

## 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
<b>CONSULTATION PROCESS</b>	
<b>1. The process for consultation was inadequate</b>	<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 25<sup>th</sup> 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>
<b>2. This is not a true consultation as decisions have already been made</b>	<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. <b>Parent/carers should have been mailed direct not via schools/colleges</b>	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. <b>Proposals are not clear</b>	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.
<b>IMPACT ON CHILDREN AND YOUNG PEOPLE</b>	
5. <b>Disruption to children already in certain schools/colleges</b>	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. <b>It is not safe for children to use public transport</b>	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. There are no grounds to assert that a child accompanied as necessary will find it unsafe to use public transport.
7. <b>Children and young people are worried that they may need to move school as this would affect their friendships, schooling etc</b>	This response came from young people who were concerned that they may have to move school. The impact on children and young people has been a key concern in implementing proposals and arrangements have been put in place to mitigate this.

## IMPACT ON PARENTS/CARERS AND THEIR FAMILIES

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

## 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. This has been taken into account in the revised proposals.

## 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. However, the revised proposals mitigate this, and it is not considered to present a barrier to adoption of the revised proposals.

## 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**

Some parents are saying that they would have to 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 has been completed on the proposed changes.

<p><b>17. Particular areas of congestion were identified by stakeholders that could impact on residents, carbon emissions, safety of children</b></p>	<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 a substantial 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>
<p><b>DENOMINATIONAL ISSUES</b></p>	
<p><b>18. Religious discrimination</b></p>	<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 Council has a duty to consult on changes to school transport and not others. 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, and a substantial number of local authorities have already withdrawn all provision on denominational grounds.</p>

<p><b>19. Parent's have a right to practice their faith</b></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><b>20. Proposals go against human rights legislation</b></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>

<b>POST-16 MAINSTREAM</b>	
<b>21. Impact on post-16 numbers at a time when the government is encouraging more education and training</b>	The Council will continue to monitor the proposals on post-16 take up to see whether this will impact on post-16 choice and the decision on whether or not young people continue into further education.
<b>22. There is no 6th form in Middlewich, so this town is at a disadvantage</b>	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.
<b>POST-16 COMPLEX AND SEN</b>	
<b>23. Concern around transport provider</b>	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.
<b>24. Unfair as no alternative options for these children</b>	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 has been considered. There are others who, with independent travel training, have successfully made this transition.
<b>25. Legality of proposal, ie, charging for post-16 children with statements</b>	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.

<b>OTHER ISSUES/IMPACT</b>	
<b>Explore other options to reduce costs including:</b> <ul style="list-style-type: none"> <li>• Review contributions from parents re pre-2008 agreement</li> <li>• Stop corporate lunches</li> <li>• Review contracts to get best price</li> <li>• Put bus services to tender</li> <li>• Make admin more effective</li> <li>• Abolish free bus passes for pensioners who do not use them</li> </ul>	<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 have been considered in formulating revised proposals.</p>
<b>26. Why not wait to see what the coalition government's plans are for school transport?</b>	<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. At a recent meeting held by Central Government to outline their proposed review - attended by Cheshire East Council representatives – it is clear that central government have no intention of mandating any change to the existing statutes on entitlement to transport.</p>
<b>27. Council should follow Suffolk's example and use sustainable transport funding to maintain provision</b>	<p>The sustainable transport funding has been considered in formulating revised proposals. The funding is only for 2 years so would only be a temporary measure.</p>
<b>28. Middlewich is disadvantaged as no station</b>	<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>