

Children and Families Scrutiny Committee Agenda

Date: Monday, 20th June, 2011
Time: 2.00 pm
Venue: Congleton Town Hall, Congleton, CW12 1BN

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

2. Declaration of Interest/Party Whip

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for members to declare the existence of a party whip in relation to any item on the agenda.

3. Public Speaking Time/Open Session

A total period of 15 minutes is allocated for members of the public to make a statement(s) on any matter that falls within the remit of the Committee.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Note: In order for officers to undertake any background research, it would be helpful if members of the public notified the Scrutiny officer listed at the foot of the agenda, at least one working day before the meeting with brief details of the matter to be covered.

4. Minutes of Previous Meeting (Pages 1 - 6)

To approve the minutes of the meeting held on 31 May 2011.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

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5. **Review of Home to School Transport** (Pages 7 - 70)

To consider a report on the Review of Home to School Transport.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Children and Families Scrutiny Committee**
held on Tuesday, 31st May, 2011 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Kolker (Chairman)
Councillor K Edwards (Vice-Chairman)

Councillors L Brown, J Clowes, S Gardiner, P Hoyland, D Mahon, D Neilson,
W Livesley, G Merry, M Sherratt and B Silvester

Apologies

John McCann and Jill Kelly

51 MINUTES OF PREVIOUS MEETING

RESOLVED – That subject to the minutes be amended to show that Councillors Livesley and Merry were in attendance, the minutes of the meeting held on 12 April 2011 be approved as a correct record.

52 DECLARATION OF INTEREST/PARTY WHIP

None noted.

53 PUBLIC SPEAKING TIME/OPEN SESSION

A number of members of the public wished to make a statement to the Committee regarding the Home to School Transport item.

Firstly, Alex Scott, Director of Schools from the Diocese Shrewsbury made the point that the proposed changes would cause serious disruption to local children and that there would be considerable consequential impacts on the environment and on educational attainment.

Heidi Reid, a Bollington parent of an SEN child made the assertion that there were already significant barriers to education for children and young people with SEN and that the proposed changes would only add to this. Indeed, it was argued that whilst employment figures for adults with SEN were already very poor, restricting access to educational opportunities would continue to exacerbate this further.

54 HOME TO SCHOOL TRANSPORT UPDATE

The Committee considered a report from Fintan Bradley which provided an update on the progress and emerging issues following the consultation as part of the Home to School Transport Review. It was made clear that this was only an update paper as full feedback from the consultation was still being collated and analysed for further consideration at a later date.

In presenting the report, Fintan Bradley began by setting the context of the review, explaining that there had been the need to review the Council's Home to School Transport Policy due to the tight financial framework that Cheshire East and other authorities had to operate within. After reporting on the legal and financial ramifications of the proposed changes, Fintan Bradley moved on to provide a brief review of the consultation process and the initial findings emerging from this. It was explained that there had been a number of issues that had arisen from the consultation and that the service had grouped these into 28 themes which they had then provided an initial response to. These were outlined in appendix 3 of the report.

Following the introduction to the report, the Chairman invited a number of visiting Councillor to voice their views on the issue.

Speaking first, Councillor Corcoran explained that he was a parent whose child used the school bus to go from Sandbach to Alsager. Without this service, he described how he would have to take his child himself, losing up to 7 ½ hours of work time. Moving on to make a number of more general points, Councillor Corcoran asserted that firstly the proposals were unfair. Parents, it was suggested, would be retrospectively charged for their choice of educational setting under the proposed changes. Additionally, the point was made that changing schools would be detrimental on the educational outcomes for Cheshire East children and that it would also be disruptive to families to have siblings in different schools.

Secondly, it was argued that the proposed changes would have a negative impact on the environment. The point was made that Cheshire East should be encouraging the use of public transport rather than taking it away. Thirdly, it was purported that the proposed changes would be disproportionately harsh on poorer parents, further exacerbating the poverty trap that many families found themselves in. Lastly, it was asserted that the proposed changes would erode the number of faith schools in Cheshire East.

Speaking second, Councillor Keegan made a number of points regarding the presentation of figures in the first two tables of the report. He queried why the gross expenditure for denominational travel based on the approximate number of pupils affected in Table 1 differed from the denominational cost saving figures stated in Table 2. On the whole, Councillor Keegan asserted that the report did not demonstrate enough information about what the potential savings would be and that there was not enough detail about the potential consequences of the savings. It was suggested that this would need to be rectified before the Committee received the report again. On a separate issue, Councillor Keegan made the point that the proposed changes would put a large burden on parents with children who were post-16 with SEN and that this would mean that Cheshire East would be failing its obligations to its most vulnerable populace.

Councillor Shirley Jones was the last speaker. She made the point that denominational schools had been very careful in where they had situated schools in order to keep the burden of travel to a minimum. Indeed, it was stated that the respective faiths had invested a large amount of money to manage this and Cheshire East had benefited from this investment. Councillor Jones continued to make the point that a number of towns and villages in Cheshire East were dependent on faith schools in order to fill a school places shortage. If these schools no longer were viable and closed this would result in Cheshire East

having to invest in building more schools, inducing an obvious cost burden. Councillor Jones also argued that Cheshire East needed a skilled workforce and that by increasing the charges for transport the authority would be discouraging young people away from further education – having a detrimental effect on the economy.

The Chairman thanked the visiting Councillors for their views and then opened the discussion to the Committee. Before doing so, he reminded Members that the purpose of the meeting was to put questions to the officers so that consideration could be given to them in time for the proposed special meeting rather than debating the efficacy of the suggested policy.

A number of Members agreed that the figures in the report were difficult to follow based on a lack of clarification on how the savings would be made and where they fitted in the 'bigger picture' of the Children and Families budget. It was also suggested that the potential impacts to specific areas and/or groups was also unclear and needed further clarification.

In response to the concerns raised, Members were reassured that the figures were accurate but it was noted that they could be presented in a more easily understandable way. It was confirmed that this would be rectified when the final report was brought to the Committee.

A query was raised over how Cheshire East had communicated the consultation process to the Headteachers and Governors of the respective schools. It was put to the officers, that two schools in Cheshire East had not been advised of the consultation process. In answering, it was explained that the consultation process was communicated to all Headteachers and Governors of Cheshire East Schools using the usual method of the weekly bulletin. Councillor Gaddum confirmed that the weekly bulletin was a vital tool in communicating to schools and that it was an adequate method in this respect.

RESOLVED –

- a) That the report be noted.
- b) That a special meeting of the Committee be organised in advance of the July Cabinet to consider the options and recommendations arising from the consultation.
- c) That the report brought to the special meeting include the following aspects:
 - The background to the proposals and their relationship to the wider budget
 - Clear and detailed financial information on the savings
 - An impact assessment on the groups/areas affected

55 CHILDREN AND FAMILIES LANDSCAPE

Tony Crane, Cath Knowles and Fintan Bradley as senior officers of the Children's and Families Directorate, attended to provide the Committee both a general

overview of the department and then subsequently a more detailed overview of each respective service.

Tony Crane began by describing the vision of the Children and Families Directorate, outlining the fact that they were aiming for Cheshire East to be a place where all children and young people were supported well to maximise their life chances. It was explained that they were going to achieve this by making the most effective use of resources and by developing a high performing workforce.

The Committee were also informed about the achievements of the Directorate since Cheshire East was formed in 2009. In particular it was noted how the service had achieved improvements in educational standards and also how they had strengthened mechanisms for keeping children safe.

Following this general introduction, Tony Crane reported on the function of his service; Early Intervention and Prevention. It was explained how the work of his team was centred on an emerging evidence base which asserted that 'prevention is better than cure'. From this philosophy, the service had identified the following priorities:

- Break the transmission of generational issues to keep families together.
- Blend the offer for those families that want support but maybe don't need it and those families who need it but don't want it.
- Drive the join up in services to families.
- Deploy resources in an efficient and agile manner.

Following Tony Crane, Cath Knowles explained how her service, Children and Families Social Care, had made a number of changes to the way they delivered services. It was reported that since December 2010, Social Care had moved away from the generic social work delivery that was part of the legacy of Cheshire County Council to smaller social work units – in line with what was known as the 'Hackney model'. It was then outlined what the 'must do' service priorities were and how the service planned to meet these.

Lastly, Fintan Bradley described the work of the strategy, planning and performance team. It was reported that the function of this team was to support the Directorate in the strategic planning and commissioning of services, school places and sufficient child care provision from internal and external partners.

As a final point, Fintan Bradley outlined a number of general priorities that were some of the most pressing concerns for the Directorate. These were as follows:

- Establishment of a Pupil Referral Unit
- Review of SEN provision
- Review of formula funding for schools
- Review of Home to School Transport Policy
- Development and implementation of a new schools business support agreement.

After listening to the presentation, Members expressed a number of queries about aspects of service delivery.

Firstly, it was asked whether the Directorate had the figures on CAF referrals. It was confirmed that these were available and that they could be found in the LCSB performance reports.

Secondly, it was asked how the service had managed to achieve an impressive reduction in social worker case loads. It was explained that this had been done mainly through increased recruitment and an improved, more efficient structure but also because work done as part of the early intervention agenda had meant less children were coming into care.

Lastly, it was suggested that in terms of helping new Members of the Committee to understand the drivers behind the changes in safeguarding practice, it would be useful to review the issues the previous Committee raised as a result of the Laming Report to see the progress made against these.

RESOLVED –

- a) That the presentation be received
- b) That the previous Committee's suggestions following the Laming Report be brought back to a future meeting for review.

56 WORK PROGRAMME UPDATE

Consideration was given to the work programme. It was agreed that an item regarding the future of respite care should be brought to a future Committee. It was also noted that an item regarding value for money for out of Borough educational settings should be considered by a future Committee.

It was queried whether it would be appropriate for the Committee to receive a report on the level of educational attainment across Cheshire East. It was confirmed that Members would be welcome to review the 2009-2010 data but it would be perhaps more germane to consider the 2010-11 data when it would be fully available in September 2011.

In terms of Task and Finish groups, it was agreed that the Committee should look to commission a review to look into the 16+ service at Cheshire East. Additionally it was agreed that discussions should take place with the Health and Wellbeing Scrutiny Committee regarding the setting up of a Task and Finish group to look at health and care for children.

RESOLVED –

- a) That the work programme be noted and amended to include items on the future of respite care and on the value for money of out of Borough educational settings.
- b) That an item on educational attainment be added to the work programme for the meeting scheduled 20 September 2011.
- c) That at a future meeting the Committee discuss the Membership and terms of reference of a Task and Finish Review of the 16+ Service.

- d) That discussions be held with the Health and Wellbeing Scrutiny Committee regarding the joint commissioning of a Task and Finish Review of health and cared for children.

57 TIME OF MEETINGS

Consideration was given to the time and frequency of Committee meetings.

RESOLVED – That the Committee meet every month on Tuesday's with a 1.30pm start time.

58 FORWARD PLAN - EXTRACTS

The Committee gave consideration to the extracts of the forward plan which fell within the remit of the Committee.

RESOLVED - That the forward plan be noted.

59 CONSULTATIONS FROM CABINET

There were no consultations from Cabinet.

The meeting commenced at 2.00 pm and concluded at 4.40 pm

Councillor A Kolker (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: Children and Families Scrutiny Committee

Date of Meeting: 20 June 2011
Report of: Lorraine Butcher Director of Children's Services
Subject/Title: **Proposed Changes to Home to School Transport Policy**
Portfolio Holder: Councillor Hilda Gaddum

Report Summary

- 1.1 The Council is faced with unprecedented financial challenges. Over the next few years the Council will need to find savings of around £30 million. 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 It is in this context that saving to the budget for Home to School Transport is being considered. As a consequence the Children and Families Directorate is required to find the following savings over 3 years:
 - For denominational transport - £512k
 - For post 16 mainstream transport - £382k
 - For post 16 complex special needs transport - £64k
- 1.3 Failure to secure savings in these areas will require the Directorate to secure the savings in areas covering service delivery relating to safeguarding and to vulnerable children, including those with complex needs and those cared for by the Council under its duties as Corporate Parent.
- 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 Members should consider the equity of the current arrangements which enable parents of children choosing to attend a faith school having access to subsidised transport while parents who might otherwise choose to send their child/children to other specialist schools would not have access to equivalent subsidised travel arrangements.
- 1.6 Currently the following number of pupils receive access to subsidised transport provided by the Council:
 - 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 it free 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.
- 1.7 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.
- 1.8 On 10th March 2011, Councillor Hilda Gaddum (Portfolio Holder, Children and Families) approved to undertake a consultation with key 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;
- 1.9 The purpose of the consultation was to seek the views of stakeholders and to assess the impact of the proposed changes. This report brings to Members' attention the results of the consultation. The questionnaire and an analysis of the results is attached at Appendix 1.
- 1.10 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.

2.0 Decision Requested

- 2.1 Members are asked to endorse the options below in order to inform recommendations to be made to Cabinet on 4th July:

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

3.0 Reason for Recommendation

- 3.1 The Portfolio Holder for Children and Families Service has listened throughout the consultation period and has suggested changes to the proposals demonstrating that the consultation was genuine and that the Council has taken into account the many responses received.
- 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 concern 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 that 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 that is those eligible for free school meals or whose parents are 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 around 86% of the full net cost (currently £512,000 per annum) and 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) it is proposed that the original proposal to increase charging for transport for young people post 16 with complex special needs is withdrawn. The Local Authority acknowledges that as there is a limited range of special educational needs provision in Cheshire East, introducing a charge for transport will limit access to appropriate specialist provision and potentially discriminate against those young people with complex disabilities in their ability 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. A draft assessment based on the recommendations within this paper is attached (Appendix 2). 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 for 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

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

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	59	30	0	0	89
Academic Year 2014-15	0	0	0	59	30	0	89
Academic Year 2015-16	0	0	0	0	62	31	93
Total	39	107	102	89	92	31	460

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

- No financial reductions proposed

Post 16 mainstream transport

7.6 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.

7.7 *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.*

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

⇒ 2011-12 - £436 or £21 Increase

⇒ 2012-13 - £458 or £22 Increase

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

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

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

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

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

- No financial reductions proposed

7.12 SUMMARY OF PROPOSED FINANCIAL SAVINGS

		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	102	89	92	31	460
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	408	160	94	31	1,110

8.0 Legal Implications

- 8.1 The current laws governing the transport of children to school give the Council: *a duty under section 508B of the Education Act 1996 to provide free transport for “eligible children” (as defined in Schedule 35B of the Act) as the Council considers necessary for the purpose of facilitating the child’s attendance at school.*
- 8.2 A child is an “eligible child” under this section if they fall within one of the following broad categories:
- a) they have special educational needs, disability or mobility problems;
 - b) they cannot reasonably be expected to walk because of the nature of the route to school;
 - c) they live outside walking distance and no suitable alternative arrangements have been made for them; and
 - d) they are entitled to free school meals or their parents receive the maximum amount of tax credits.
- 8.3 Local authorities can exercise discretion under section 508C of the Education Act 1996 to make transport arrangements for children who are not “eligible children”. Included in this category are children whose parents wish them to attend a school which accords to their particular religion or belief. Any transport arrangements made under this section do not have to be provided free of charge.
- 8.4 The concept of religion or belief includes a lack of religion or belief. Accordingly, the Council is obliged to have regard to a parent’s wish that their child be educated in a non-denominational school because of their lack of religious belief just as much as it is obliged to take in to account the parent’s wish for their child to be educated in a denominational school. The proposed policy changes will not remove the free transport entitlement to any eligible children” in category 8.1.2 above. The proposals are only concerned with those elements of the Council’s transport arrangements that are discretionary.
- 8.5 Section 509 (4) (b) of the 1996 Act obliges the authority to take into account, amongst other factors, the wishes of parents to educate their child at a school which provides religious education of the religion or denomination to which the parents adhere. Now covered by sections 508B (Eligible Children) and 509AD. However this is only one factor, 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 specifically 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”.

In the far more recent case *R(R and others) v Leeds City Council / Education Leeds 2005*, the actual issues of free transport and religious education were considered, including consideration of the Human Rights Act, which determined that there was

no violation of Articles 2, 8 or 9, and that the only grounds for challenging such a step would be the irrationality of the decision to charge.

- 8.6 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.
- 8.7 Feedback from the consultation has suggested that the proposals, if implemented, would amount to unlawful discrimination in that they would make it more difficult for Catholics, to get an education in conformity with their beliefs than a non-Catholic. Although this has been asserted, it has not been supported by any evidence. In reality, because of the statutory structure which requires the Council to take account the parents' religious or philosophical beliefs (which includes a belief in no religion), then even with the proposed changes Catholics will be more, not less favourably treated than the children of parent's who have no religious or philosophical beliefs. In any event, the Council does not, through its school transport responsibilities or otherwise, owe a duty to ensure that Catholics have the same access to a denominational school place as non Catholics who choose non-denominational schools. No such duty is laid out in the Education Act.
- 8.8 The Diocese of Shrewsbury and many people from within the Catholic community have stated that by ending free transport the Council would be going back on 'long standing agreements' regarding the siting of RC schools and an historic undertaking to provide transport to support faith education. The Council has made it clear that it has no record of such agreements as inherited from the former County Council. The Council has consulted the County Archives for Trust Deeds in relation to certain years and schools and can find nothing relating to transport. Nor can find anything relevant in the minutes of the Education Committee of the former County Council. Consultees have subsequently been invited to submit any evidence that it holds to support its claim. No such documentation has been provided. Legal opinion has been obtained on this point, this observes that: *As to prior (non-binding) agreements, the fact that there were prior agreements is a matter for the Council to take into account, but with appropriate consultation and notice, the Council is not bound to follow prior practice.*

9.0 Risk Management

- 9.1 If the discretionary policy is not changed the council remains at risk that other faith schools and bodies and parents who do not qualify for free or subsidised discretionary transport will challenge the legality (and fairness) of the existing policy.
- 9.2 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.

- 9.3 There is a risk of destabilising of pupil numbers attending primary and secondary faith schools. In the primary sector this risk is relatively low, in the secondary sector the risk is slightly higher. However experiences reported from other local authorities that have changed their denominational transport is, that overall pupil numbers in faith schools have changed little. Given the revised proposal in this paper this will be mitigated against by a planned transition,
- 9.4 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).
- 9.5 Increased costs could also result in higher numbers of 'school run' journeys which would undermine the Council's environmental objectives.
- 9.6 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.
- 9.7 If the policy is not changed there is a financial risk that significant savings will not be made, which will put additional financial pressure on the Council in a climate of severe financial constraints and the requirement to achieve £30M in savings over the next three years.

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 priority need as a result of a significant reduction in the resources available to it. 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.
- 10.1.3 Under the current arrangements, children who attend for reasons of religious belief, a denominational primary and secondary school between 2 and 15 miles of the

home address are entitled to assisted (but not free) transport to the designated local denominational school under the Council's policy. 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. It is not a statutory requirement for the Council 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.

- 10.1.4 In 2010/11 the cost of providing transport to faith school for those pupils who did not qualify for the provision of free transport, was on average £1097 per pupil. The Council charged 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.
- 10.1.5 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 Local Authority Home to School Transport Policy for 2007 and continuing in statutory education at the same school beyond September 2008, remains entitled to free transport under the 2007 policy. This stands until such time as a change of school takes place, they reach 16 and transport is then charged or a change of policy. However the Education Act 1996 states that wherever possible local authorities should ensure that transport arrangements are in place to support the religious or philosophical preference parents express.
- 10.1.6 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.
- 10.1.7 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 needed to arrange and pay for their own transport, unless again they qualified under other eligibility criteria.
- 10.1.8 The withdrawal of the Council's discretion to provide 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. This would mean that school aged pupils will be treated equally, regardless of their faith or belief or lack of it. This would be a fairer and more equitable transport policy.

10.2 Post 16 transport

- 10.2.1 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.

10.2.2 In developing the policy statement, the former County Council had regard of its duties under the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009. 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 Local Authority. If charges were not increased the effect would be to place even greater strain on services to more vulnerable groups as the authority faces the challenge of living within its financial means.

10.2.3 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.

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

10.3.1 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 provisions charging for transport will severely limit parental preference for appropriate specialist course.

10.4 Consultation Process

10.4.1 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, the 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.

10.4.3 Between 25th March and 20th May 2011, the Council consulted publicly on proposed changes to denominational transport and post-16 and post-16 with special and complex needs policies that would raise charges from September 2011 and that would withdraw all transport by 2012. The proposal would provide future cost savings, in a challenging financial climate, when the council is committed to making £30M worth of savings over the next 3 years.

10.4.3 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 schools in Crewe the consultation documentation was also translated into Polish.

10.4.4 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 when requested and 186 questionnaires were completed in hard copy.

10.4.5 Responses received from the consultation demonstrates 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.

10.5 Outcome of the Consultation

10.5.1 The public consultation was intended primarily to provide members with a significant amount of feedback to assist their understanding of the issues and to consider the views, comments and questions received. The 909 responses are evidence that the consultation was successful. Over 225 people attended the seven public drop-in sessions. Additionally a significant number of letters and emails have been received and due regard and weight has been given to the petitions received and responses to the web based survey.

10.5.2 The purpose of the consultation was 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. In total 909 questionnaires were completed. Of these, 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'

10.6 Issues raised

10.6.1 Appendix 3 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.

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Public Consultation on School Transport, 25th March – 20th May 2011

Report on Responses

Cheshire East's public consultation on proposed changes to school transport took place between 25th March and 20th May 2011. The purpose of the consultation was 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. In total 909 questionnaires were completed. Of these, 723 were completed online and 186 were received as paper copies, 5 of which were translated from Polish. This report sets out the responses to the questionnaire, a copy of which can be seen at **Attachment A**.

Summary

- 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'
- The 'top 5' schools for number of responses from parents were Catholic schools

1. Postcode

- *909 survey responses were received*
- *A high concentration of responses were received from Middlewich and Crewe*
- *Respondents to the survey are likely to be more affluent than the average Cheshire East resident*

909 people responded to the survey on the proposed changes to school transport, with a number of other people providing comments by letter, email, in person and by petition.

The map at **Attachment B** shows a high concentration of respondents from the town of Middlewich, with a high number also from the town of Crewe. Knutsford and Macclesfield show a good response rate, with a scattering of responses from rural areas and towns across the rest of Cheshire East, and from surrounding areas outside of Cheshire East.

A demographic analysis of the postcodes of respondents using MOSAIC (an industry-standard tool for classifying UK households) provides an indication of the social groupings of the respondents. The MOSAIC group chosen for each respondent is the most typical one for their postcode, and while we do not know if this is accurate in each case, we can gain a general picture. A table showing the profile of respondents is at **Attachment C**.

Respondents appear to be mainly from the more affluent groups. A large proportion, 31% of respondents, were from high-income groups C and D, compared to only 24% of Cheshire East's overall population. Middle-income families (groups E and F) are also strongly represented, with 33.4% of respondents from these groups, compared to only 20% of Cheshire East's overall population. Only 9.6% of respondents are from the lower-income groups (I, J and K), compared to 21% of Cheshire East's overall population.

It may be reasonable to conclude that respondents to this survey are generally more affluent than the average Cheshire East resident.

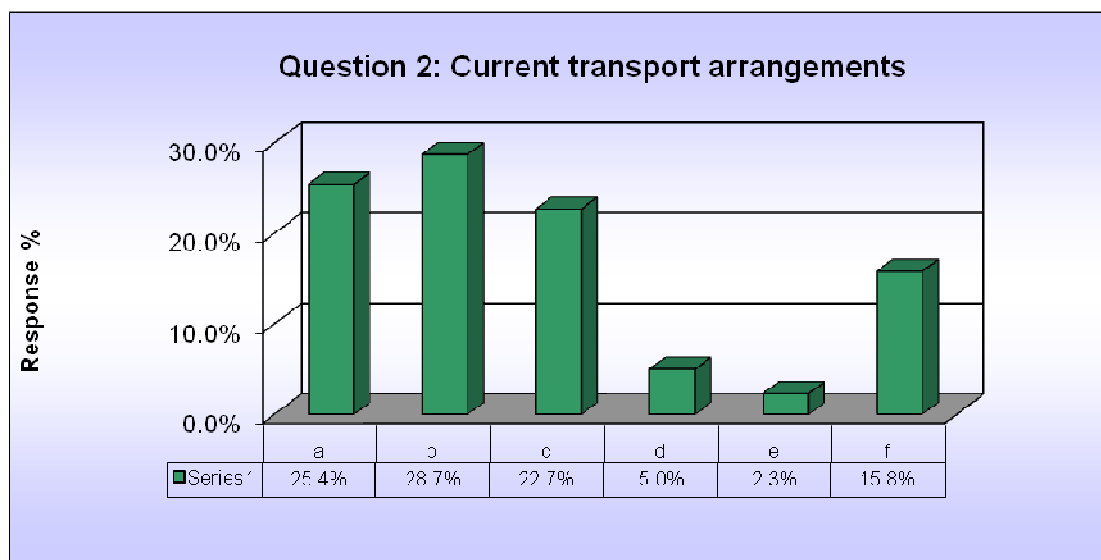
2. Current transport arrangements

- *Less than a quarter of respondents are likely to be immediately affected by the proposed changes, as they pay for council-run transport to school / college.*

The chart below shows that the majority of respondents (28.7%, or 257 respondents) receive free transport, with a further 25.4% responsible for their own transport arrangements. These groups are very unlikely to be affected by the proposed changes.

Those most likely to be affected - those who pay for council-run transport to school / college - are the third largest group, at 22.7% (204 responses). 15.8% responded 'not relevant to me', amongst which there may be some respondents who are not currently affected but may be in the future.

The council welcomes the views of people not currently affected by the proposed changes. These figures are presented to provide information on the scale of the impact upon those directly affected, and put the responses into the appropriate context.



Key:

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

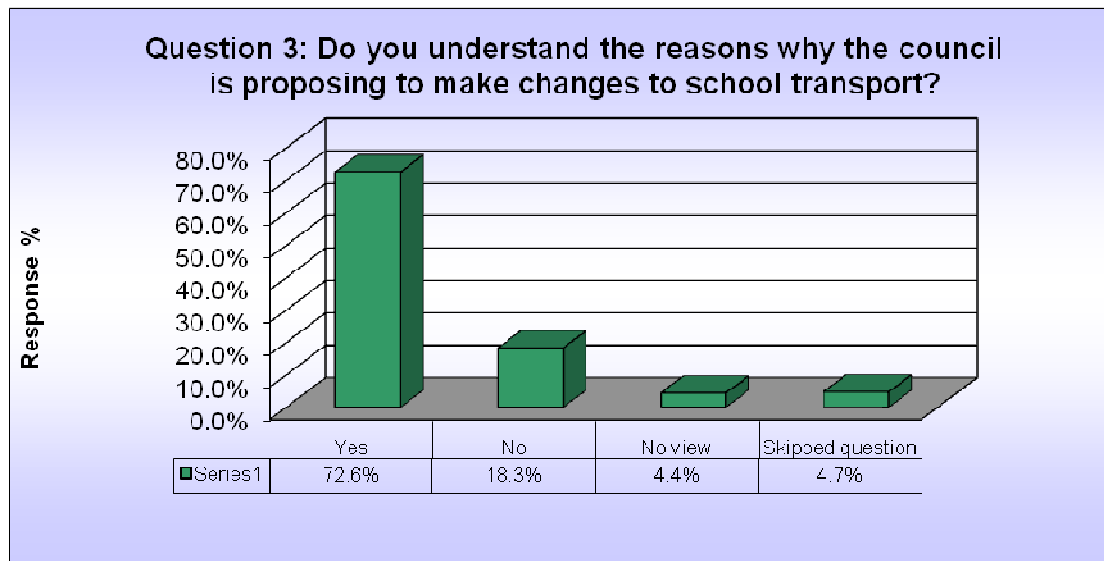
3. Understanding of the reasons for the proposed changes

- *More than three-quarters of respondents understand the reasons for the proposed changes*

77.4% of respondents (672 responses) stated that they understand the reasons for the proposed changes, suggesting that almost a quarter of respondents did not understand, or are not interested.

However, some of the respondents who stated that they did not understand the reasons, may have been interpreting the word 'understand' to mean 'sympathise

with' or 'accept'. This is illustrated by some of the comments made at this question by these respondents, which often showed disagreement with the proposals.



288 comments were made at this question, which can generally be categorised as:

- Understanding that the council needs to cut costs
- General disagreement with the proposals
- Concern that pupils displaced will only be bussed to other schools anyway, as local schools are full
- Concern that children with Special Educational Needs will be disadvantaged
- Feeling that cuts should be made from elsewhere in the budget

The concern that displaced pupils will only be bussed to other schools anyway, as local schools are full, may be an issue for the short-term. In the longer term, new school entrants can be admitted to local schools in the usual way and would be unlikely to need transport.

'To save money and to shrink the role of the state. It is not clear whether cost savings will be achieved. There are easier and better ways to cut costs even within the school transport budget.'

'I don't think the council should be targeting children and young people with Special Needs.'

'I understand and it will be difficult for some, maybe it's now time to encourage greener travel.'

4. How the proposals on denominational transport will impact on respondents

- 163 comments were made by respondents that currently pay for school transport

598 respondents made comments in response to this question. 163 of these were from people who currently pay for school transport.

These comments can generally be categorised as:

- Will use another method of transport (car, walking, public transport)
- Comments that indicate transport will be needed
- Current pupil will have to change school
- Prospective pupils will not be able to attend preferred school
- Will impact financially
- Will consider moving house
- Comments that the proposals are unfair / discriminatory towards Catholics, including that the numbers in faith schools will decline
- Comments that parents have chosen schools based on the availability of transport, and that it is unfair to withdraw this for existing pupils

Some comments were made about the subsidy that the Catholic Church provides towards the education of local Catholic children, in the form of some building and education costs. Similarly, Catholic schools are located according to council planning and education requirements.

'I already have 2 children using School transport to & from Nantwich. An increase in cost will be difficult but manageable. A removal of the service would be disastrous. My children would have to change schools which will be very disruptive and detrimental to their education.'

'We chose All Hallows not knowing that transport support may end - this will affect our family a great deal financially and we have no other means of transport as only 1 parent drives and both of us work. Also my son's younger brother is joining the same school.'

5. How the proposals on post-16 mainstream transport will impact on respondents

- *126 comments were made by respondents that currently pay for school transport*

492 respondents made comments in response to this question. 126 of these were from people who currently pay for school transport.

A high number of these responses were made by people whose preference is for denominational education for the post-16 years. Many of these respondents make the point that 6th Form education is not available to them locally, and they would have to travel to access this in any case.

The comments can generally be categorised as:

- Child will not attend education / training post-16

- Will use another method of transport (car, walking, public transport)
- Child will not be able to attend their preferred 6th Form (i.e. Catholic)
- Will impact financially

'This will again impact on choice and not just for denominational schools. In this area, some children who do not attend denominational schools choose to go to other schools/colleges post-16. One common destination is Sir John Deane's. Post-16 facilities are all very different and provide different opportunities and courses. Removing the subsidy would reduce choice for AS and A level for all children. Of course, this situation would only apply to children in Cheshire East. Is the council really suggesting that the choices of these children should be restricted in this way?'

6. How the proposals on post-16 complex and special needs transport will impact on respondents

- *A high level of concern can be seen from the responses of people not directly affected by this aspect of the proposals*

432 respondents made comments in response to this question. A large number of responses were, however, respondents simply stating 'no impact' or similar; many others state that the proposals would not affect them directly but disagreed with them.

Of the 144 who get free transport to school, many of them had a disabled child. Many were worried about having to pay for transport, particularly as there was not always suitable provision near to where they live and their children did not have the option to use public transport or cycle to school.

Some of those who may be affected had much younger children, for example age 4, but were still concerned for the future.

Some of the comments expressing concern are as follows.

It is unfair as our disabled child has no option but to use School transport. Able bodied post 6 pupils have the ability to Cycle / Walk or use local bus services. This proposal would impact on children / parents with no choice & who can't work part time to cover the costs.

'Special needs children need continuity. It is therefore important for these schemes to continue, to allow them the support they require to thrive and live a normal life within Cheshire East. Reducing this would lead to reducing the overall opportunities for those with complex and special needs.'

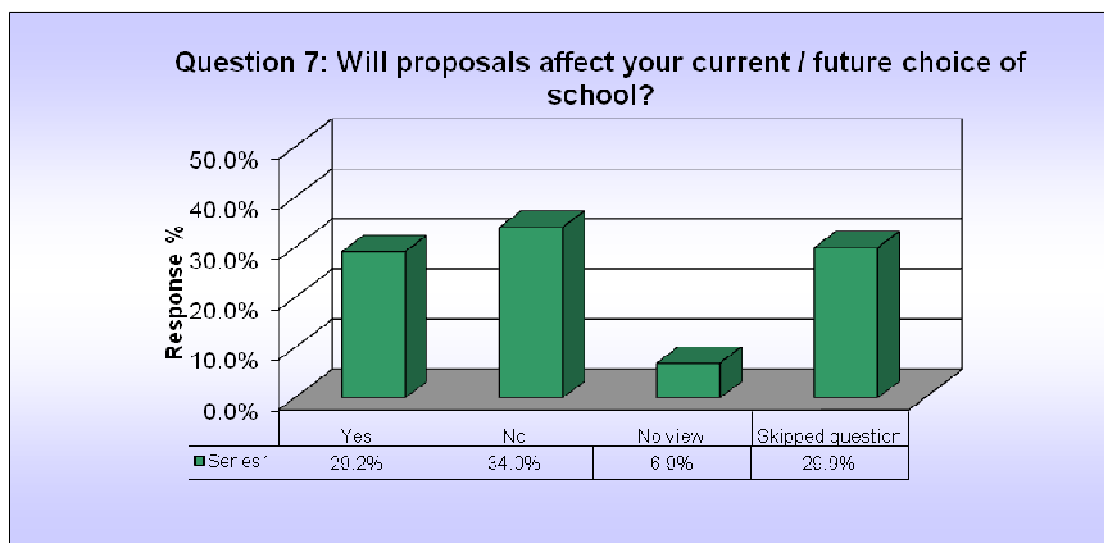
If we have to pay for transportation or undertaken transportation ourselves this will further limit our son's, already limited, post 16 educational choices. If we feel that we have no choice but to provide transportation ourselves then this will have a huge impact on the rest of our family commitments: I might have to consider giving up my

much loved and valued part time job; I would have to make alternative arrangements for getting my other children to and from school. In addition it would have a grave emotional impact on my son who has had transport and escort provision all his time at school and it is what he is used to. Furthermore, at 17yrs old does not want to have to be transported to school by his mum, like some little kid - he may be learning disabled but he is aware and has his dignity!

7. Impact on current or future choice of school

- *Over a quarter of respondents 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*

Over a quarter of respondents (265) said that the proposals would influence their current or future choice of schools, with over a third of respondents (309) stating that they would not. An even larger group of respondents (335) either stated 'no view' or did not complete this question.



Of those that currently pay for school transport, a higher proportion – almost half – state that the proposals will affect their current or future choice of school (47.1%). The number of people, however, is lower, at 96 respondents. 46 respondents stated they will not be affected, and 62 stated no view or skipped the question.

310 respondents (from all groups, not just those that currently pay for transport) made comments at this question, mainly indicating which school may be affected by their choice. The majority of comments relate to Catholic schools.

'It would affect two children in one school. One child would be in year 6 and I would not be happy for her to move schools in her last year before secondary school. The

younger one would be moving into year 1 so it wouldn't be ideal for him to move schools either having just settled at our chosen school.'

'Three daughters aged 11, 8 and 7 now in St Vincent's, were to go to St Nicholas'. Now have to go to Knutsford High.'

'We have 2 children and this will affect our choice greatly'

'Yes because both our children will not be able to attend St. Nicholas Catholic High school. There is no alternative as Middlewich has no post sixteen and is over subscribed'

'We have no choice of school as Park Lane is the nearest school for children with complex needs'

8. Agree / disagree with statements

- *Most respondents disagreed or strongly disagreed with the statement that 'parents should be responsible for getting their children to school / college'*
- *Some people felt that these statements were ambiguous or leading and that the Council should have asked more direct questions.*

Comments on the nature of the statements include:

'I believe the questions set are leading and designed to give a high number of responses to support the Council's arguments regardless of whether we feel these are fair. The Council should be supporting choice in education and taking steps to facilitate this. The amount spent on supporting denominational transport is small compared to lower priority spending and efficiency savings that could be made elsewhere.'

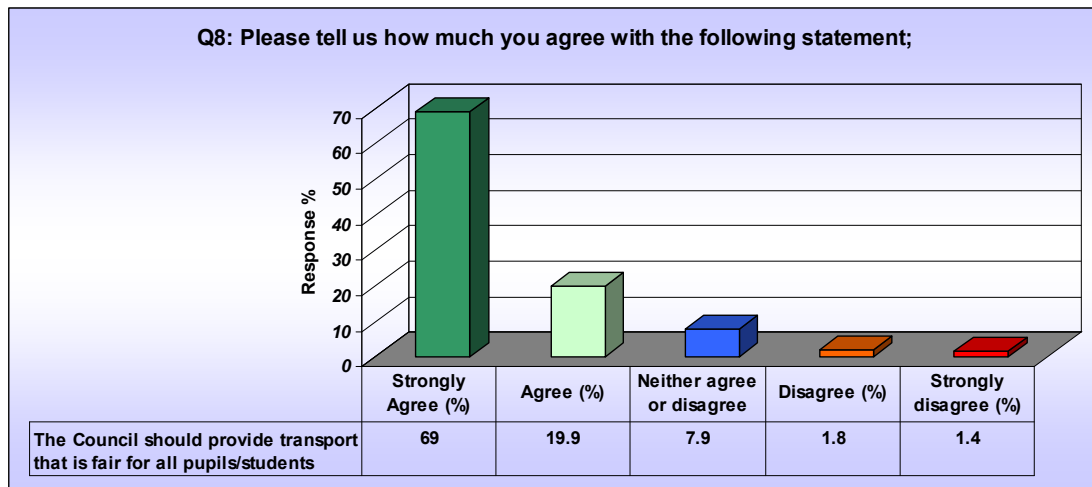
'You should be asking people whether they agree or disagree with the proposals!'

It seems that different people have inferred different meanings into the statements. For example, one respondent who strongly agreed that 'parents should be responsible for getting their children to school / college' said that they were doing this by paying for the transport. In contrast, most other respondents who disagree with the proposals also disagreed with this statement.

Most of the 668 people who responded to this question strongly agreed with the first three statements:

- 'The council should provide transport that is fair for all pupils / students';
- 'The council should use the budget for those groups who need it most'; and
- 'The council should make it a priority to provide those services that it must do so by law'.

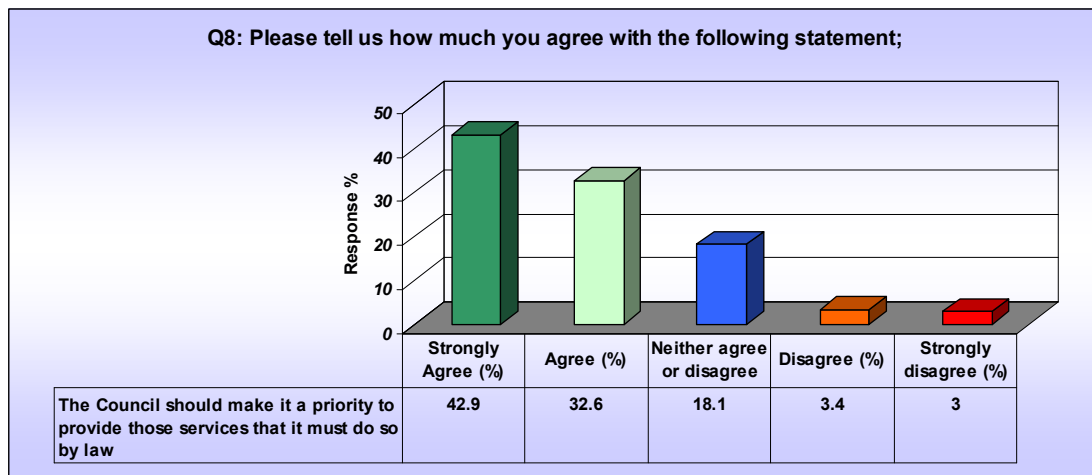
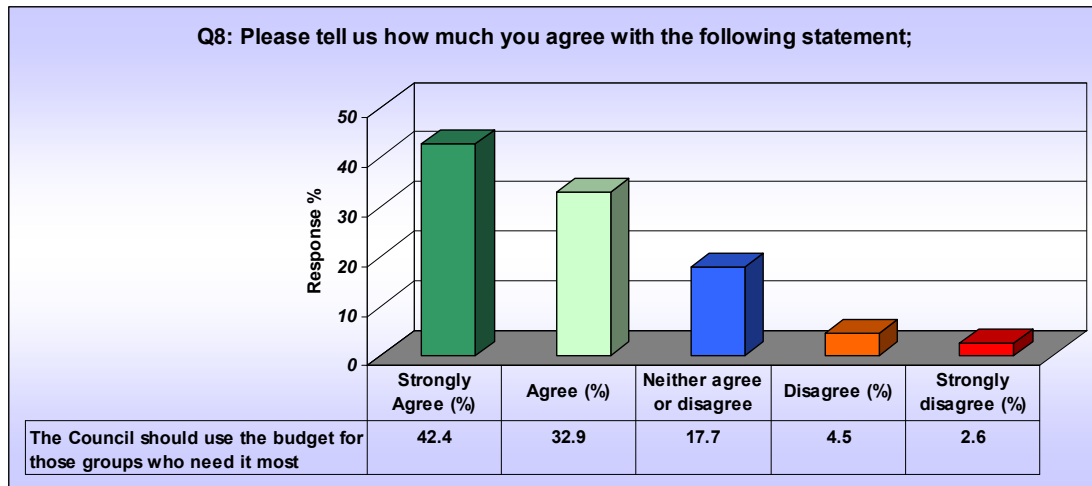
A significant number disagreed with the fourth statement 'Parents should be responsible for getting their children to school / college'.



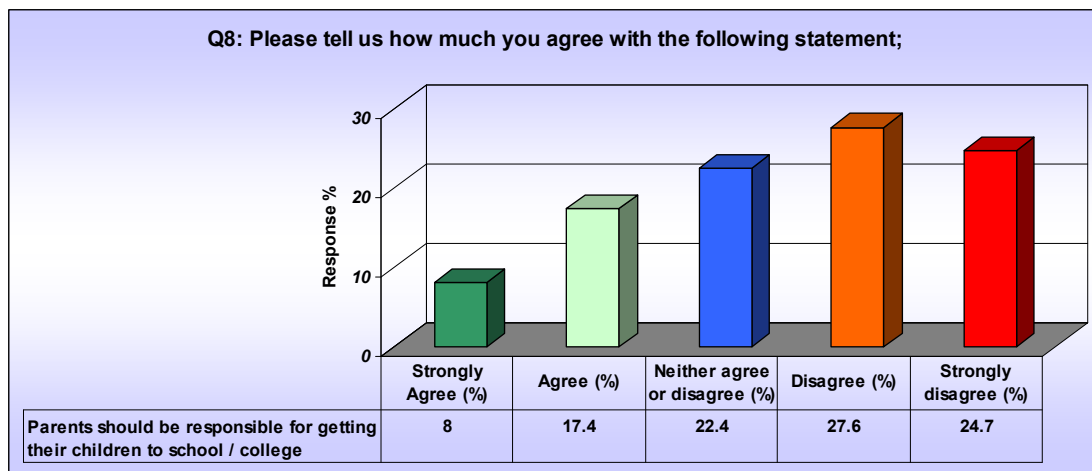
Comments include:

'By far the most important principle is to provide for those groups who need it most. A fair policy doesn't mean a policy that ignores need. A fair policy isn't the same as an equal policy, and it's a fair policy we should aim for. Those with special needs will have more requirements, and those who hold a faith upbringing with some importance will have more reason to go to a faith school. In the same way there is more reason for a faith school to be an important choice than another school. There is a difficult balance when it comes to responsibility - to a certain extent parents should ensure they live within commuting distance from the right school, but where people live is a complex combination of needs and sometimes it simply isn't possible to ensure this, whether it be house prices, commitments to work or community or inability to move, etc.'

'My answers to the above vary depending on circumstance e.g. I feel that it is more important to provide "optional" transport for special needs children than for children attending a non-catchment area school through parental choice (e.g. denominational). The first question seems meaningless - what is "fair" is often subjective.'



'The council should have money for those groups that require the service by law but should also provide the transport for those who chose to attend the faith schools, as these schools are part of the community and when we started at the school no mention was made that the service would be terminated.'



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

'It would be a total impossibility to get all our children to school at once! We rely on the school bus and understand to an extent the need to charge although I already think it's far too expensive before your proposed increase.'

'Whilst parents do need to be responsible for getting their children to school they should also have the right to choose Catholic education.'

'If you take away transport options, you are effectively taking away parents' choice of school, because they can only send their children to the school they are in the catchment for if they work and can't drop children off.'

9. Suggestions, comments or other options

371 people made comments under this section. Many of these comments repeat the concerns previously stated, particularly with reference to Catholic schools, but some constructive suggestions are also made. A few examples of these are below.

'Remove school lower management and use money saved to support transport costs. A school with 600 pupils does not need three assistant heads plus heads of years plus heads of departments.'

'Perhaps a clever combination of services be used - use the flexi-rider service to perform the school runs, causing a temporary gap in availability of flexi-rider bookings. This should hopefully still allow the flexi-rider to be used for early morning work runs and daytime travel, but utilise the same bus and same driver for picking up school kids.'

'The transport costs should be rationalised by looking at combining services.'

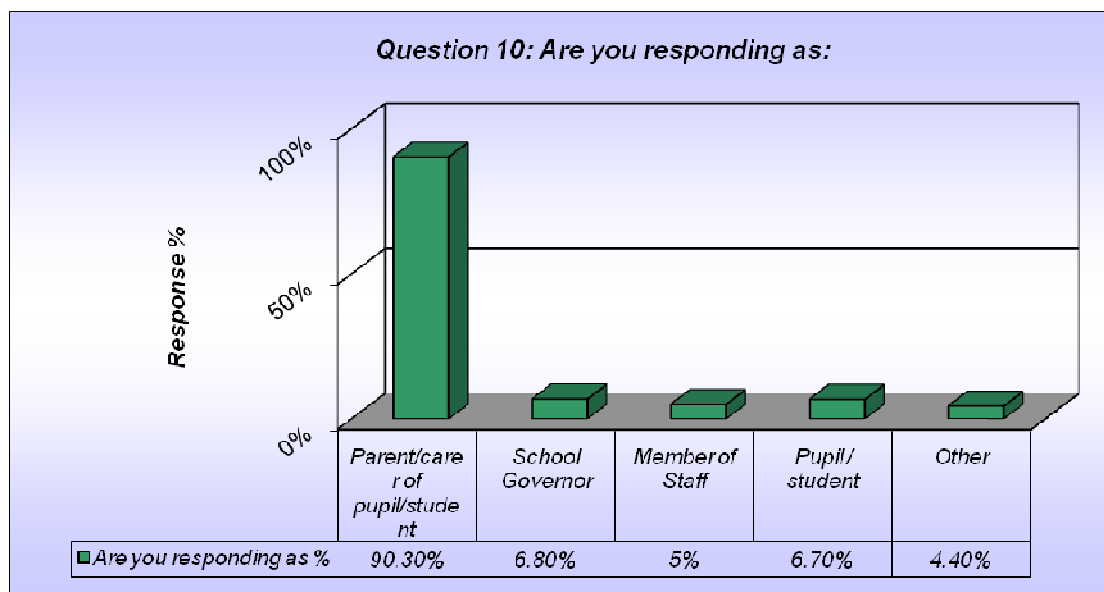
'The council could set up a support group for parents to arrange car shares to get children to school.'

10. Types of respondent

- *Parents / carers of pupils / students made up the vast majority of respondents*

658 people responded to this question:

- 594 were from parents / carers of pupils / students
- 45 were from school governors
- 33 were from members of staff
- 44 were from pupils / students
- 29 were 'others'



11. Schools / colleges of respondents

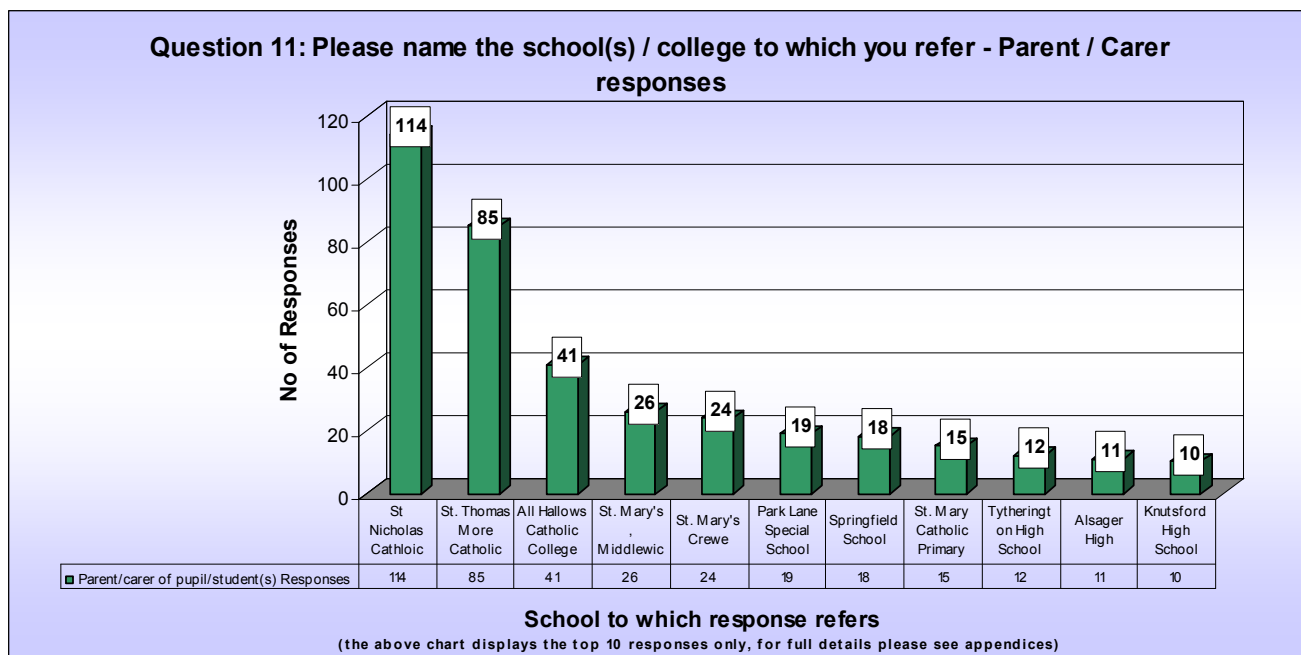
- *The 'top 5' schools for number of responses from parents were Catholic schools*
- *Two special schools also provided a good level of response from parents*

For the parent responses, the top 5 respondent groups relate to Catholic schools. The biggest group related to St Nicholas Catholic High School, with 114 responses, closely followed by St Thomas More Catholic High School with 85 responses (see chart below).

While the council is keen to receive input from the communities most affected by the proposals, members should bear in mind that the response is not representative of the community as a whole and of wider views on council spending priorities.

A good level of responses was also received from parents whose children attend Park Lane and Springfield special schools, with 19 and 18 responses respectively. The chart below shows the 'top 10' schools for number of responses from parents.

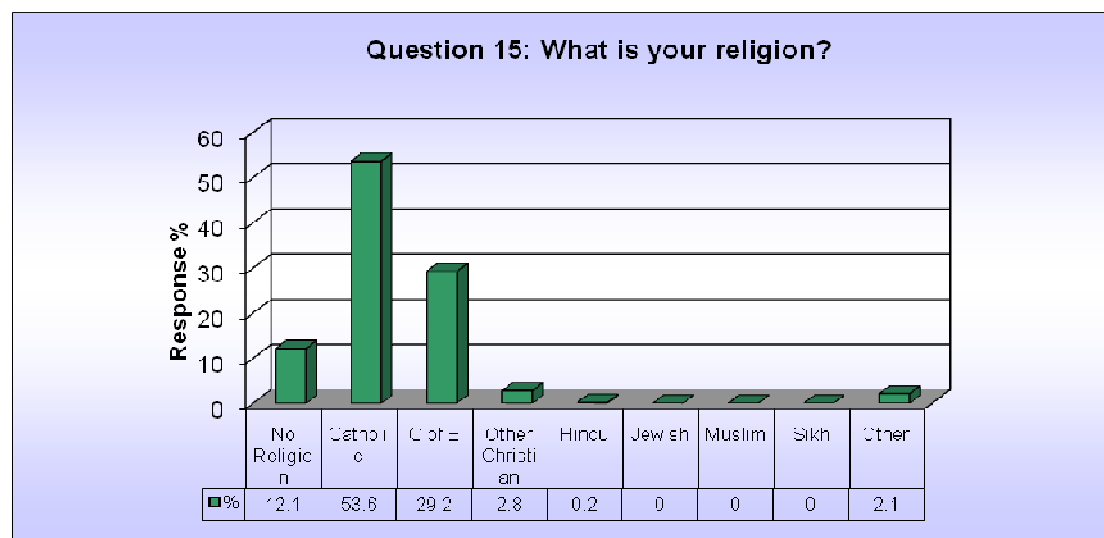
In total, parents from 87 schools provided responses. **Attachment D** provides a full table of parent responses by school, and for other types of respondents also.



12. Equality monitoring questions

- *Over half of respondents are Roman Catholic*

A number of further questions were asked for equality monitoring purposes. Of most interest is the question on religion, showing (unsurprisingly, given the results seen above) that the majority of respondents are Roman Catholic.



With regard to ethnicity of respondents, the vast majority (91%) are 'white British', with a small number of 'white Irish' and 'other white' backgrounds, many of whom state their ethnicity as being Polish. A very small number of responses were from people of mixed or Asian backgrounds.

Consultation feedback form**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>	
---	--

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:

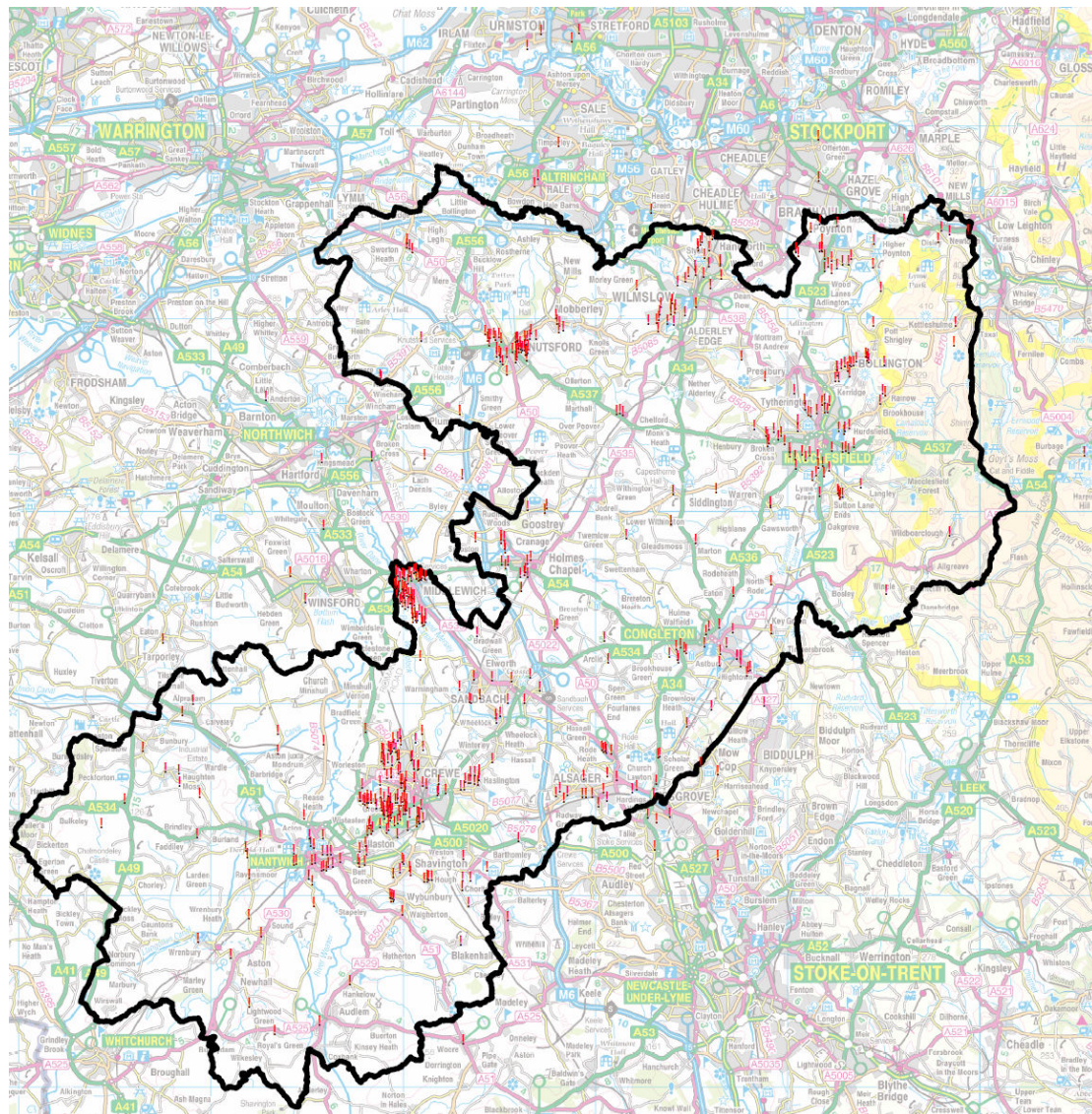
Cheshire East Council
 School Transport Consultation (GB)
 Children and Families Service
 Dalton House, Dalton Way
 Middlewich, CW10 0HU

Or email to stp@cheshireeast.gov.uk

Equality Monitoring Form



If you wish to include your name please provide it here <input type="text"/>		Organisation/Community/Support Group if relevant <input type="text"/>	
(Cheshire East Employees only) Service/Dept <input type="text"/>		Do you have caring responsibilities? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Age <input type="text"/>		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? <input type="checkbox"/> Single <input type="checkbox"/> Separated/Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Other <input type="checkbox"/> Married <input type="checkbox"/> Civil Partnership <input type="checkbox"/> Cohabiting		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 <input type="text"/>	
Religion & Beliefs <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 <input type="text"/>		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 <input type="text"/>	
Disability Do you consider 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.		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 <input type="text"/>	
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		D Black/African/Caribbean/Black British <input type="checkbox"/> African <input type="checkbox"/> Caribbean <input type="checkbox"/> Any Black African Caribbean background, write in <input type="text"/>	
		E Other ethnic groups <input type="checkbox"/> Arab <input type="checkbox"/> Any other ethnic group, write in <input type="text"/>	
		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	
Completion of this form is entirely voluntary but the information you provide will help Cheshire East Council meet its obligations under the Equality Act 2010. We will use it to monitor equality to ensure everyone has opportunity and inclusion in relation to employment and access to services. No identifiable details will be kept with this information. Statistical data may be shared with other government agencies for equality monitoring purposes.			

Scatter map showing location of respondents across Cheshire East and surrounds

Demographic analysis of respondents who provided postcodes

This demographic analysis was carried out using MOSAIC, an industry-standard tool for assessing the likely characteristics of people according to their postcode.

MOSAIC group	Number of respondents	Percentage of respondents
D Successful professionals living in suburban or semi-rural homes	192	23.6
F Couples with young children in comfortable modern housing	155	19.1
E Middle income families living in moderate suburban semis	116	14.3
B Residents of small and mid-sized towns with strong local roots	77	9.5
C Wealthy people living in the most sought after neighbourhoods	60	7.4
J Owner occupiers in older-style housing in ex-industrial areas	51	6.3
A Residents of isolated rural communities	46	5.7
K Residents with sufficient incomes in right-to-buy social housing	27	3.3
I Lower income workers in urban terraces in often diverse areas	24	3.0
O Families in low-rise social housing with high levels of benefit need	21	2.6
H Couples and young singles in small modern starter homes	20	2.5
M Elderly people reliant on state support	17	2.1
L Active elderly people living in pleasant retirement locations	4	0.5
G Young, well-educated city dwellers	2	0.3
N Young people renting flats in high density social housing	1	0.1
Total	813	100

NB: This analysis is of 813 postcodes. Some respondents' postcodes have not been included in the analysis because they were either:

- Not provided;
- Incomplete or invalid;
- Outside of Cheshire East; or
- Too new to have a MOSAIC classification.

ATTACHMENT D

Number of responses that refer to specific schools, by respondent type

School to which response refers	No of Parent/carer of pupil/student(s) Responses
Abbey Hill	1
Acton School, Acton, Nantwich	2
Adelaide School	1
Adlington Primary School	2
All Hallows Catholic College	41
Alsager High	11
Altrincham Girls Grammar	1
Ashdene Primary	2
Bickerton Primary	1
Bishop Heber	1
Bollington Cross	1
Brereton Primary School	1
Bridgemere Primary	1
Brine Leas Primary	8
Bunbury Aldersey School	4
Bunbury Primary	1
Calveley Primary	2
Chelford Primary School	1
Congleton High School	5
Dean Valley Community Primary	1
Disley Primary School	1
Eaton Bank	2
Fallibroome Academy	2
Gainsborough Primary	1
Gorsey Bank Primary	1
Greenbank School	5
Hartford	2
Havannah Primary	1
Hermitage Primary	3
High Legh Primary	1
Holmes Chapel Comprehensive	9
Horton Lodge Special School	1
Ivy Bank	1
Knutsford High School	10
Lindow Primary	2
Lostock Hall Primary	2
Lymm High	2
Macclesfield Academy	6
Malbank	3
Marton and District	7
Mid Cheshire College	2
Middlewich High School	4

Mobberley Primary School	1
Monks Coppenhall School	1
Oaklands Primary School	2
Park Lane Special School	19
Petty Pool	1
Pott Shrigley Church School	1
Poynton High	4
Rainow Primary	3
Reaseheath College	1
Rosebank	2
The Russett School	1
Sandbach Boys School	4
Sandbach High School	6
Shavington High school	1
Sir John Deanes	3
Sir William Stanier Community School	1
Sound & District	3
Springfield School	18
St Albans	3
St Ambrose	1
St Annes Primary School	3
St Benedicts RC Primary	2
St Gabriel's Catholic Primary School	8
St Nicholas Catholic High School	114
St Pauls Catholic Primary	4
St. Mary Catholic Primary	15
St. Mary's , Middlewich	26
St. Mary's Congleton	1
St. Mary's Crewe	24
St. Thomas More Catholic High School	85
St. Vincent's Catholic Primary School	7
Stapeley Broad Lane	1
Stockport college	1
Swashell trust	1
Tarporley High School	3
The Dingle Primary	1
The Quinta Primary School	1
The Russell Centre; Inscape House	1
Tytherington High School	12
Warmingham Primary	3
Weaver Primary	1
Weston Primary	4
Wilmslow High School	3

Wynbunbury Delves School	5
Wyche Primary	1

School to which response refers	No of School Governor Responses
All Hallows Catholic College	3
Bridgemere Primary	1
Brine Leas Primary School	1
Christ the King, Macclesfield	1
Daven Primary School	1
Dean Valley Community Primary	1
Greenbank School	1
Hartford	2
Havannah Primary	1
Marton and District	1
Monks Coppenhall School	1
Park Lane Special School	3
Rainow Primary	1
Shavington High school	1
Sir William Stanier Community School	1
South Cheshire College	1
Springfield School	3
St Albans	1
St Nicholas Catholic High School	1
St. Mary's , Middlewich	1
St. Mary's Crewe	3
St. Thomas More Catholic High School	3
St. Vincent's Catholic Primary School	5
Stapeley Broad Lane	1
The Weaver Primary school.	1
Wrenbury Primary	1
Wynbunbury Delves School	3

School to which response refers	No of Member of Staff Responses
All Hallows Catholic College	1
Dean Oaks	1
Eaton Bank	1
Highfields	1
Lostock Hall Primary	1
Malbank	1
Park Lane Special School	1
Sandbach Community Primary	1
St Paul's Catholic Primary	1
St. Mary Catholic Primary	1

St. Thomas More Catholic High School	7
St. Vincent's Catholic Primary School	3
Tytherington High School	1
Wheelock Primary	1
Worth Primary	1
Wynbunbury Delves School	3

School to which response refers	No of Pupil / Student Responses
All Hallows Catholic College	1
Alsager High	1
Park Lane Special School	2
South Cheshire College	1
Springfield School	1
St Astbury	1
St Nicholas Catholic High School	10
St. Mary's Crewe	2
St. Thomas More Catholic High School	8
Tytherington High School	1

School to which response refers	Other Responses
All Hallows Catholic College	3
Alsager High	1
Aquinas College Stockport	1
Church Lawton	1
Eaton Bank	1
Greenbank School	1
Hebden Green	1
Reaseheath College	1
Rosebank	1
St Nicholas Catholic High School	5
St Paul's Catholic Primary	1
St. Mary's , Middlewich	1
St. Thomas More Catholic High School	2
St. Vincent's Catholic Primary School	1

Department/Service	Children and Families	Equality Impact Assessment Form Template		
Ref CHI		Officer responsible for the assessment	Fintan Bradley, Head of Strategy, Planning and Performance	
Name of policy procedure function being assessed	<ul style="list-style-type: none"> • Under 16 School Transport Policy • Complex Special Needs Transport Policy • Post-16 Transport Policy 	Start date of assessment	March 2011	
Are there any other policies or procedures associated or linked with this one.		<ul style="list-style-type: none"> • School Admissions policy • Special Educational Needs policy 		
Briefly describe the aims, objectives and outcomes of the policy / procedure / function		<p>The main objective of the school transport policies are to ensure that statutory obligations for Home to School Transport are met.</p> <p>There are currently 3 separate school transport policies:</p> <ul style="list-style-type: none"> • Under 16 • Post-16 • Complex and special needs <p>These policies aim to ensure that pupils travel in a safe, secure and comfortable environment, so as to arrive at school (or their destination) on time and ready to learn.</p> <p>The policies set out what the local authority will and will not provide in terms of school transport based on identified criteria. The policies identify those pupils entitled to free or subsidised school transport.</p> <p>The proposed changes have been developed in response to the tight financial framework within which Councils are operating and the need to make savings. This has resulted in the need to review all discretionary transport.</p>		

Who is intended to benefit from this policy –procedure – function?	The main users of this policy are children and young people attending denominational schools and post-16 young people (including those with complex needs) attending schools and colleges.
What factors could contribute to or detract from the outcomes?	The results of the public consultation on the proposed changes have impacted on the proposed policy changes.
Who are the main stakeholders in relation to the policy – procedure- function? (Please consider key equality groups)	<p>The main groups affected by the changes in policy are:</p> <ul style="list-style-type: none"> - Children and young people attending denominational schools, - Post-16 mainstream pupils who use school transport to attend school/college - Post-16 complex and special needs pupils who use school transport to attend school/college - Parents of children and young people attending denominational schools and post-16 provision - Headteachers, governors and staff of denominational schools - Managers, and staff of Colleges and other post-16 provision - Neighbouring local authorities - Transport operators
Who is responsible for the policy – procedure – function?	<p>Cheshire East Children and Families Service is responsible for setting the policy, allocating the budget and commissioning the service</p> <p>Cheshire East Integrated Transport Service delivers transport services.</p>

To take us forward in:			
(a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;			
(b) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;			
(c) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it			
Please identify any impact (Positive / Negative) this policy, procedure, function or service will have on the following protected characteristics:			
Age - Is there an impact?	Yes	No	Comments/Actions:
	√		<p>This policy change will impact on school and college age children, in particular on under 16s who attend denominational schools and over 16s (including those with complex needs) who attend school and college and use Cheshire East transport to get there.</p> <p>Under 16s</p> <p>There are currently 685 under 16s accessing denominational transport. This represents 1.37% of the 5-16 school population. Of these, 224 currently pay for transport and so would be directly affected by the policy change. The breakdown by year group is set out below, along with the numbers within each year group who pay for transport and so would be most affected by the proposed policy change. This trend shows an overall reduction in demand over time for council transport. There is a corresponding increase in the number who pay as those pupils who qualify for free transport under the previous policy are phased out.</p>

			<p>Y11 – 114 pupils (0 pay) Y10 – 104 pupils (2 pay) Y9 - 89 pupils (65 pay) Y8 - 90 pupils (63 pay) Y7 -96 pupils (64 pay) Y6 - 40 pupils (4 pay) Y5 - 38 pupils (1 pays) Y4 - 39 pupils (2 pay) Y3 – 27 pupils (1 pays) Y2 - 13 pupils (6 pay) Y1 - 14 pupils (10 pay) Reception – 9 pupils (6 pay) Year group unknown – 12 pupils</p> <p>Post 16 Mainstream There are currently 1003 post-16 pupils accessing transport under this policy that would be affected. Of these, approximately 36% or 361 pupils get free transport, leaving approximately 64% or 642 who pay for transport, so are most likely to be affected by these proposals. The breakdown in year groups is as follows:</p> <p>Y13 – 612 students Y12 – 391 students</p> <p>Out of the 1003 pupils, 79 attend a denominational sixth form.</p> <p>Post -16 Complex needs There are currently 167 pupils accessing post-16 SEN transport who would be affected by this policy.</p>
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			<p>Next steps</p> <p>Recommendations to Cabinet</p> <p>a) From September 2011 raise parental contribution for denominational transport from £299 to £314 per annum this reflects the current rate of 5% inflation.</p> <p>b) 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.</p> <p>c) Cabinet supports the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, affordable, full cost recovery and sustainable travel continues to be available for pupils attending faith schools.</p> <p>d) From September 2011 raise parental contribution for post-16 mainstream transport from £415 to £436 per annum, this reflects the current rate 5% inflation.</p> <p>e) From September 2012 withdraw post-16 mainstream transport completely for all new entrants.</p> <p>f) Remove the proposal to charge for post-16 transport for students with special and complex needs</p>
Carers – Is there an impact?	<p>Yes</p> <p>√</p>	No	<p>Comments/Actions:</p> <p>Parents/carers of the 167 children and young people with complex and special needs will be affected by part of this policy</p>

			<p><u>Results of the consultation</u> Of the 909 responses to the consultation questionnaire, 152 responded to say that they had caring responsibilities. A significant number of these respondents had children with complex needs who were in receipt of free transport. A number of these parents expressed the view that the proposed policy of charging for post-16 complex needs would limit the choice for their child and put more pressure of them as carers in terms of time, money and organisation. The importance of safe and reliable transport for their children was stressed by many respondees.</p> <p><u>Next steps</u> Recommendation to Cabinet</p> <ul style="list-style-type: none"> Remove the proposal to charge for post-16 transport for students with special and complex needs
Disability - Is there an impact?	<p>Yes</p> <p>√</p>	<p>No</p>	<p>Comments/Actions:</p> <p>This policy will impact on the 167 children with complex needs.</p> <p><u>Results of the consultation</u> Of the 909 responses to the consultation questionnaires, 24 stated that they considered themselves disabled. 6 of these were pupils attending special schools and 20 were parents/carers. The issues raised were the same as above, expressing concern that the proposed changes would limit or even remove choice for disabled children.</p>

			<p><u>Next steps</u></p> <p>Recommendation to Cabinet</p> <ul style="list-style-type: none"> Remove the proposal to charge for post-16 transport for students with special and complex needs
Gender (Including pregnancy and Maternity, Marriage)?	Yes	No √	<p>Comments/Actions:</p> <p>This policy is not expected to impact significantly on gender.</p>
Gypsies & Travellers - Is there an impact?	Yes √	No	<p>Comments/Actions:</p> <p>The proposed changes to denominational transport could possibly impact on gypsies and travellers as some attend the Catholic schools within Cheshire East.</p> <p><u>Results of the consultation</u></p> <p>Of the 909 responses to the consultation questionnaire, 3 stated that they belonged to the gypsy/traveller community. None of these stated that they were parents/carers or pupils at relevant schools, so arguably the views of this group were not properly represented through the questionnaire. However, the views of those attending or proposing to attend denominational schools are well represented and it is expected that the issues for this group will be included in the response under religion and belief.</p>
Race – Is there an impact?	Yes √	No	<p>Comments/Actions:</p> <p>The proposed changes to denominational transport may have an impact on the Polish community who are predominantly at Catholic schools.</p>

			<p>Action – translate key documents into Polish</p> <p><u>Results of the consultation</u></p> <p>With regard to ethnicity of respondents, the vast majority (91%) were ‘white British’, with a small number of ‘white Irish’ and ‘other white’ backgrounds, of which 9 state their ethnicity as being Polish. A very small number of responses were from people of mixed or Asian backgrounds. The views of those attending or proposing to attend denominational schools are well represented and it is expected that the issues for this group will be included in the response under religion and belief.</p>
Religion & Belief- Is there an Impact?	<p>Yes</p> <p>√</p>	No	<p>Comments/Actions:</p> <p>The current under 16 transport policy offers home to school transport to denominational schools where the parent or child adheres to the religion or denomination of that particular school. This is offered free to those on low incomes and is significantly subsidised for others. The proposal to increase the charge for transport from September 2011 and to withdraw subsidised transport from September 2012 is likely to impact on the families who wish to attend denominational schools.</p> <p>Out of the 145 primary, secondary and academy schools in Cheshire East, 43, or nearly 30%, are faith schools, which cater for pupils from Catholic and Church of England backgrounds. The total number of pupils attending faith schools is 8469, which equates to 18% of the total pupils on roll at Cheshire east maintained schools. In addition, some Cheshire East pupils travel to faith schools within neighbouring authorities. Most are transported to St Nicholas High School, Northwich. 253 pupils used school transport to St Nicholas High in 2010-11.</p>

		<p>Only one faith school caters for post 16 education. It is a catholic college and has a sixth form with 204 pupils on roll (based on January 2011). This equates to 7% of the total post 16 pupils in school.</p> <p>Whilst the Council has due regard to parents preference to send their children to faith schools, the intention of the future school transport policy is to bring about equality and align with fair access by providing a statutory only school transport policy, where there is no additional benefit in terms of transport provision or funding to either faith schools, or through routes running to specific schools, but not others.</p> <p>The proposed recommendations to Cabinet discharge the Council's wider obligation to promote equality of opportunity and avoid discrimination.</p> <p>Having noted the above, Officers will work with schools most impacted, particularly with the individual faith groups, to support them in offering capacity building, to enable them to procure their own transport arrangements.</p> <p><u>Results of the consultation</u></p> <p>A significant number of responses to the consultation questionnaire came from individuals with a religion or belief. 287 or 53% were from Roman Catholics, 156 or 29% from Christian (Church of England and Protestant) and over 5% from other religions. Only 65 or 12% of respondents said they had no religion.</p> <p>There was a widespread perception from respondents, particularly on the part of the Roman Catholic community, that these proposals discriminate against members of the Roman</p>
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		<p>Catholic faith. In practice, however, those parents in Cheshire East selecting a school on the grounds of their denomination (currently Roman Catholic and Church of England) currently access transport at a subsidised rate even when this is not the nearest to their home. Other parents choosing schools other than the one nearest to their home on other grounds such as educational standards, specialisation etc. currently have to pay the full cost. This means that there are children attending denominational schools whose parents are paying the full cost of transport, because the school was chosen on grounds other than its denomination. In practice, therefore, the current policy discriminates positively in favour of parents who request that their children attend schools on denominational grounds.</p> <p><u>Next steps</u></p> <p>Recommendations to Cabinet</p> <ul style="list-style-type: none"> • From September 2011 raise parental contribution for denominational transport from £299 to £314 per annum this reflects the current rate of 5% inflation (ie, a reduced increase for 2011-12) • 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 would ensure that those pupils currently in schools are not impacted by the proposals) • Supporting the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, affordable, full cost recovery and sustainable travel continues to be available for pupils attending faith schools
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Sexual Orientation -Is there an impact?	Yes	No √	Comments/Actions: This policy is not expected to have a significant impact on sexual orientation.
Transgender - Is there an impact?	Yes	No √	Comments/Actions: This policy is not expected to have a significant impact on transgender.
Other socio-economic disadvantaged groups (including white individuals, families and communities) Is there an impact?	Yes √	No	<p>Comments/Actions:</p> <p>This policy will not impact on low income families in receipt of free school meals as they will continue to receive free transport. However, there may be some families who do not qualify for free transport but who will find the increase in charges and subsequent withdrawal of transport has an impact on them.</p> <p><u>Results of the consultation</u></p> <p>An analysis of the postcodes of respondents using MOSAIC (a system for classifying UK households) provides an indication of the social groupings of the respondents. The MOSAIC group chosen for each respondent is the most typical one for their postcode, and while we do not know if this is accurate in each case, we can gain a general picture. However, respondents appeared to be mainly from the more affluent groups. A large proportion, 31% of respondents, were from high-income groups C and D, compared to only 24% of Cheshire East's overall population. Middle-income families (groups E and F) are also strongly represented, with 33.4% of respondents from these groups, compared to only 20% of Cheshire East's overall population. Only 9.6% of respondents are from the lower-income</p>

			<p>groups (I, J and K), compared to 21% of Cheshire East's overall population. It may be reasonable to conclude that respondents to this survey are generally more affluent than the average Cheshire East resident.</p> <p><u>Next steps</u></p> <p>The recommendations to Cabinet take account of the need to reduce the impact on low income families by phasing in changes, maintaining free transport for complex needs students and the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, affordable, full cost recovery and sustainable travel continues to be available for pupils attending faith schools.</p>
<p>Please give details of any other potential impacts of this policy (i.e. Poverty & deprivation, community cohesion, environmental)</p>	<p>Yes</p> <p>√</p>	<p>No</p>	<p>Comments/Actions:</p> <p>There could be a negative effect on the environment if parents choose to use their cars to transport their children to school. 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.</p> <p><u>Next steps</u></p> <p>Recommendation to Cabinet</p> <ul style="list-style-type: none"> • Cabinet supports the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, affordable, full cost recovery and

			sustainable travel continues to be available for pupils attending faith schools.
Could the impact constitute unlawful discrimination in relation to any of the Equality Duties	Yes	No √	Comments: Legal advice is that the proposals are not unlawful. Many local authorities have already implemented similar proposals. Although the policy will not unlawfully discriminate, it may have a less favourable impact upon those groups currently receiving free or subsidised transport through the Councils school transport policies.
Does this policy – procedure – function have any effect on good relations between the council and the community	Yes √	No	Comments: This original proposal would be likely to have a negative impact on relations, particularly with parents/carers of pupils attending or planning to attend a denominational school or post-16 provision. The proposed recommendations to Cabinet take into account the issues raised by interested parties through the consultation and take steps to mitigate these.
Do you require further data/information/intelligence to support decision making?	Yes √	No	Comments: A public consultation took place between 25 th March and 20 th May to establish the full impact of the proposed changes on the protected characteristic groups. 909 questionnaires were received and the results from these have been included in this impact assessment.
Please specify any question(s)/issues/concerns/actions identified as a result the assessment. What needs to be done?			Comments <ul style="list-style-type: none"> Full impact on protected characteristic groups has been gathered through a consultation process

	<ul style="list-style-type: none"> • Cabinet to consider issues and recommendations arising from consultation
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Data Methods/Collection to Support Decision Making		
Please indicate what methods of research, information and intelligence will be/have been used e.g. consultation, reports, comparisons with similar organisations	<p>Internally</p> <p>Total Transport consultation results</p> <p>Pre-budget report consultation</p> <p>Proposed consultation to take place between 25 March 2011 – 20 May 2011</p> <p>Data analysis – School Census information</p>	<p>Externally</p> <p>Total Transport consultation results</p> <p>Pre-budget report consultation</p> <p>Proposed consultation to take place between 25 March 2011 – 20 May 2011</p>
Please state who will be/who was involved/engaged/consulted	<p>Internal (Staff/Members/Service/Dept)</p> <ul style="list-style-type: none"> • Integrated Transport Services • Education services • SEN Assessment and monitoring • SEN Advisors • Parent Partnership Service • Performance, Information & Monitoring Team • School Admissions Team • Legal Team • Finance Team • School Organisation Team 	<p>External (stakeholders/service users/partners)</p> <ul style="list-style-type: none"> • Headteachers, governors and staff at all academies, primary, secondary and special schools • All parents/carers at schools/colleges in Cheshire East • Managers and staff of post-16 providers • Neighbouring authorities

Please indicate any significant expected costs & resource requirements for completing the data collection	Printing costs of: <ul style="list-style-type: none"> • proposal document • Frequently asked questions • Questionnaire Translation costs – documents from English to Polish Drop-in sessions – venue costs Analysis of consultation feedback – staff time	
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Equalities Impact Assessment (EIA) Action Plan: Making Changes

REF	Action	Responsible Person/s	Action Deadline	Tasks	Progress
	Translate consultation documents into Polish	GB/AA	asap	<ul style="list-style-type: none"> •Contact translation service •Arrange for docs to be put on the web •Alert schools to translation 	All tasks complete May 2011
Please state the date the policy/procedure/function will be reassessed? (generally 1-3 yrs)			Comments/Date:		

Signed (Service Manager)

Date.....

Signed (Head of Section)

Date.....

Once you have completed this section please email it to the Equality and Inclusion Team. The Equality and Inclusion Team will convene a quarterly meeting of the Fairness and Inclusion Group (FIG) who will quality check our EIA's to ensure we have considered everyone. We plan to send approximately 2-5% of our completed EIAs Forms to the (FIG).

Quarterly Progress and monitoring

REF	Action	Progress	Completed

Once you have completed your progress report, please email it to the Equality and Inclusion Team. Make a copy of the progress report template so you can present an update in three months time.

Once you have completed your quarterly progress report, please email it to the Equality and Inclusion Team

Measuring Impact & Reporting

Ref	Action	Impact	Outcome	Review Date
	The changes that you have made to remove the gaps you have Identified (simply cut and paste these from the action plan).	What has been the overall impact of making the particular changes? (could include wider community involvement in policy development or greater use of service by diverse communities).	What are the concrete results of having changed your policy or service? Could include improved service use, reductions in complaints or increased satisfaction. These will be based on detailed data and should outline how the changes have brought about improvements for different communities and groups	

Once you have completed your impact report, please email it to the Equality and Inclusion Team. The Equality and Inclusion Team will prepare an annual report for Corporate Management Team and Cabinet on our progress.

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

8. Public transport is not in place to support routes to school/college if the Council withdraws transport, in particular in rural areas.	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.
9. Impact on parental choice	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.
10. Changes in September 2011 and 2012 does not give enough notice to families	This issue will need to be considered by Members in the light of the budgetary issues faced.
11. Financial burden, in particular for larger families and those just above income threshold	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.
12. Language barrier to engaging with the consultation	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.
13. Parents may have to split siblings	Final proposals will need to take account of family arrangements to ensure that, where possible, siblings are not split.

IMPACT ON SCHOOLS/COLLEGES

14. If parents chose to move their children, it could impact on school numbers	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.
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IMPACT ON FINANCIAL POSITION

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	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.
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IMPACT ON THE ENVIRONMENT

16. There will be a negative effect on the environment if parents choose to use their cars to transport their children to school	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.
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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>