see Frequently Asked Questions). Please read the consultation and Frequently Asked Questions documents at www.cheshireeast.gov.uk/schools before you answer the following questions.

All your answers will be treated in line with the Data Protection Act 1998.
Thank you for your time.

1. What is your postcode? <i>(This will help us to understand whether there are issues for your local area)</i>	
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2. Please tell us which statement is true for you	Please tick (✓)
a. I am responsible for my own transport to school/college	
b. I get free transport to school/college	
c. I pay for council run transport to school/college	
d. I use transport organised by the school/college	
e. I pay for privately run transport to school/college	
f. Not relevant to me	

3. Do you understand the reasons why the Council is proposing to make changes to school transport?	Please tick (✓)		
	Yes	No	No View
Please comment here			

4. Please tell us how you think the Council's proposals around denominational transport will impact on you.
Please comment here

5. Please tell us how you think the Council's proposals around post-16 mainstream transport will impact on you.

Please comment here

6. Please tell us how you think the Council's proposals around post-16 complex and special needs transport will impact on you.

Please comment here

7. Will any of the proposed changes affect your current/future choice of school?

Please tick (✓)

Yes

No

No View

If yes, please give details, including the number of children and schools affected.

8. Please tell us how much you agree or disagree with the following statements

Please tick (✓)

Strongly Agree

Agree

No view

Disagree

Strongly Disagree

a. The Council should provide transport that is fair for all pupils/students

b. The Council should use the budget for those groups who need it most

c. The Council should make it a priority to provide those services that it must do so by law

d. Parents should be responsible for getting their children to school/college

Comments

9. Please make any further suggestions, comments or propose other options here.
Comments
<i>(Please continue on a separate sheet, if required.)</i>

Please indicate below any of the following that apply to you:

	Please name the school/s/college , if appropriate
Parent/carer of pupil/student(s)	
School Governor	
Member of Staff	
Pupil/student	
Other (please specify)	

Thank you for your time

Please return this form by Friday 20th May 2011 to:

Cheshire East Council
School Transport Consultation (GB)
Children and Families Service
Dalton House, Dalton Way
Middlewich, CW10 0HU

Or email to stp@cheshireeast.gov.uk

If you wish to include your name please provide it here <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>	Organisation/Community/Support Group if relevant <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
(Cheshire East Employees only) Service/Dept <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>	Do you have caring responsibilities? <input type="checkbox"/> Yes <input type="checkbox"/> No
Age <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>	Is the Council aware of your caring responsibilities? <input type="checkbox"/> Yes <input type="checkbox"/> No
Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Transgender <input type="checkbox"/> Male to Female <input type="checkbox"/> Female to Male
What is your relationship status? <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Married <input type="checkbox"/> Cohabiting </div> <div style="width: 45%;"> <input type="checkbox"/> Separated/Divorced <input type="checkbox"/> Other <input type="checkbox"/> Civil Partnership </div> </div>	Ethnicity A White <input type="checkbox"/> English/Welsh/Scottish/Northern Irish <input type="checkbox"/> Irish <input type="checkbox"/> Gypsy/Traveller <input type="checkbox"/> Any other White background, write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
Religion & Beliefs <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> No Religion <input type="checkbox"/> Church of England, Protestant <input type="checkbox"/> Roman Catholic <input type="checkbox"/> Hindu <input type="checkbox"/> Jewish <input type="checkbox"/> Muslim <input type="checkbox"/> Sikh <input type="checkbox"/> Any other religion, write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div> </div> </div>	B Mixed or Multiple Ethnic Groups <input type="checkbox"/> White and Black Caribbean <input type="checkbox"/> White and Black African <input type="checkbox"/> White and Asian <input type="checkbox"/> Any other Mixed/Multiple background write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
Disability <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> Do you considered yourself disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No Definition: An impairment that as a long-term and substantial effect on a person's ability to carry out normal day to day activities. </div> <div style="width: 45%;"> Have you ever chosen not to disclose your disability because you feel it may have an adverse affect on you at work or in your community <input type="checkbox"/> Yes <input type="checkbox"/> No </div> </div>	C Asian or Asian British <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Chinese <input type="checkbox"/> Any other Asian background write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
	D Black/African/Caribbean/Black British <input type="checkbox"/> African <input type="checkbox"/> Caribbean <input type="checkbox"/> Any Black African Caribbean background, <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
	E Other ethnic groups <input type="checkbox"/> Arab <input type="checkbox"/> Any other ethnic group, write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
	Do you belong to the Traveller or Gypsy Community <input type="checkbox"/> Yes <input type="checkbox"/> No Has the wording of any of these groups affected your decision to complete this section <input type="checkbox"/> Yes <input type="checkbox"/> No



To Parents or Carers of all
Cheshire East School Children

Children & Families Services
School Consultations
Dalton House
Middlewich
Cheshire CW10 0HU
0300 123 5012
stp@cheshireeast.gov.uk

DATE: 25 March 2011 OUR REF: Consultations YOUR REF:
Please Contact: 0300 123 5012

Dear Parent or Carer

School Transport and School Term Dates – Have Your Say

Cheshire East Council wants the best for you and your family and is working hard to provide services that meet your needs. This means always looking for the best way to use our limited resources to provide services.

School Transport - Like all councils, we have to make difficult decisions about what services we can keep and which, sadly, we can no longer afford. Much of what we do is statutory, i.e., there is a law that tells us that we must do it. This means that when we need to cut our costs, we have to look at those areas that are non-statutory, i.e. where we provide services because we feel they make a difference to our local communities. One of these areas is school transport. Some of this we must provide by law and we will continue to do so, but for other discretionary areas, we are looking at making changes to the services we provide.

School Term Dates - Cheshire East Council is also looking at making changes to school term dates. We are responsible for setting these dates for most schools, but can only recommend them for Foundation, Aided and Academy schools. The proposed changes aim to standardise and align our school term dates across both primary and secondary schools and with other local areas, including Cheshire West and Chester, Wirral, Liverpool, Sefton, Knowsley, St Helens, Warrington and Halton.

Have your say - We know that these changes will affect many families within Cheshire East and we need to know, before we make any decisions, what the impact will be. Full details of both consultations and an online questionnaire are available at:
www.cheshireeast.gov.uk/schools

You can also feed back to us direct at one of the following drop-in sessions. You can attend at any point during the session and Council staff will be on hand to answer questions and record feedback on both consultations.

Date	Times	Venue
Tuesday 5th April 2011	2-4pm 5-8pm	Assembly Room, Macclesfield Town Hall Macclesfield, SK10 1DP
Thursday 7th April 2011	2-4pm 5-8pm	Alexandra Suite, Crewe Alexandra Football Club, Gresty Road, Crewe CW2 6EB
Wednesday 13th April 2011	2-4pm 5-8pm	Creche Room/Hall, Middlewich Community Church, 34-36 Brooks Lane Middlewich, CW10 0JG
Thursday 14th April 2011	4-7pm	Main Hall, New Life Church, Danesford Community Centre, West Road, Congleton, CW12 4EY

The consultation period ends on the 20th May 2011 and we expect that a final decision will be made by the Council during June 2011. We look forward to receiving your comments. If you have any queries about this letter please contact the Council on 0300 123 5012.

Yours sincerely



Lorraine Butcher
Director of Children and Families



PUBLIC CONSULTATION

SCHOOL TRANSPORT

25th March - 20th May 2011

Cheshire East Council
School Transport Consultation (GB)
Children & Families Service
Dalton House
Dalton Way
Middlewich
Cheshire CW10 0HU

www.cheshireeast.gov.uk/schools

INTRODUCTION

Cheshire East Council wants the best for all children and families and is working hard to provide services that meet their needs. However, like all councils, we have to make difficult decisions about what services we can keep and which, sadly, we can no longer afford.

Much of what we do is statutory, i.e. there is a law that tells us that we must do it. This means that when we need to cut our costs, we have to look at those areas that are non-statutory, i.e. where we provide services because we feel they make a difference to our local communities. One of these areas is school transport. Some of this we must provide by law and we will continue to do so, but for other areas, we are looking at making changes to the services we provide.

We know that these changes will affect many families within Cheshire East and we need to know, before we make these decisions, what the impact will be. It would help us if you would read about our proposals and let us have your thoughts on them by completing our questionnaire or feeding back to us direct at our drop-in sessions.

BACKGROUND

The Council spends in the region of £10 million on home to school transport. A review of the Council's Home to School Transport Policy is required as a result of the tight financial framework within which all local authorities are now operating. Post 16 travel and denominational travel account for 15 per cent of the overall expenditure – more than a million pounds each year. As a consequence it is proposed that our school travel policy is reviewed and a public consultation carried out.

Statutory Provision - There are some pupils for whom the Local Authority (LA) must provide transport. These groups are set out in law. This includes children of statutory school age who live in Cheshire East and who attend their catchment area or nearest school, where the distance from home to school is over the Council's defined walking distance:

- More than 2 miles from home for children attending primary school ; and
- More than 3 miles from home for children attending secondary school

In addition, there are a number of groups that are, and will continue to be, eligible for school transport. These 'eligible groups' are set out at Appendix 1.

Discretionary Provision - Any school transport provided over and above the statutory provision is discretionary, i.e. it is up to the Council whether or not they chose to offer this. The Council is currently providing some school transport services that are deemed discretionary, including:

- Post 16 transport;
- Some denominational transport; and
- The post 16 element of the Complex and Special Needs Policy.

PROPOSALS

The proposed changes to discretionary provision are set out below:

Proposal 1 –	To increase the charge for <u>existing users of subsidised denominational transport</u> from £299 to £385 from September 2011
Proposal 2 –	To increase the charge for <u>new intake for subsidised denominational transport</u> from £299 to £385 from September 2011
Proposal 3 –	To withdraw <u>subsidised denominational transport</u> from September 2012
Proposal 4 –	To increase the charge for <u>subsidised post-16 mainstream</u> travel from £415 to £500 from September 2011
Proposal 5 –	To withdraw <u>subsidised post-16 mainstream</u> travel from September 2012
Proposal 6 –	To charge for <u>subsidised post-16 complex and special needs</u> travel from September 2011

CONSULTEES

The following groups/individuals will be asked for their views on these proposals:

- All parents/carers of children resident in Cheshire East currently receiving free or subsidised transport to denominational schools (including the parents of pupils due to join Year 7 at a denominational secondary school in September 2011 and who are eligible under the current policy for subsidised transport)
- The Diocesan authorities
- All headteachers and governing bodies of Cheshire East maintained primary , secondary and special schools (including denominational schools)
- All headteachers and governing bodies of denominational schools in neighbouring authorities where there are children resident in Cheshire East attending currently
- Academies in Cheshire East
- All Cheshire East Elected Members
- Neighbouring local authorities' Directors of Children's Services
- Members of the Youth Parliament
- Colleges of Further Education
- Unions and Professional Associations

RESPONDING TO THE CONSULTATION

We would like to hear your views. In addition to this document we have produced a list of Frequently Asked Questions. You can either:

- Complete the consultation online at www.cheshireeast.gov.uk/schools
- Complete a paper copy and return to the following address:

Cheshire East Council
School Transport Consultation (GB)
Children & Families Service
Dalton House, Dalton Way
Middlewich Cheshire CW10 0HU

- Email any comments/forms to stp@cheshireeast.gov.uk

Tell us face to face at one of our drop in sessions that will be taking place across the borough. You can attend at any point during the session and Council staff will be on hand to answer questions and record your feedback.

•

Date	Times	Venue
Tuesday 5th April 2011	2-4pm 5-8pm	Assembly Room Macclesfield Town Hall Macclesfield SK10 1DP
Thursday 7th April 2011	2-4pm 5-8pm	Alexandra Suite Crewe Alexandra Football Club Gresty Road Crewe CW2 6EB
Wednesday 13th April 2011	2-4pm 5-8pm	Creche Room Hall Middlewich Community Church 34-36 Brooks Lane Middlewich Cheshire CW10 0JG
Thursday 14th April 2011	4-7pm	Main Hall New Life Church, Danesford Community Centre West Road Congleton CW12 4EY

NEXT STEPS AND TIMELINE

DATE	ACTION
25 March	Consultation Papers published for 8 weeks (to include 2 weeks at Easter)
April	Drop in sessions to take place across Cheshire
20 May	Public Consultation Closes
31 May	Children and Families Scrutiny Committee
6 June	Cabinet Decision on proposals, taking into account consultation responses
By end of June	School Transport Policies revised
End of June 2011	Schools Booklet published
September 2011	First changes made, if agreed
September 2012	All changes implemented

Appendix 1

OTHER GROUPS 'ELIGIBLE' FOR FREE SCHOOL TRANSPORT

Age or category of pupil	Statutory entitlement
Pupils of compulsory primary school age up to age 11 (Reception to Y6)	Free transport to the nearest qualifying school if it is more than two miles away, as measured by the shortest available walking route
Secondary school pupils up to age 16 (Yrs 7 – 11)	Free transport to the nearest qualifying school if it is more than three miles away, as measured by the shortest available walking route, including pupils at a place other than a school and excluded pupils, still registered, but receiving education outside of school premises
Secondary pupils aged between 11 and 16 (years 7-11) from families who are in receipt of a qualifying benefit (entitled to free school meals or maximum working tax credits)	Free transport to one of three qualifying secondary schools if it is between two and six miles away as measured by the shortest available walking route. This also applies to pupils registered at a qualifying school which is between 2 and 15 miles away; and whose parent has expressed a wish, based upon their religion or belief, for the child to be provided with education at that school
Pupils of compulsory primary school age or secondary school age who live within the statutory walking distance, but where the nature of the route has been deemed unsafe	Free transport to the nearest qualifying school where the pupil lives within the statutory walking distance and where, due to the nature of the route, they are unable to walk in reasonable safety even when accompanied by a responsible person
Pupils of compulsory school age with Special Educational Needs, disability or mobility problems	Free transport to the nearest qualifying school, where the pupil lives within the statutory walking distance and where, due to their special needs or disability or mobility problems, they cannot reasonably be expected to walk to school.

SCHOOL TRANSPORT CONSULTATION FREQUENTLY ASKED QUESTIONS

SUMMARY OF QUESTIONS

1. Why are you proposing these changes now?
2. What is the current policy around school transport?
3. Who will be affected by the changes?
4. What are the proposed changes?
5. When could the changes happen?
6. How can I make sure my views are heard on the Council's proposals?
7. Who are you consulting on the proposed changes?
8. Who will be eligible for free school transport under the new proposal?
9. Which schools/colleges do children and young people in Cheshire East attend?
10. What does the law say that the Council has to provide?
11. How do you know the proposed changes are fair?
12. Doesn't this proposal go against the Council's plans to be more eco-friendly?
13. What will happen next?
14. Can I appeal against the proposed change?

Glossary

- Families on a low income
- Nearest suitable school
- Designated school
- Walking distance
- Qualifying school

1. Why are you proposing these changes now?

Cheshire East wants to provide the best school transport service it can and to support children and young people to get to the school or college of their choice. However, due to financial constraints Cheshire East, like many Councils, is looking at what services it must provide by law and those that it can choose not to provide, including parts of the current school transport service.

The Council spends in the region of £10 million on home to school transport each year. A review of the Council's Home to School Transport Policy is required as a result of the tight financial framework within which all local authorities are now operating. Providing subsidised post-16 travel and denominational travel account for 15 per cent of the overall expenditure – more than a million pounds each year. As a consequence, it is proposed that the policy is reviewed and a public consultation is carried out.

2. What is the current policy around school transport?

Cheshire East's current school transport policies are set out below and can be found on the Council's website:

- [Under 16 School Transport Policy](#)
- [Post-16 Transport Policy](#)
- [Complex Special Needs Transport Policy](#)

3. Who will be affected by the changes?

Those accessing the following services will be most affected by the changes:

- denominational transport; and
- post-16 transport (including those with complex and special needs)

4. What are the proposed changes?

The table below sets out the groups affected, along with the current and proposed policy changes.

Group affected	Current Policy	Proposed Policy
Those attending denominational schools between 2-15 miles of where they live	Charges are made at £299 each year per pupil for subsidised transport.	<u>Sept 2011</u> – charge to increase to £385 per year <u>Sept 2012</u> – no subsidised transport to be provided by the Local Authority
Post-16 mainstream students	Charges are made at £415 each year per student for subsidised transport	<u>Sept 2011</u> – charge to increase to £500 per year <u>Sept 2012</u> – no subsidised transport to be provided by the Local Authority
Post-16 students with complex and special needs	No charge currently made	<u>Sept 2011</u> – charge to be made in line with post-16 mainstream charges
<u>Exception</u> – those pupils who have attended a denominational school since before 2008 and in receipt of free transport under the 2007 policy.	No charge made	No charge made until they either: <ul style="list-style-type: none"> • change school; or • reach 16 They will then be either charged for subsidised transport unless they are eligible for free transport

5. When could the changes happen?

It is expected that any new arrangements will be agreed in time for parents/carers to make decisions about which school they choose for the academic year 2012/13. The first changes to charges for subsidised transport could be made from September 2011. All other changes could take effect from September 2012.

6. How can I make sure my views are heard on the Council's proposals?

The Council hopes to get as many views as it can. Those interested can:

- Complete the consultation questionnaire online at www.cheshireeast.gov.uk/schools
- Complete a paper copy and return to the following address:

Cheshire East Council
School Transport Consultation (GB)
Children & Families Service
Dalton House, Dalton Way
Middlewich Cheshire CW10 0HU
- Email any comments/forms to stp@cheshireeast.gov.uk
- Tell us face to face at one of our drop in sessions that will be taking place across the borough (see below).

Date	Times	Venue
Tuesday 5th April 2011	2-4pm 5-8pm	Assembly Room, Macclesfield Town Hall Macclesfield, SK10 1DP
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Wednesday 13th April 2011	2-4pm 5-8pm	Creche Room/Hall, Middlewich Community Church, 34-36 Brooks Lane Middlewich, Cheshire CW10 0JG
Thursday 14th April 2011	4-7pm	Main Hall, New Life Church, Danesford Community Centre, West Road, Congleton, CW12 4EY

All responses will be considered by Elected Members before a decision is made.

7. Who are you consulting on the proposed changes?

The following groups/individuals will be asked for their views on the proposals:

- All parents/carers of children resident in Cheshire East, and in particular:
 - Those currently receiving free or subsidised transport to denominational schools (including the parents of pupils due to join Year 7 at a denominational secondary school in September 2011 those
 - Those who are eligible under the current policy for subsidised transport), and
 - Those accessing or proposing to access post-16 transport in the future (including students with complex and special needs).
- The Diocesan authorities
- All headteachers and governing bodies of Cheshire East maintained primary, secondary and special schools (including denominational schools)
- All headteachers and governing bodies of denominational schools in neighbouring authorities where there are children resident in Cheshire East attending currently
- Academies in Cheshire East
- All Cheshire East Elected Members
- Neighbouring local authorities' Directors of Children's Services
- Members of the Youth Parliament
- Colleges of Further Education
- Unions and Professional Associations

8. Who will be eligible for free school transport under the new proposals?

The following groups will continue to be eligible for free school transport:

Age or category of pupil	Statutory entitlement
Pupils of compulsory primary school age up to age 11 (Reception to Y6)	Free transport to the nearest qualifying school if it is more than two miles away, as measured by the shortest available walking route
Secondary school pupils up to age 16 (Yrs 7 – 11)	Free transport to the nearest qualifying school if it is more than three miles away, as measured by the shortest available walking route, including pupils at a place other than a school and excluded pupils, still registered, but receiving education outside of school premises

Secondary pupils aged between 11 and 16 (years 7-11) from families who are in receipt of a qualifying benefit (entitled to free school meals or maximum working tax credits)	Free transport to one of three qualifying secondary schools if it is between two and six miles away as measured by the shortest available walking route. This also applies to pupils registered at a qualifying school which is between 2 and 15 miles away; and whose parent has expressed a wish, based upon their religion or belief, for the child to be provided with education at that school
Pupils of compulsory primary school age or secondary school age who live within the statutory walking distance, but where the nature of the route has been deemed unsafe	Free transport to the nearest qualifying school where the pupil lives within the statutory walking distance but where, due to the nature of the route, they are unable to walk in reasonable safety even when accompanied by a responsible person
Pupils of compulsory school age with Special Educational Needs, disability or mobility problems	Free transport to the nearest qualifying school, where the pupil lives within the statutory walking distance but where, due to their special needs or disability or mobility problems, they cannot reasonably be expected to walk to school.

9. Which schools/colleges do children and young people in Cheshire East attend?

The main denominational schools currently attended by Cheshire East children and young people are set out below:

School	School type	District
All Hallows Catholic College	Secondary	Macclesfield
Astbury St Mary's CE Primary School	Primary	Congleton
Bickerton Holy Trinity CE Primary School	Primary	Crewe & Nantwich
Brereton CE Primary School	Primary	Congleton
Bunbury Aldersey CE Primary School	Primary	Crewe & Nantwich
King David High School	Primary	Manchester
Marton and District CE Primary School	Primary	Macclesfield
St Alban's RC Aided Primary School	Primary	Macclesfield
St Anne's Catholic Primary School	Primary	Crewe & Nantwich
St Gabriel's RC Aided Primary School	Primary	Congleton
St Gregory's Catholic Primary School	Primary	Macclesfield
St John's CE Primary	Primary	Congleton
St Mary's Catholic Primary	Primary	Congleton
St Mary's Catholic Primary - Crewe	Primary	Crewe & Nantwich
St Nicholas Catholic High School	Secondary	Vale Royal (Northwich)

St Paul's Catholic Primary School	Primary	Macclesfield
St Thomas More Catholic High School	Secondary	Crewe and Nantwich
St Wilfrids Catholic Primary School	Primary	Vale Royal (Northwich)
Warmingham CE Primary School	Primary	Crewe and Nantwich
Winkle CE Primary School	Primary	Macclesfield
Wybunbury Delves CE Primary School	Primary	Crewe and Nantwich

The schools and Colleges attended by post 16 students with complex and special needs are:

School/College	District/Location
Bishops Bluecoat CE High School,	Chester
Blackfriars School (FE College)	Staffordshire
Brentwood School	Altrincham
Bridge College	Stockport
Callow Park College	Derbyshire
Cavendish School	Runcorn
Cloughwood Special School,	Vale Royal (Northwich)
Condover Hall School	Shrewsbury
David Lewis Centre - College	Macclesfield
Dee Banks School	Chester
Derby University	Buxton College
Fallibroome High School	Macclesfield
Greenbank School	Vale Royal (Northwich)
Hebden Green Special School	Vale Royal (Winsford)
Home from Home Placement	Congleton
Inscape House	Stockport
Knutsford High School	Knutsford
Macclesfield High School	Macclesfield
Mid Cheshire College, Hartford Campus	Vale Royal (Northwich)
New College	Worcester
Oaklands School	Vale Royal (Winsford)
Park Lane Special School	Macclesfield
Reaseheath College	Crewe and Nantwich
Sandbach Boys School	Congleton
Seashell Trust	Stockport
Sir John Deane's VI Form College	Vale Royal (Northwich)
South Cheshire College	Crewe and Nantwich
Springfield School	Crewe and Nantwich
St Vincent's School For The Blind	Liverpool
Strathmore College	Stoke
The Petty Pool Trust	Vale Royal (Northwich)
The Russett School	Vale Royal (Northwich)
Wargrave House School	Newton le Willows
Wilmslow High School	Macclesfield
Wilsic Hall School (Lancashire)	Doncaster

10. What does the law say that the Council has to provide?

The Education Act 1996 states that the Local Authority must make the arrangements that '*...they consider necessary to **facilitate attendance at...***' an **appropriate educational setting**. This means that all home to school transport is discretionary, although the law does set out how it expects the Local Authority to use this discretion around some 'eligible' groups. These are set out at Question 8 above.

A charge can be made for transport arrangements made under the other relevant sections of the Education Act 1996, i.e. sections 508C to 509A, subject to that charge being **reasonable** in the circumstances. In carrying out its duties, the Local Authority is expected to take into account the wishes of parents.

11. How do you know the proposed changes are fair?

The Council is aware that this proposal will affect some families more than others and is keen to understand this impact. A full equality impact assessment will be carried out that will help us to see what the impact might be and what we could do to help this. This will look at the groups that the Council has identified in its Single Equality Plan. An equality monitoring questionnaire forms part of the questionnaire to collect the relevant information.

12. Doesn't this proposal go against the Council's plans to be more eco-friendly?

The Council will look at other ways it can support and encourage families to be more eco-friendly, including encouraging schools, colleges and others to coordinate their own transport arrangements, car-sharing, walking bus schemes, school travel planning and making safer routes to school. If you are a parent, you can ask to look at your school's travel plan that should set out ways that the school has identified to improve safety on the journey to and from school.

13. What will happen next?

Following the closure of the consultation on 20th May, all responses will be considered by Council Members before making their decision on which proposals to take forward. Once a decision has been made, the existing school transport policies could be amended to reflect the changes and these will then be implemented.

14. Can I appeal against the proposed change?

Specific appeals against a policy change can only be made where the policy is either failing to meet the statutory requirements or where the policy contributes towards inequality in provision. Any revised policy would be designed to be equitable and compliant with current legislation.

GLOSSARY

Families on a low income

The Education and Inspections Act 2006 requires Local Authorities to adopt the following criteria for assessing a family as low income or 'disadvantaged':

"The Act will place a new duty on Local Authorities to provide free transport for some of the most disadvantaged pupils (those eligible for free school meals or whose parents are in receipt of the maximum level of Working Tax Credit)..."

Nearest suitable school

The nearest suitable school is defined as the local zoned or catchment school; or, if closer than the zoned school, the nearest maintained school that is deemed by the Council as suitable to a child's particular age and needs.

Designated school

A designated school is one deemed by the Council as the appropriate school for a particular pupil (eg, a permanently excluded pupil, a statemented pupil, a child in care of the local authority, where normal admissions procedures have failed).

In relation to faith schools, the 'designated school' is the appropriate school as agreed between the Council and the Diocesan Authority. This may not always be the nearest faith school.

Walking distance

Walking distance is defined by the Council as:

- Less than 2 miles from home for children attending primary school ; and
- Less than 3 miles from home for children attending secondary school

This is measured by the “nearest available route”. This route is measured using digital mapping from the pupil’s home gate or drive nearest to the school to the nearest available gate/entrance of the school grounds by way of the nearest walking route. The route is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety.

Qualifying school

Qualifying schools are the three nearest to the child’s home address (and within 2 to 6 miles) from:

- Community, Controlled, Foundation or Voluntary Aided Schools
- Community or Foundation Special Schools
- Non-maintained special schools
- Pupil Referral Units
- Maintained nursery schools
- City Technology Colleges (CTCs), City Technology Colleges for the Technology of Arts (CCTA), or Academies.

In relation to a child with special educational needs, an independent (other than a CTC, CCTA or Academy) will be a qualifying school if it is the only named school in the child’s statement, or it is the nearest of 2 or more schools named in the statement.

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CHESHIRE EAST SCHOOL/COLLEGE TRANSPORT CONSULTATION - KEY ISSUES AND RESPONSE AS AT MAY 2011

The following sets out some of the key issues emerging from the initial feedback to Cheshire East Council's consultation on proposed changes to home to school/college transport. This is not an exhaustive list of issues raised and this document will be developed further once the full analysis of feedback is complete.

ISSUE	INITIAL RESPONSE
CONSULTATION PROCESS	
1. The process for consultation was inadequate	<p>Guidance suggests that consultations should last for at least 28 working days during term time. The school transport consultation was first published on the Council's website on 25th March and ran for 57 days to 20th May, ie, 37 working days or 30 working days during school term time (taking into account school and bank holidays).</p> <p>Information was publicised through schools/colleges (schools were first informed via the Schools Bulletin on 23/3/11), the Council website and local newspapers. Other key stakeholders (including other local authorities) have been contacted via email and presentations have been made at key meetings.</p> <p>Engagement with the process has been monitored through attendance at public drop-in events, completion of online and hard copy questionnaires, web hits and emails to a dedicated email address. Given this information, the Council's Cabinet will make a decision as to whether the consultation has been sufficient or whether further consultation is required.</p>
2. This is not a true consultation as decisions have already been made	<p>This is a genuine consultation, the purpose of which is to establish the impact of a number of proposed changes to school transport across Cheshire East. A comprehensive report of the consultation responses will be presented to the Council's Cabinet who will make a decision on next steps.</p>

3. Parent/carers should have been mailed direct not via schools/colleges	The cost of sending a letter to every parent/carer in Cheshire East with children under the age of 18 years old in postage, paper and envelopes alone would be in excess of £50,000. This would be a very costly approach that could leave the Council open to criticism at a time when budgets are being cut.
4. Proposals are not clear	Some consultees asked for clarification around the proposals to withdraw subsidised transport for post-16 and denominational pupils from 2012 as they did not feel that this is explicit in the consultation document, ie, whether this means all parents who pay for transport will need to pay the full price or whether this means the removal of any transport for this group. An email was sent to all schools to ask them to clarify this with their parents/carers. In addition, a number of emails and letters were received and responded to clarifying the proposals. Stakeholders attending the drop-in sessions had the opportunity to discuss the proposals at length with officers.
IMPACT ON CHILDREN AND YOUNG PEOPLE	
5. Disruption to children already in certain schools/colleges	The impact of the proposals on existing pupils will need to be considered and the Council is considering whether transitional protection arrangements should be put in place.
6. It is not safe for children to use public transport	A number of children and young people travel to school using public transport on a daily basis across the country and this is reflected in Cheshire East. In 2009/10, method of travel data found that 47.1% of school attendees travelled on foot, a third (33.6%) travelled by car and 14.7% travel by public transport. Younger children (aged 5 to 10) were more likely to travel by car, whilst children aged 10-15 were more likely to travel by public transport or walk.
7. Children and young people are worried that they may need to move school as this would affect their friendships, schooling etc	This response came from young people who were concerned that they may have to move school. The impact on children and young people would need to be a key concern in implementing any proposals and arrangements would need to be in place to mitigate this.

IMPACT ON PARENTS/CARERS AND THEIR FAMILIES

<p>8. Public transport is not in place to support routes to school/college if the Council withdraws transport, in particular in rural areas.</p>	<p>The council supports a number of public transport routes, spending over £2m a year and this supports over 2.2 million passenger journeys. However, this funding must be prioritised, and the mechanism for doing so is the Council's adopted local transport plan and associated strategies. Since bus services in rural areas are significantly more expensive per passenger, and the usage of them is low, it is unlikely that additional public transport services other than those already in place will be made available in the foreseeable future. Further work is required around the capacity of public transport to meet future home to school transport requirements and Members will need to consider this.</p>
<p>9. Impact on parental choice</p>	<p>As part of the consultation, the questionnaire asks parents 'Will any of the proposed changes affect your current/future choice of school?' This will help to establish impact on parental choice and school admissions. Further work is required to analyse this information. If required, the Council will work with schools/colleges and other providers to broker suitable transport arrangements for parents/carers or consider whether transitional protection arrangements should be put in place.</p>
<p>10. Changes in September 2011 and 2012 does not give enough notice to families</p>	<p>This issue will need to be considered by Members in the light of the budgetary issues faced.</p>
<p>11. Financial burden, in particular for larger families and those just above income threshold</p>	<p>Free transport will continue to be provided for those families on low income and the assessment of benefits takes into account family size. However, we know that these proposals will put financial pressure on some families, particularly those who are close to the threshold for free transport. This issue will need to be considered by Members.</p>
<p>12. Language barrier to engaging with the consultation</p>	<p>As many consultees interested in denominational transport do not speak English, the Council arranged for the key documents to be translated into Polish. We are not aware of any other language barriers.</p>
<p>13. Parents may have to split siblings</p>	<p>Final proposals will need to take account of family arrangements to ensure that, where possible, siblings are not split.</p>

IMPACT ON SCHOOLS/COLLEGES

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| <p>14. If parents chose to move their children, it could impact on school numbers</p> | <p>If current transport arrangements change, some parent/carers may feel that they need to move their children from their existing school/college to one which is more convenient to access. If this happens, demand for places at some faith schools and colleges may fall. Alongside this, demand at local schools and colleges could increase and this may put pressure on already over-subscribed schools. Further mapping work is being carried out based on consultation responses and those schools/colleges likely to be affected. The impact of the proposals on existing pupils will need to be considered and potential transitional protection arrangements considered.</p> |
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IMPACT ON FINANCIAL POSITION

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|--|--|
| <p>15. Parents paying towards transport to denominational schools who chose to change to their nearest school may be entitled to free transport if local schools are full</p> | <p>There are some areas within Cheshire East where local schools are at or close to capacity and would be unable to accommodate significant numbers of children if parents changed their choice of school. It is not possible to comment on the full impact of removing transport until the analysis of the consultation is complete. However, Members will need to consider impact on schools of any proposals and whether the alternative transport arrangements for children unable to be placed at their local school would counteract any savings achieved.</p> |
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IMPACT ON THE ENVIRONMENT

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| <p>16. There will be a negative effect on the environment if parents choose to use their cars to transport their children to school</p> | <p>It is not possible to comment on the full impact of removing transport until the analysis of the consultation is complete. Some parents are saying that they would move their children to other schools, whereas others would choose to use public transport or transport children in their cars. The majority of Cheshire East children walk to school. However a significant number use their cars. The Council has a duty to promote the use of sustainable travel and transport and encourages this through School Travel Plans. Each school has a plan that sets out how they will encourage the use of sustainable travel by staff, pupils and visitors. The Council will continue to work with schools to develop sustainable travel plans and to explore alternative options for parents who would chose to use their cars. A full equality impact assessment will be completed on the proposed changes, including the environmental impact and how this may affect current areas of congestion.</p> |
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17. Particular areas of congestion were identified by stakeholders that could impact on residents, carbon emissions, safety of children	<p>There is likely to be an impact on local residents at particular congestion “hotspots” should parents decide to transport their children by private motor vehicle. Set against this is the fact that each school in Cheshire East has been assisted to produce a school travel plan, and funding from central government was made available to each school to implement such plans.</p> <p>In terms of carbon emissions, the impact is not expected to have an adverse impact. Some children will use non-motorised means of getting to school; others will carshare. In terms of emissions per passenger kilometre, two occupants in a small car emit only half the carbon dioxide as average bus occupancy.</p> <p>Finally, it is not expected that any changes to transport would have a seriously detrimental impact on road safety. There is no proposal to change the Council’s policy on hazardous routes for children travelling to school.</p>
DENOMINATIONAL ISSUES	
18. Religious discrimination	<p>Current legislation does not place a duty on the local authority to provide transport to help children attend denominational schools where that school is not the nearest school, or the local authority determines that suitable education can be provided at a nearer school. The local authority has discretionary powers under which it may provide transport assistance having considered all the circumstances.</p> <p>The reason that the council is consulting on some changes to school transport and not others is largely because the latter relates to transport that the Council is required by law to provide. Transport for denominational and post-16 pupils is discretionary, ie, the Council can choose whether or not to make provision. The proposal to withdraw transport to denominational schools brings the provision in line with other residents of Cheshire East, ie, parents/carers who make a choice to send their child to a school that is not their nearest qualifying school would need to fund transport themselves if they did not meet the eligibility criteria for free transport.</p> <p>The proposals, if approved, would not mean that parents who chose a school on the grounds of religious belief would be treated any less favourably than other parents. A number of local authorities are currently consulting on similar proposals, including Cheshire West and Chester.</p>

<p>19. Parent's have a right to practice their faith</p>	<p>Parents have the right to express a preference for a place at a particular school and admission authorities must comply with that expression wherever possible. Cheshire East parents will continue to have the right to express a preference for a place at a faith school and schools can continue to make these children a priority. However, there is no automatic or legal right to transport. With the need to reduce its spend, the Council must look to discretionary services such as certain areas of transport. Cheshire East parents with a particular faith would not be disadvantaged any more than other person in the county who is losing a service due to budget reductions as a consequence of the fiscal deficit.</p>
<p>20. Proposals go against human rights legislation</p>	<p>Article 2 of the First Protocol of the European Court of Human Rights provides that:</p> <p><i>No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.</i></p> <p>Human Rights legislation therefore gives parents the right to make sure that their religious beliefs are considered in the provision of education.</p> <p>However, when ratifying, the UK entered the following reservation:</p> <p><i>In view of certain provisions of the Education Act enforced in the United Kingdom, the principle affirmed in the second sentence of Article 2 is accepted by the United Kingdom only so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.</i></p> <p>The legislation does not therefore guarantee parents a place for their child at a specific school and allows local authorities to make decisions about a right and justifiable balance between the provision of education and reasonable public expenditure.</p> <p>A number of local authorities have implemented similar proposals.</p>

POST-16 MAINSTREAM	
21. Impact on post-16 numbers at a time when the government is encouraging more education and training	The impact of the proposals will be analysed through the questionnaire responses to see whether parents are saying that this will impact on post-16 choice and the decision on whether or not their children will continue into further education.
22. There is no 6th form in Middlewich, so this town is at a disadvantage	Provision of post-16 education is available in nearby towns, some of which falls within the border of Cheshire East, and some of which falls outside. Parental/student preference is not confined to local authority administrative boundaries.
POST-16 COMPLEX AND SEN	
23. Concern around transport provider	The main concern from parents of children and young people with complex and special educational needs is around <u>who</u> is transporting their children. Most parents/carers would like to maintain the existing transport arrangements, but these do not form part of this consultation.
24. Unfair as no alternative options for these children	This is true for some children, ie that they cannot use public transport or cycle to school and this leaves them at a disadvantage and this issue needs to be considered. There are others who, with independent travel training, have successfully made this transition.
25. Legality of proposal, ie, charging for post-16 children with statements	There is some concern around whether it is legal for the Council to charge for transport where a child has a statement. S139A of The Learning and Skills Act 2000 says that the local authority must assess someone for whom they maintain a statement of Special Educational Needs in their last year of compulsory education and up to the age of 25 where they believe the person will go on to receive post 16 education, training or higher education. The assessment must be of their learning difficulty and result in a written report which identifies their educational/training needs and the provision required to meet them. This means is that if transport is identified as “provision” which is necessary to meet their educational need, then it must be provided. It is not mandatory to provide transport in all cases – it is dependent on need.

OTHER ISSUES/IMPACT	
Explore other options to reduce costs including: <ul style="list-style-type: none"> • Review contributions from parents re pre-2008 agreement • Stop corporate lunches • Review contracts to get best price • Put bus services to tender • Make admin more effective • Abolish free bus passes for pensioners who do not use them 	<p>The council has a robust tendering regime to ensure that transport is provided at best value for the tax payer. Public transport service must be tendered regularly by law, and the council regularly reviews and, if necessary, re-plans transport to make most effective use of the scarce resources available. Cheshire East Transport has reduced its operating costs year on year. In terms of free bus passes for pensioners, the law states that so long as the qualifying criteria are met, a resident is entitled to a bus pass. The council only reimburses bus companies when the pass is used, so incurs no additional costs of the pass is not used. The other issues will be considered by members.</p>
26. Why not wait to see what the coalition government's plans are for school transport?	<p>On 13 December 2010, Michael Gove, Secretary of State for Education, wrote to all local authorities and schools concerning the two year funding allocations for local government and maintained schools. The letter highlighted that the government wants 'all families to be able to choose the right school for their child and area, therefore, reviewing home to school transport so that we can better meet the needs of not only disadvantaged families, but all families, ensuring transport is properly targeted to those that need it most'. A number of local authorities have since consulted on removing discretionary transport, as there is no further information on what the government plans may be. In the meantime, Councils must reduce their financial commitments.</p>
27. Council should follow Suffolk's example and use sustainable transport funding to maintain provision	<p>The sustainable transport funding may be an option for the Council to consider in introducing a phased approach to any changes. The funding is only for 2 years so would only be a temporary measure.</p>
28. Middlewich is disadvantaged as no station	<p>The council is considering a feasibility study of investment in Middlewich and the associated rail infrastructure. However, current estimates place this investment at over £2m, and it is unlikely that school travel alone would justify this level of investment.</p>