

CHESHIRE EAST COUNCIL

REPORT TO: Children and Families Scrutiny Committee

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

Report Summary

- 1.1. This paper outlines the process and a summary of feedback from the consultation on the proposed changes to the home to school transport services that Cheshire East Borough Council (the Council) is legally permitted to make a charge for under the Home to School Transport Policy and the Complex and Special Needs Policy Transport Policy.
 - 1.2 Full feedback from the consultation is currently being collated and analysed. Key issues will be presented to the Children and Families Scrutiny Committee on 31st May, but further consideration of the feedback will be required after this date.
 - 1.3 The consultation on the review of the Council's Home to School Transport Policy has been required as a result of the tight financial framework within which all Local Authorities are now operating. As a consequence it has been proposed that the Policy is reviewed and consultation undertaken in relation to the services for which a charge can be made, which are:
 - post 16 transport;
 - some denominational transport; and
 - the post 16 element of the Complex and Special Needs Policy;
 - 1.5 This consultation and review of home to school transport policy is also being undertaken as part of the wider Total Transport Project (LTP). The LTP is a strategic plan for the development of transport within Cheshire East over the period 2011-2026, outlining how transport will contribute to and support the longer-term aspirations of the borough.
- 2.0 Decision Requested**
- 2.1 The committee to note the initial findings of the consultation.
 - 2.2 A special meeting of the committee be organised in advance of the July Cabinet meeting to consider the options and recommendations arising from the Consultation.

3.0 Reason for Recommendation

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

4.0 Wards Affected

All

5.0 Local Ward Members

All

6.0 Policy Implications

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

7.0 Financial Implications

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

Table 1

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

*¹ Income is from the charges made for eligible pupils and also spare seats for ineligible pupils

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

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

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

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

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

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

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

8.0 Legal Implications

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

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

his home despite a conflict with the parents stated preference, provided the authority took account of that preference in reaching its conclusion”.

9.0 Risk Management

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

10.0 Background

Potential Cohort Affected by the Proposals

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

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

Consultation Process

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

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

CONSULTEE ENGAGEMENT WITH CONSULTATION PROCESS

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

Table 3

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

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

Table 4

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

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

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

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

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

Communication channels used

Table 5

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

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

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

11.0 Access to Information

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

Name: Fintan Bradley

Designation: Head of Strategy, Planning and Performance

Tel No: 01606 271504

Email: fintan.bradley@cheshireeast.gov.uk