

September 2011 – December 2011



# Home to School Transport Review

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## 1.0 Foreword



### **Councillor A Kolker – Chairman of the Task and Finish Group**

- 1.1 It must be noted that this has been a somewhat challenging review. Home to School Transport is a complex and multifaceted area and we have had to meet some tight timescales to complete this review. With this in mind, I would like to draw attention to the efforts made by my fellow Councillors and officers of the Council who have worked hard and given up their time to enable the Group's members to cover all aspects of our terms of reference.
- 1.2 Home to School Transport is also an emotive subject and this along with the financial challenges that the Council faces has meant that it has been impossible to find a position that will be agreeable to all parties – both from a parental perspective and financial perspective. Being aware from this at the start of the review, we put two guiding principles; 'equity' and 'education' at the forefront of our thinking as we tried to look at all of the issues with a fair and open mind.
- 1.3 The result of this is a set of conclusions and recommendations which we believe, if implemented, will provide a 'level playing field' in Cheshire East for accessing education and in a difficult economic climate will still enable every child, regardless of background or tradition to fulfil their potential.
- 1.4 We commend the report to the Cabinet and request that it be given full and fair consideration.

## **2.0 Acknowledgements**

- 2.1 The group members would like to thank all the witnesses who gave evidence to the review. A full list of witnesses is given in the body of the report.
- 2.2 In particular, Members would like to thank Chris Williams for the admirable way he guided the group through the review.
- 2.3 The scrutiny support was provided by Mark Grimshaw from Overview and Scrutiny. Many thanks to Mark for his help in putting together the evidence and formatting the report.

### **3.0 Outline of Review**

#### **3.1 Background**

- 3.2 With the Council facing unprecedented financial challenges there was a need to examine each area of discretionary activity to clarify whether continued funding could be sustained. It was within this context that a review of the Council's Home to School Transport Policy identified key areas of discretionary activity and support provided by the Council which were deemed no longer sustainable within the current financial climate. These areas included denominational transport and mainstream post 16 provision where it was intended to remove subsidies and/or increase charges, resulting in a projected saving of £0.989m.
- 3.3 Consequently a number of proposed changes to Home to School Transport Policy went before Cabinet on 4 July 2011. The proposed changes already agreed by Cabinet included retaining the status quo for Special Educational Needs (SEN) transport and for those denominational and post 16 pupils currently in receipt of support. The proposal in 'option 1' of the report was to eliminate discretionary support for denominational and post 16 new entrants. The savings proposed in option 1 of approximately £1 million, (with an upper and lower sensitivity range of £300k from the estimated £1 million savings) were over the period of the financial years 2011/12 to 2016/17.
- 3.4 During the Cabinet Meeting a number of Councillors and members of the public spoke on the implications of the proposals for pupils and their families, for schools, and for the Home to School budget.
- 3.5 As a result of this meeting, it was resolved:
1. That the motion to implement Option 1 of the report be withdrawn and that the position be reconsidered in one year's time. During the intervening period all available options would be thoroughly investigated with the assistance of the Scrutiny Committees, taking due consideration of the need to continue to provide a stable education system.
  2. That for the educational year 2011 – 2012 the parental contribution for denominational and mainstream post 16 transport be raised by 5% to reflect the current rate of inflation.
- 3.6 In a meeting on 26 July 2011, the Children's and Families Scrutiny Committee resolved to establish a Task and Finish Group to examine discretionary policies in respect of Home to School Transport. It was also agreed that as there were a number of overlaps with transport policy, a number of Members from the Environment and Prosperity Committee would be invited to participate.

#### **3.7 Membership**

3.8 The Members of the Task and Finish Group were:

**Councillor Andrew Kolker (Chairman)**

**Councillor Ken Edwards**

**Councillor Louise Brown**

**Councillor Philip Hoyland**

**Councillor Steven Hogben**

**Councillor Bill Livesley**

### 3.9 Terms of Reference

- To offer advice to Cabinet on the future of Home to School Transport Operation and Policy, taking due consideration of the need to continue to provide a stable education system.
- To examine the legal and financial consequences of whether or not to remove denominational and post 16 mainstream transport support for new entrants.
- To review The Council's Home to School Transport Policy with reference to the advice offered to Cabinet in relation to the authority's power to support sustainable Home to School Transport.
- To consider equity and efficiency issues in relation to home to school transport.
- To consider the social and environmental impacts of whether or not to remove denominational and post 16 mainstream transport support for new entrants.
- To adequately reflect the views of suppliers and service users.

## 4 Methodology

### 4.1 Witnesses:

Members met with the following people during the review:

- **Fintan Bradley** - Head of Strategy, Planning & Performance
- **Diane Nation** – Council Solicitor
- **Chris Williams** - Integrated Transport Manager
- **Karen Bowdler** – Senior Accountant
- **Lorraine Butcher** – Strategic Director of Children, Adults and Families.
- **Mr. Edward McHugh** – Headteacher at St. Thomas More's RC School
- **Mark Embrey** – Reaseheath College
- **Rachel Smith** – Macclesfield College
- **Mike Finney** – South Cheshire College
- **Mr. Tony Billings** – Headteacher at All Hallows RC School
- **Mrs. Janet Connelly** - Business Manager at All Hallows RC School
- **John McCann** – Diocese of Shrewsbury
- **Jenni Edge** – Operations Manager
- **Trevor Robinson** – Transport Co-ordinator (North)
- **Sarah Tunstall** – Customer Quality Manager (Transport)
- **Barbara Dale** – Admissions and Appeals Manager

- **Janet Mills** – Transport Policy officer
- **Gill Bremner** – Headteacher at Wilmslow High School
- **Councillor Michael Jones** – Portfolio Holder, Resources.
- **Councillor Hilda Gaddum** – Portfolio Holder, Children and Family Services

## 4.2 Timeline:

Date	Meeting / Site Visit
1 September 2011	Scoping Meeting with Fintan Bradley
13 September 2011	Diane Nation – legal issues
23 September 2011	Chris Williams and Karen Bowdler – financial context
30 September 2011	Karen Bowdler – financial context continued
7 October 2011	Discussion around future direction of review
14 October 2011	Councillor Hilda Gaddum and Lorraine Butcher – insight to strategic direction.
20 October 2011	Mr. McHugh – perspective from St. Thomas More’s RC School
21 October 2011	Representatives from FE Colleges – Reaseheath, Macclesfield College and South Cheshire College
28 October 2011	Review of evidence and plan for future meetings
3 November 2011	Mr. Billings and Mrs. Connelly – perspective from All Hallows RC School
4 November 2011	John McCann – perspective from the Diocese of Shrewsbury
11 November 2011	Chris Williams and Jenni Edge – clarification on figures and emerging ideas
18 November 2011	General discussion to start to pull together conclusions.
25 November 2011	Sarah Tunstall, Janet Mills and Barbara Dale – discussion around school admission and congestion issues following from potential changes in policy.
1 December 2011	Meeting with Gill Bremner – to get a non-faith school perspective on transport subsidies.
2 December 2011	Councillor Michael Jones – discussion around resource implications of various policy options.
9 December 2011	Final discussion to bring together conclusions and recommendations on policy.
23 December 2011	Review of 1 <sup>st</sup> draft

## **5.0 Review Findings**

### **5.1 Introduction**

- 5.2 The driver for conducting this review was clear. The Council is faced with unprecedented financial challenges. Over the next few years, it will need to find savings of around £50m. As a result, the Council has an obligation to its Council tax payers to examine each area of discretionary activity to clarify whether continued funding can be sustained. The Group, throughout the process of carrying out this review was well aware of this and also the fact that the failure to secure savings from discretionary areas such as Home to School Transport would jeopardise the ability of the Council to meet its statutory obligations.
- 5.3 Having said this, from the outset of the review process, the Group was unanimous in the belief that any policy the Council has should strive to go beyond the statutory minimum by using any discretionary powers in a positive way. The chance to pause and reflect on the policy proposals put forward in the July 2011 Cabinet paper was therefore very welcome.
- 5.4 The Group has attempted to be as comprehensive in its evidence gathering process as possible. Indeed, the Group received both written and oral evidence from a variety of stakeholders, including representatives from Further Education colleges, Headteachers, Cabinet Members and officers both of Cheshire East Council and of other authorities. Due to the limited timescale, the Group was unable to carry out a more encompassing investigation. In particular, it is felt unfortunate that the Group did not have a chance to engage with service users. Having said this, the Group was fully aware of the significant research and preparatory work that had been carried out by officers during the consultation process for the original scrutiny and Cabinet reports. Of particular note, was the analysis that had been carried out into the consultation responses and this was kept in mind when hearing evidence from other sources.
- 5.5 In sum therefore, we fully believe that the recommendations we have put forward in this report will help support an equitable education system in Cheshire East, one which treats all parents and students broadly equally and will help every child to fulfil their potential.

### **5.6 Evidence**

- 5.7 At the beginning of the evidence gathering process, the Group felt it was vital to gain a full and comprehensive understanding of both the current and future financial context and the current legislative framework around Home to School Transport.

### **5.8 Home to School Transport – Legislation**

- 5.9 Home to school transport policy has remained largely unchanged since the 1944 Education Act when local authorities (LAs) were placed under a duty to make transport

arrangements for children whose school was beyond the statutory walking distance to ensure parents had no defence against non-attendance at school by their children.

- 5.10 This was further supported by the Education Act 1996 and in particular Section 7 which outlines the duty of parents to secure education for children of compulsory school age. Sections 444(1) and 444(1A) of this Act describe the circumstances when a parent would be guilty of an offence by not fulfilling their duty. A LA has a duty (under Section 508(B)(1) to make travel arrangements to assist parents in fulfilling their duty to a reasonable degree.
- 5.11 There are a number of instances when a LA is legally obliged to provide free travel arrangements. For all children, the relevant criterion is judged on walking distance, a concept originally introduced by case law, but which is now defined by Section 444(5) as follows:
- a) In relation to a child who is under the age of eight, means 3.218688 kilometres (2 miles); and
  - b) In relation to a child who has attained the age of eight, means 4.828032 kilometres (3 miles);

In each case this is measured by the nearest available (and safe) route.

- 5.12 There were a number of important changes brought about by a series of amendments to the Education Act 1996 by the Education & Inspections Act 2006. Arguably the most important of these was the creation of 'eligible children' as a distinct group for which statutory responsibility for free transport was placed upon a local authority. It is important to note that prior to this, all free transport provided beyond that based on walking distance was discretionary.
- 5.13 It is difficult to define what factors constitute an 'eligible child' as it is a complex list but it can be very broadly summarised thus:

**Within Walking Distance:**

- Children with Special Educational Needs (SENs), a disability or mobility problems
- Children with hazardous routes (assessed using guidelines from the 'Identification of Hazards and the Assessment of Risk of Walked Routes to School' – Road Safety GB)

**Outside Walking Distance:**

- Children with no suitable alternative arrangements

**Children Satisfying an Appropriate Condition (defined in paragraph 14 of Schedule 35B of the Education Act 1996)**

- Children from 8 years, but below 11 years – specifically those who are registered at a qualifying school which is more than two miles from his/her home.
- Children aged 11 years or more – specifically those who are registered at a



qualifying school which is more than two miles, but not more than six miles from his/her home.

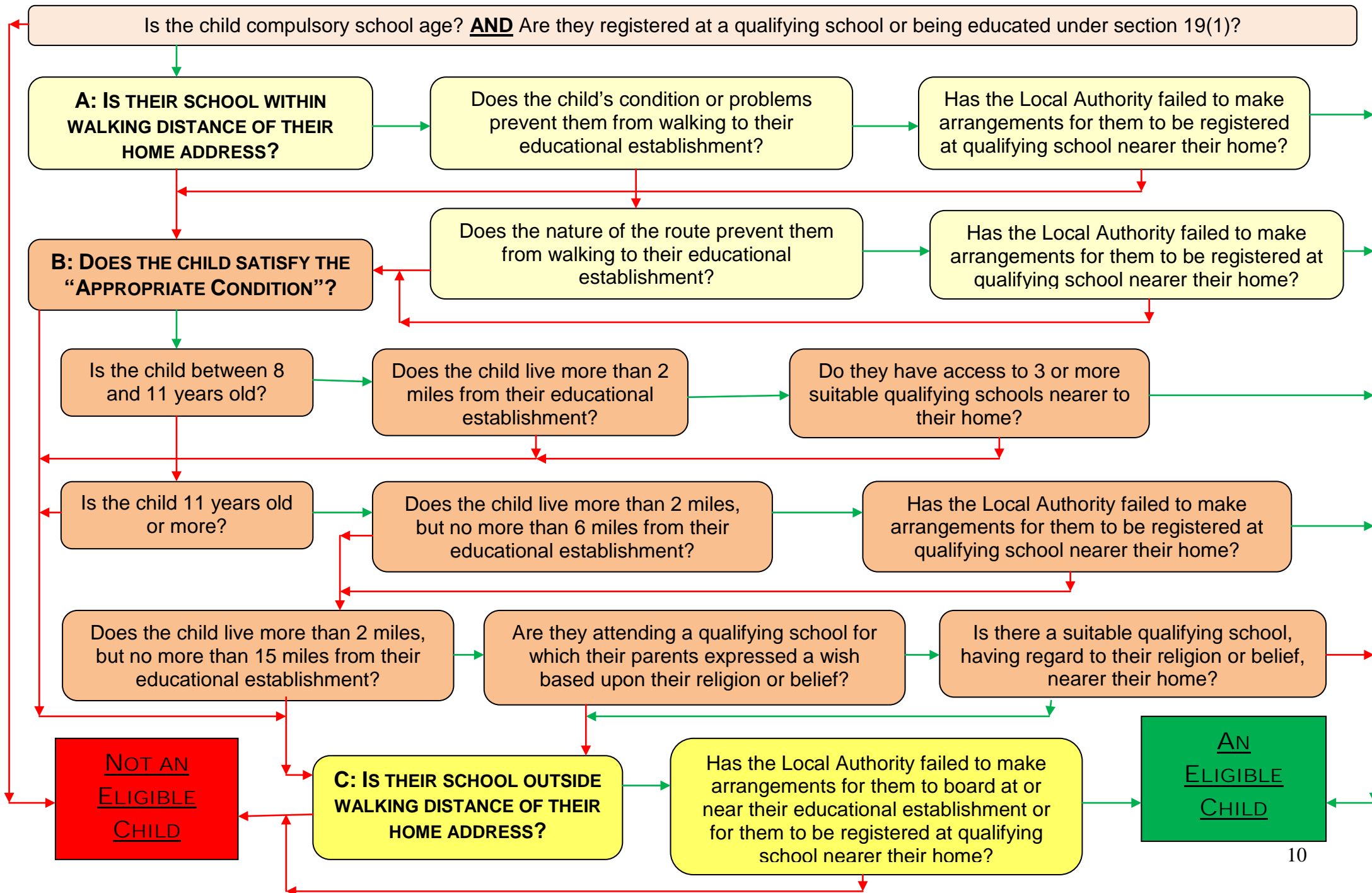
- Children aged 11 years or more – specifically those who are registered at a qualifying school which is more than two miles, but not more than fifteen miles, from his/her home and whose parent has expressed a wish, based upon their religion or belief for the child to be provided with education at that school.

These distances are judged by the journey route not as the 'crow flies'.

An 'Appropriate Condition' is satisfied if:

- i) The child is entitled to free school lunches and milk (section 512ZB(4) of the Education Act 1996)
- ii) A parent of the child, with whom the child is ordinarily resident, is a person to whom the maximum rate of working tax credit is awarded, either individually or jointly.

5.14 The following flow chart may also prove useful for understanding who qualifies as an 'eligible child':



- 5.15 The Group was made aware that the Council, in its current Home to School Policy, provided additional discretionary transport, above and beyond what is required in the legislative framework outlined above.
- 5.16 This is done in a number of ways:
- a. Instead of the 8 year old cut-off age, the Council uses Primary/Secondary age to distinguish between the 2 and 3 mile criterion.
  - b. Assistance is provided for students aged 16-19 who are registered at their nearest appropriate local school or college that offers a recognised course broadly of the individuals choice and live more than the recognised distance from it. i.e. 3 miles, as for children of secondary age.
  - c. Assistance is provided when a pupil attends a school for reasons of religious belief that is between 2 and 15 miles away from the home address. In this case, the Council considers the most appropriate designated Voluntary aided school as agreed with the appropriate diocesan authority. This may not always be the nearest faith school.
- 5.17 With regard to this latter point, the Group is satisfied that 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 the eligibility criteria on low income grounds), and the Council has discretion whether it should do so. The Home to School Transport guidance from the Department for Education states that LAs must have 'regard' to denominational transport but this is not the same as having a statutory duty.
- 5.18 It is important to note that in all these cases there is no requirement in law to provide transport. The various Acts and case law make clear that there are no obligations on a LA to either provide or arrange transport such as coaches, minibuses or taxi transport; an authority has discharged its duty, for example, if it enters into an arrangement with parents who voluntarily make travel arrangements - such as arranging lifts - to reimburse reasonable mileage costs, or issues a bus pass that can be used on public transport, or provides a bicycle, or arranges for a "walking escort / travel buddy" or "walking bus".
- 5.19 The Group found that there is no requirement in law to provide travel assistance necessarily from home, in the sense of door to door assistance. It was reasonable, for example, for children to make their way to the nearest bus stop if safe to do so and if within reasonable walking distance.
- 5.20 Home to School Transport – Financial context and potential savings.**
- 5.21 The Home to School Transport budget is a highly complex 'moving picture' in which the data and figures alter daily as children move into and out of requiring support due to a number of variables. Any figures given this section are therefore highly volatile and approximate.
- 5.22 Very simply, the transport budget that is held in the Children and Families Portfolio is operationally managed by officers in the transport department who then re-charge the

Children and Families department for the work carried out and commissioned. The total for this budget for the 2011-12 financial year is £10,444,454. Making up this total are three distinct elements:

- 1) The cost of school transport (including Post 16 transport to FE Colleges)
- 2) The cost of transport for cared for children (contact visits, respite etc)
- 3) The running costs of the transport team

It was the first of these which the Group explored further. The details of this budget are set out below:

**Transport Costings - Mainstream Education and SEN Transport @ 11/11/2011**

		Mainstream <16		Mainstream >16	Sen <16	Sen >16	TOTAL
		Faith	Non-Faith				
Contracts	Coach/Bus	£ 167,109.70	£ 1,726,788.60	£ 628,936.10	£ -	£ -	£ 2,522,834.40
	Minibus	£ 53,722.63	£ 458,545.65	£ 154,155.72	£ 43,510.00	£ 45,798.00	£ 755,732.00
	Taxi	£ 83,977.42	£ 470,532.45	£ 258,375.34	£ 2,742,745.61	£ 866,969.67	£ 4,422,600.48
Season tickets	Commercial Bus	£ 1,500.00	£ 368,500.00	£ 64,500.00	£ -	£ -	£ 434,500.00
	Local Bus	£ 183,520.00	£ 616,864.00	£ 78,144.00	£ -	£ -	£ 878,528.00
	Other (schools own tpt)	£ 3,504.00	£ 2,400.00	£ 19,404.00	£ -	£ -	£ 25,308.00
	Rail	£ -	£ 3,610.95	£ 33,530.25	£ 515.85	£ -	£ 37,657.05
Parental reimb	Mileage claim	£ 1,955.32	£ 3,910.63	£ 488.83	£ 43,084.46	£ 5,629.32	£ 55,068.56
	Other (Cycle Grants)		£ 75.00	£ 75.00			£ 150.00
	Fleet Transport				£ 326,135.53	£ 120,625.47	£ 446,761.00
	Sub Total	£ 495,289.06	£ 3,651,227.28	£ 1,237,609.24	£ 3,155,991.45	£ 1,039,022.46	£ 9,579,139.49
	Less Income	£ 122,460.00		£ 393,272.00			£ 515,732.00
	Spare Seat Income		£ 65,670.00	£ 77,130.00			£ 142,800.00
	Grand Total	£ 372,829.06	£ 3,585,557.28	£ 767,207.24	£ 3,155,991.45	£ 1,039,022.46	£ 8,920,607.49
	Pupil / Student Count	640	3812	1260	536	168	6416
	Cost per pupil	£ 582.55	£ 940.60	£ 608.89	£ 5,888.04	£ 6,184.66	

Hardship	138
Denom Hardship	76
Total	214

5.23 As can be seen above therefore, the estimated expenditure for Home to School Transport (as of 11/11/2011) is £9,579, 139.49 and the net expenditure is £8,920,607.49.

5.24 As the budget in the 'faith' column includes both 'statutory' and 'discretionary' spend, this needs to be broken down further.

**Total Cost = £372, 829.06**

**Number of children in receipt of statutory support = (76 [hardship] + 15 [Hazardous routes]) = 91**

**Number of children in receipt of a discretionary subsidy = (640 – 91) = 549**

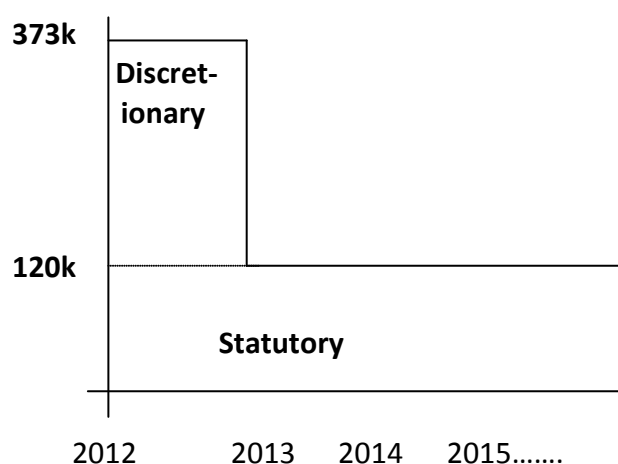
**Cost per pupil = £582.55**

**Therefore potential saving = 549 x £582.55 = £319,819.95**

5.25 However, there would be a loss of efficiency following the removal of the discretionary subsidy. For instance, whereas once a bus was used this would now be replaced by a mini bus or a number of taxis. There are also other variables to consider such as those children who are third siblings (thereby receiving free transport) and those children who still receive free transport under pre 2008<sup>1</sup> arrangements. Therefore, the potential saving for removing discretionary denominational transport subsidies is difficult to quantify to an exact amount. Taking all variables into account, it has been best estimated that the final saving would amount to **£200k - £230k**.

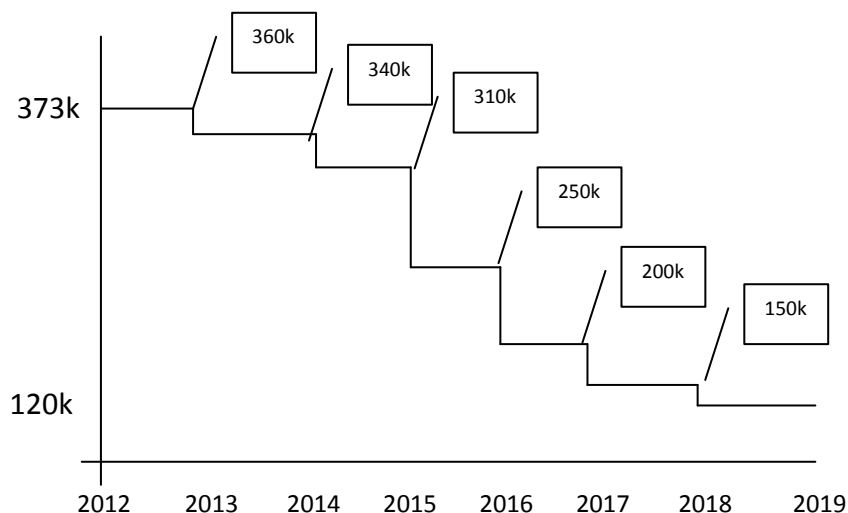
5.26 There are a number of options for how this saving could be realised. Please note that the figures in the following diagrams are approximations for illustrative purposes only.

#### **Option 1: Immediate Withdrawal**

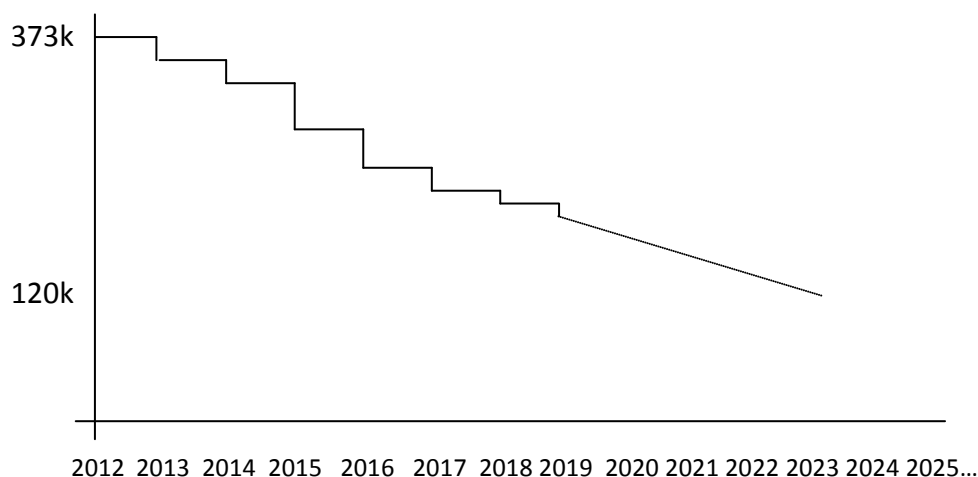


<sup>1</sup> Pre 2008 entrants received free rather than subsidised denominational transport and they remain entitled to this until they leave at 16.

### Option 2: Student remains entitled but only for current school



### Option 3: New entrant siblings of entitled children retain subsidy



- 5.27 The figures in the 'Non-faith' column are part of the statutory spend.
- 5.28 The net spend on mainstream post 16 transport is £767,207.24. As students are in tertiary education for less time than they are in secondary education, if this subsidy were removed the saving would almost be immediate or at the very least achieved over two years.
- 5.29 In gathering this information, the Group encountered a number of difficulties. For instance, it took the group a considerable amount of time (3 months) to receive a final version of the financial figures which are presented above. It is important to make clear that this is not in any way a criticism of the officers. Indeed, the Group was informed that the figures had to be produced through a manual trawl of the available data at what was the

busiest time of year for the transport team. The effort that was made is applauded and commended.

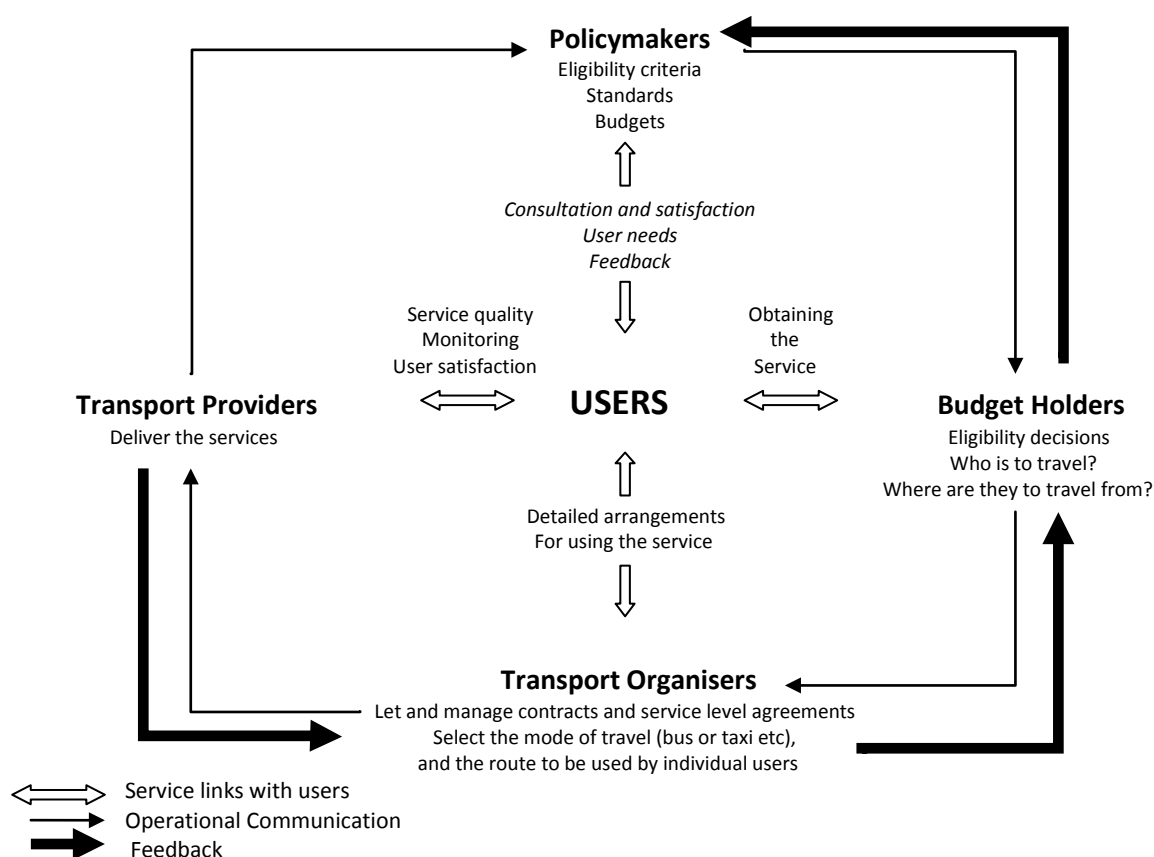
- 5.30 The point is, however, that the data should not be as difficult to produce as it currently is. With this in mind, it is suggested that an efficient and effective data monitoring system is required which can produce the requisite home to school transport information automatically and on demand. If such a system was procured, it would need to be linked into the core data from the Children's Directorate so that a holistic approach could be taken towards policy and strategy. Consequently, when the Council comes to invest in a new education software system, it is suggested that transport management requirements are taken into consideration.

### 5.31 Systemic Issues

- 5.32 The Group was concerned to find an apparent lack of co-ordination in terms of the various transport functions within the Council. With this in mind, the Group was made aware of the following model from the Audit Commission's 'Improving Mainstream Home to School Transport' practical handbook for managers.

#### Arranging, Managing and providing home-to-school transport

*There are four key roles; feedback between them is essential.*





- 5.33 What this model demonstrates is that communication and feedback between all stakeholders is vital. As the work of the Group progressed, it became clear from a number of examples that there is room for improvement in the communication between the various transport functions and how they work together. An example of this can be found in the recent reduction in subsidies for public transport routes in Cheshire East which came into effect in October 2011. Whilst these routes were not part of the school transport budget, their removal had a number of detrimental impacts on school pupils and their transport arrangements. It is likely that from a 'managerial' point of view the implications were fully understood and appreciated. The Council must understand, however, that from the point of view of the public, there is little regard as to where the budget is kept – they simply see a Council transport service being removed which affects school pupils. Therefore, in the public gaze, the public transport subsidy cuts became a 'school transport issue'. It perhaps would have been sagacious therefore to include implications of the public transport subsidy cuts on school pupils in the existing school transport consultation as although they were from different budgets, they were both a council service which affected school children.
- 5.34 The Group suggests therefore that when organising transport, the work is designed around how it is received not around how it is delivered. The service user must be paramount. Building on this, when a transport decision needs to be made, it is suggested that if there are any clear cross-cutting issues which might impact on another budget, service area or ongoing consultation, these are taken into consideration and made explicit to the political decision makers and other relevant Councillors.
- 5.35 In order to aid such a process, the Group suggests that an overarching Integrated Transport Team be established. Such a team would be constituted by the four relevant portfolio holders (Adult Social Care, Environmental Services, Children's Services and Resources) and relevant officers. It would be the role of this team to meet when appropriate to discuss convergences between various transport policies in order to determine who receives transport and to what extent. The team would also attempt to view Council transport services from the public's point of view. With this latter point in mind, it is also suggested that representatives from the education sector, children's social care and adult social care be included in the team. This would enable any transport policy to be needs led and conversely would also enable the portfolio holders to challenge the front line practitioners on the appropriate use of resources. The results of these meetings would then be fed to the Integrated Transport Manager to inform their practice and procurement process.
- 5.36 Denominational Transport**
- 5.37 In exploring the appropriateness of continuing to provide a denominational transport subsidy, the Group spoke to a number of stakeholders, including

the Headteachers at the respective faith senior schools and a Headteacher from a non-faith school (Wilmslow High School). A representative from the Diocese of Shrewsbury (Roman Catholic) was also interviewed and written evidence was received from the Diocese of Chester (Church of England).

5.38 A number of arguments in defence of retaining a subsidy for pupils attending a denominational school were put forward:

- 1) Any proposed change would make it difficult for parents who want to exercise a choice to have their children educated in accordance with their religious beliefs – particularly for the less prosperous. It is argued that this runs counter to the Government policy on preventing transport costs being a barrier to parents' choice of educational provision.
- 2) Any proposal to withdraw faith transport subsidy is contrary to the long-standing agreement between the State and the Diocese (1944 Education Act) which had not only saved the Local Authority a considerable sum over the years (building costs etc) but had also strongly informed the designated locations of the school sites. This argument was built on by Jill Kelly from the Diocese of Chester, who referred to Marton and District CE Primary School. She explained that the school had opened in 1969 as a result of the closure of the seven village schools. An agreement was reached with the Council to provide transport to the school and currently 109 pupils from a total of 202 are eligible for subsidised transport in three coaches, a mini bus and a taxi.
- 3) That as the Local Authority statutorily recognises the need to provide a distinction for faith schools in terms of a subsidy for pupils on Free School Meals (FSM)/working tax credits, why would Cheshire East not recognise this for pupils over this threshold. A particular concern was expressed for those pupils who were marginally over the FSM/working tax credit threshold.
- 4) That there is something 'special' about faith schools which should be supported for the benefit of the wider society. It is this which separates faith schools from other 'specialisms'. Indeed it was noted that OFSTED consistently report on the quality of the spiritual, moral, social and cultural outcomes in faith schools.
- 5) That there would be a number of potentially damaging unintended consequences as a result of removing the discretionary subsidy. Including:
  - a. The possible increase in the statutory budget. This point makes the 'false economy argument' – namely that pupils living in an area with over subscribed secondary schools who under the current arrangements receive a discretionary subsidy to access a faith school, would have to be given more expensive statutory transport in order to access a free school place.

- b. The health and safety of children could be affected, particularly by making children have to get to school by hazardous routes.
- c. There is the danger of considerably increasing congestion in areas of existing high traffic around schools.
- d. It would increase the instability of educational placements (parents pulling children from schools) and the instances of siblings going to different schools. The Group was informed that the current uncertainty was already having a damaging effect on schools.
- e. The undermining of successful schools. Both St. Thomas More's and All Hallows are high achieving schools and it was put to the Group that this was largely due to the schools' ethos and adherence to the principles of the Gospels. It was argued that if the 'critical mass' of Catholic children was not achieved, the school would lose its character – the very thing which had made it a success.

5.39 After the Group was made aware of these issues it was keen to explore them further in order to assess their validity.

5.40 Firstly, the Group spoke to the Admissions and Appeals Manager about the possibility of creating a 'false economy' by removing the discretionary subsidy. The Group was informed that if any change to transport policy were applied to new entrants and not children already in the school, parents applying for places for the normal point of entry in September would need to reconsider admission arrangements. This was because most schools gave a higher level of priority within the oversubscription criteria (after Cared for Children and siblings) to children resident within a designated catchment area or attending a named feeder school. It was pointed out that admission arrangements are determined by the admission authority for the school and that the local authority had this responsibility for community and voluntary controlled schools only.

5.41 Therefore, it would follow that if a school is oversubscribed; 'catchment area' children would be more eligible to receive an offer of a place at their 'local' school if stated as a preference on the application form as would children attending a feeder school at the time of application where the arrangements included this. If a parent made an application for their local school it is highly unlikely that children would be forced to attend a school some distance away which required statutory transport support as the majority of schools can accommodate the children resident within their area. Due to the rural nature of Cheshire East, for some areas the local school may nevertheless be above the statutory walking distance and in such cases transport would be provided (as would provision for children with walking routes deemed as 'hazardous'). For children attending a feeder school but not resident in the area, again this would provide them with a higher level of priority within the admission

arrangements for most schools compared with children not attending the feeder school or resident with its area.

- 5.42 Additionally, in terms of the potential of increasing congestion around school areas, it was noted that if children went to their local school, they would often do this on foot. Whilst it is difficult to provide accurate school admission modelling after any policy change due to the impossibility of approximating parental behaviour, it is likely that traffic congestion will decrease as children increasingly go to their local school.

#### **5.43 Post 16 Mainstream Transport**

- 5.44 In exploring the appropriateness of continuing to provide a post 16 mainstream transport subsidy, the Group sought the views of the representatives of the three main Further Education (FE) Colleges in Cheshire East; Reaseheath, South Cheshire and Macclesfield.

- 5.45 There were a number of themes that emerged which were consistent across all of the colleges:

- 1) All of the College representatives noted that they offered something distinct and specialist from other FE Colleges and were in themselves a 'centre of excellence' for various industries. This tended to draw in students from a wide catchment area.
- 2) They all offered their own transport services to students to varying extents:
  - a. Macclesfield College: 1200 students (£175,000 spent on transport each year)
  - b. South Cheshire College: 3000 students (£300,000 spent on transport each year)
  - c. Reaseheath College: 2000 students (£500,000 spent on transport each year)
- 3) There was agreement that any removal of the Council subsidy would adversely affect students. In particular it was noted that it would have a disproportionate effect on those students from low income families as it would reduce their choice of course and restrict their access and aspirations. A concern was also expressed for those students living in the more rural areas of Cheshire East.
- 4) All of the College representatives agreed that if the subsidy was removed they would also lose a large number of students which would affect the viability of certain courses or indeed the college itself.
- 5) They were all prepared to look into the possibility of entering into discussions with neighbouring schools about bus sharing and staggering

start times. The caveat was added that start times could not be altered too much in Colleges as they have to maximise their use of the facilities, or there would be cost implications. Regarding the option of bus sharing, there were some concerns expressed about safeguarding issues. After speaking to the respective transport officers, the Group were reassured that this wouldn't be an issue as long as schools/colleges took control of the situation. It was noted that St. Nicholas', Mid Cheshire College and St. Wilfred's Primary were already bus sharing in Cheshire West and Chester with no issues. There would be a number of schemes available for schools to mitigate any potential issues, including:

- Free bus pass for elder students who fulfil a pastoral role
- CCTV
- Allocated seats
- Photo cards

- 6) Representatives from Macclesfield College and Reaseheath were keen to take on a devolved budget from the Council for the procurement of transport as they felt they could possibly procure in a more efficient manner. The representative from South Cheshire was not averse to receiving a devolved budget but noted that this would result in extra staffing demands which could possibly negate any efficiency saving.

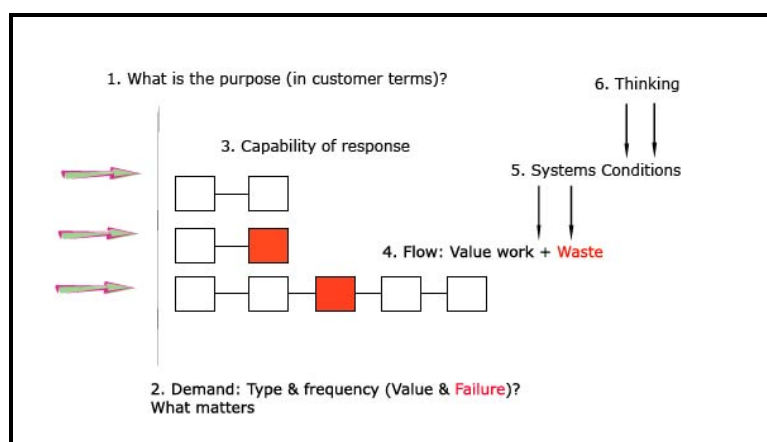
#### **5.46 Special Educational Needs (SEN) Transport**

- 5.47 Whilst not in the original remit of this review, in exploring the issues around denominational and post 16 mainstream transport, the Group also made a number of observations on SEN transport, both for pre and post 16's. Most noticeable was the amount of money that Cheshire East spends on taxis for SEN transport (£3,609,715.28). It was felt that taxis were used not because they are the best option for the young person but because it is often the most managerially expedient in respect of relationships with parents and schools. This is not to say that a taxi is never the most appropriate means of transport for a young person with SEN but where they are inappropriately used they foster a culture of reliance and dependency which can be damaging to the young person and costly to the Council.
- 5.48 The Group was interested to find the following case study from Stockport Council whose special education needs (SEN) transport service underwent a revolution in provision. Whilst it would be a simplification to suggest that this policy could simply be transplanted into an area such as Cheshire East which has different demographic demands, it is a lesson in how a service can transform itself by understanding service users' needs better, studying work and changing the thinking of everyone involved in the system. Their change in thinking has led to a service redesigned against demand and this has led to users singing praises for the new service and costs have decreased.

- 5.49 The Group is aware that the Council already does a lot of what is described in the case study below. Indeed, the Group commends the significant work that has been done in consolidating contracts/routes for SEN. Having said this, at the initial assessment of the child's needs and abilities, it does not appear to the Group that full account is taken of individual abilities and scope for that individual to improve with the help of the Council. It is suggested that now is the time to examine this further and to open up conversations with our special schools around integrating Independent Travel Training into the curriculum. It would also be useful to provide training to social workers so that they make more appropriate decisions around individual transport requirements.

Stockport Council decided to look at their SEN transport provision because they felt they were not getting a value for money service when procuring taxis. The transport manager was aware that Stockport Council's ICT department had used a consultancy called Vanguard to improve their service by applying the principles of 'systems thinking', made famous by the 'lean manufacturing' techniques of Taiichi Ohno at Toyota, and was keen to see if this could apply to SEN transport.

The Systems Thinking approach begins by defining the purpose of the service from the customer's perspective. Initial attempts at identifying the purpose often change as more is learnt about the system. The process of 'Check' then moves to a thorough study of demand and 'how the work works'. Being in the work means literally that, being in service users' homes or being with workmen in the street. It requires managers to see, touch and feel work rather than assume what is happening. It reconnects assumptions with the reality of other people's experiences.



The Head of SEN transport at Stockport Council explained that the biggest revelation came from when he spoke to the children who used the service. One girl rebutted the title 'special', declaring that just because she was disabled did not mean that she was special (as in 'special educational needs'). Secondly, she declared that at the weekend she used the bus and would prefer to travel to school with her friends during the week. This was a revelation which made the SEN Transport Manager begin to re-assess the purpose of the SEN travel service. The council were providing taxis for children for up-to 10 years of their life. This child took the bus at weekends. If she could use the bus, was the policy of providing taxis the right one?

The second discovery was in discussion with a Headmaster at a special needs school. He knew that if the children were able to independently travel to school it would have a positive impact upon their ability to learn. This became an issue however when it was discovered that 13 out of 14 children who were about to stop receiving the service were not able to travel independently. It needed to be questioned therefore what would those young people do who had no ability to travel independently? The resulting answer to this question turned the purpose of the SEN transport service on its head. The purpose was no longer just to provide a taxi: it was becoming clear that the service should **foster independence** where possible. Previously the statement of need 'triggered the provision of transport and there was never any attempt at understanding the abilities of the children.' It was a dramatic re-orientation of the system.

Now children who meet the criteria are assessed to understand what capability they have to enhance independence. Assessment includes the needs of the parents and not just the children. A taxi is now not the first option and many children just need a bus pass (others have required different solutions). Sometimes children need training to help them travel independently. To this end Stockport have brought in the services of a local charity (Pure Innovations) to assist with travel training for their children and young people. People working in the service are now experimenting all of the time to find new ways of helping and improving the system for the children.

Parents have come forward to tell the service how this new system has been 'life-changing' for their children. Children who are able to become more independent no longer need the same level of support and are on their way to becoming independent adults. Individual cases already evidence savings of £20,000. Not all children can be helped to travel independently; some are too young and some will require significant support throughout their lives. However, currently 227 out of the 344 children assessed to date (26 January 2011) in Stockport have the potential for independent travel which illustrates the potential for radical change.

**Testimony from a parent who was very wary on the first visit and didn't think it was for her daughter at all:**

"Sarah started with the Pure Innovations team in August. During the time Sarah has thoroughly enjoyed the feeling of independence it has given her. We as parents have seen her confidence grow in leaps and bounds. It is not just the independent travel; it is also in Sarah as a person, she now wants to be given more freedom in everything."

"Prior to starting this course Sarah was taken everywhere by a responsible adult, but since the start it has made us feel that we can allow her more freedom, we can now extend the time we can let her be on her own if necessary. She has also for the first time been able to have a key to let herself in should we be delayed coming home to meet her."

## **6.0 Conclusions**

- 6.1 Whilst the Group has been acutely aware of the financial pressures that the Council currently faces and therefore the savings that need to be made, the Group from the outset was determined that the Council should always strive to go beyond the statutory minimum by using any discretionary powers in a positive way. With this in mind, the group put two guiding principles, 'equity' and 'education', at the forefront of their thinking. Indeed, although this review has been driven by the financial context, it has proved an opportunity to review current access to education arrangements and to make sure that there is a 'level playing field' in Cheshire East which enables every child, regardless of background or tradition to fulfil their potential. It is believed that the following conclusions reflect this.

### **6.2 Denominational Transport**

- 6.3 Firstly, the Group wants to reiterate and confirm its support for the role that faith education plays in contributing to Cheshire East's education system and its efforts to improve attainment. The Group was wholly impressed with the level of achievement that has been realised in the Borough's faith schools and all those involved are commended.
- 6.4 Having said this, the Group has not been convinced throughout the review that the removal of discretionary faith transport will have an adverse affect on the level of performance of the school. Indeed, the Group feels that it is the leadership of the school and the ethos it instils which is the crucial factor in a high performing school. This was demonstrated by Wilmslow High School, a non-faith High School which the Group visited during the evidence gathering process. Removing discretionary faith transport will not affect this.
- 6.5 The Group was also concerned about the potential number of unintended consequences that the removal of discretionary faith transport could bring about. Of particular note, was the argument that a change in policy would be a 'false economy' as pupils receiving a discretionary subsidy might find themselves receiving more expensive, statutory transport if they could not find a place in a local school, within 3 miles of their home. Similarly, the argument that removing the subsidy would increase congestion in areas of existing high traffic was of concern to the Group. However, after speaking to the officers of the Council, the Group has been reassured by their professional opinion that this would not be the case for the reasons outlined earlier in this report.
- 6.6 An argument of particular concern to the Group however is that the discretionary faith transport subsidy is unfair. This was compounded by the knowledge that to receive the subsidy a pupil is required to demonstrably be of the same faith as the respective school. This was felt to be discriminatory. Indeed, the Education and Inspections Act 2006 makes it clear that the same



provision for transport should be made to enable the child of non-religious parents to attend a maintained school if the parent feels that this is important in view of their own belief system. This should be the same level of support as is made available to enable the child of religious parents to attend a faith school which is not the nearest to their home. A policy aligned to this guidance would obviously have significant financial implications for the Council and therefore the only way an equitable policy can be achieved is to remove discretionary transport for all pupils on the grounds of faith and/or belief.

- 6.7 Furthermore, the Group feels that parents tend to choose a school for their children based on a range of factors, with religion / belief being only one of those factors. Ethos, reputation, location, facilities, curriculum, extra curricular activities, convenience and accessibility are other factors that often apply.
- 6.8 It is clear that a number of parents opt not for their most local (and catchment area) school, but make a pro-active alternative choice to send their children to a school in an other location, taking into account a range of factors such as those outlined above. They therefore forego either the opportunity to walk their children to a nearby school, or their entitlement to receive free transport in the circumstances of their catchment area school being that bit further away. In making such an alternative choice, these parents are placing upon themselves the requirement to get their children to and from those schools, entirely at their own cost (other than when certain circumstances apply).
- 6.9 The Group argues therefore that it is inequitable that when parents choose a secondary school based on their holding of a particular religion or belief they are given a unique entitlement to free/subsidised transport which is not made available to parents when choosing a school based on other factors. This potentially distorts the exercising of a genuine choice being made between schools by providing a financial incentive to send to one particular school over another.
- 6.10 It is the Group's belief that removing the subsidy would ensure that in future all parents would be treated broadly equitably, irrespective of what choice they make, and for what reasons – and regardless of their religion or belief or lack of it. This would be a fairer and more equitable transport policy.
- 6.11 The Group reject the suggestion that the Council would be denying parents the means to exercise the choice of a faith education. Parents would still be fully able, through the admissions process, to exercise the choice of a faith education. However they would need to be aware, unless they are entitled to free transport by qualifying under the means test (for low incomes), that in making such a choice they would need to meet the cost themselves – just like parents in the vast majority of other circumstances do. Furthermore, the

argument regarding the potential impact on family finances and the affordability of parents funding home-to-school transport themselves is not accepted. This concern is partly addressed by the statutory requirement to provide free transport to the nearest school preferred by reason of a parent's religion or belief to pupils who are entitled to free school meals or whose family are in receipt of their maximum level of Working Tax Credit, where that school is between 2 and 15 miles. For other households, this will be a matter of financial prioritisation, just like it is for other households who exercise an alternative school choice, for other reasons.

- 6.12 The Group also reject the suggestion that a change in policy would be contrary to the long-standing agreement between the State and the Diocese, outlined in the Education Act 1944. Legally, the agreement was only ever made in terms of capital expenditure, not transport provision. Additionally, the question must be asked how relevant the Act is in the context of a much changed education system and demographic situation. Indeed, on this latter point, it is not unforeseeable that in the near future, there could be demand in Cheshire East for faith schools that go beyond the Roman Catholic and Church of England traditions. Furthermore, under the Academies Act 2010, it is now possible to set up a free school under the banner of any faith, belief or tradition. This will add another layer of complexity to the discretionary faith transport issue and add another demand on an already stretched budget. Changing the policy in this way would mean that the Council would not be exposed to further similar transport costs were additional faith schools to be established in the future.
- 6.13 Having said all of this, and following on from the theme of 'fairness', it is recognised that some parents may have taken the availability of discretionary transport for faith schools into account when choosing schools for their children who are currently in the system. In order to make sure that the education of those children currently in the 'system' is not disrupted, the Group agrees with the original proposal in the July 2011 Cabinet paper which posited a 'phased' approach to removing the subsidy.
- 6.14 In this case, the subsidy would only be removed for 'new entrants' and that this would be defined by the admissions process. For example, in order to remove the subsidy for new entrants in the 2013/14 academic year, the following timetable would have to be considered:

Process	Secondary Transfers	Primary Admissions
School Information Booklets – data gathering deadline	End July 2012	
Application process opens (Schools information booklets available online)	1 September 2012	1 September 2012
School Information Booklets – Hard copies available	12 September 2012	
Closing date for applications	31 October 2012*	15 January 2013*
Offers released	1 March 2013*	16 April 2013 (draft )

\* Statutory Requirements

- 6.15 The Group also feels it is fair to retain a denominational subsidy for new entrant siblings of children who are currently in receipt of a denominational subsidy. It is believed that if this was removed, it would potentially cause a number of logistical issues for families.
- 6.16 Whilst the Group feels it is right to remove the discretionary transport subsidy, this does not mean that the Council should remove all support in terms of arranging transport for faith schools. On conducting this review, the Group has been informed of a number of ways in which the current arrangements around school transport could be improved. All of the Headteachers and nearly all of the representatives from the FE Colleges interviewed agreed that there would be scope to explore options around bus sharing. Indeed, the schools were prepared to explore staggering and/or changing start times to accommodate such a situation. It is suggested that the Council investigate these options in consultation with all the relevant stakeholders. Additionally, the Council is also encouraged to explore talking to bus companies to see if they would take up various bus routes or increase capacity on existing routes. This is not something that applies solely to faith schools or FE Colleges but all schools in Cheshire East.
- 6.17 The Group would also encourage the Council to open up discussions with parents about the possibility of increasing charges if this means that certain bus routes remain. It is noted from the consultation responses that a number of parents would prefer to pay more if it meant that a bus route was retained.
- 6.18 Finally, it is suggested that the Council investigate the efficacy of devolving the statutory transport budget to schools where they wish to take it on. It has been argued that this would create inefficiencies due to a loss of economies of scale. The Group would assert however that the Council often suffers from 'diseconomies of scale' as it lacks the flexibility and agility to negotiate better procurement contracts like a smaller enterprise such as a school would be able to. This is based on the principle that if you are procuring at a marginal

volume, you can negotiate for a marginal price. If you negotiate for large scale contracts, it is likely that you will be paying an average price.

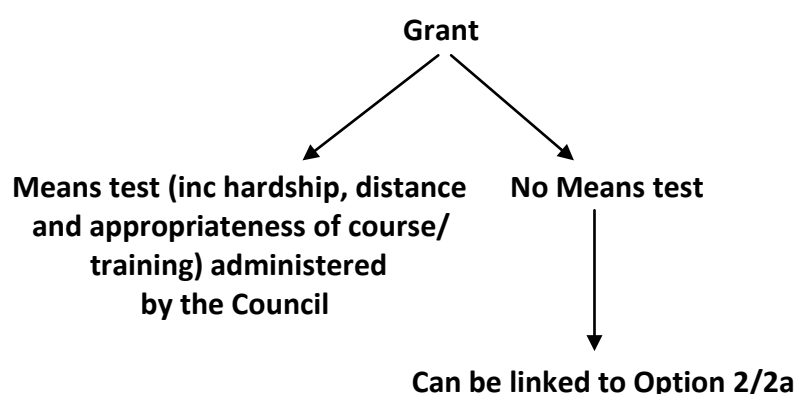
## 6.19 Post 16 Mainstream Transport

6.20 The Group is very aware that removing the post 16 mainstream transport budget would result in a significant saving (approximately £750k per annum) which could be realised relatively quickly (within one year). In the current financial climate this is a considerable amount of money and therefore the arguments for retaining the subsidy were carefully listened to.

6.21 The options for Post 16 mainstream transport subsidies were as follows:

	<b><u>Option 1</u></b> Complete Withdrawal	<b><u>Option 2</u></b> Devolution to Schools/Colleges of Further Education	<b><u>Option 2a</u></b> Devolution with savings.
Impact	Increase in NEETs Unemployment to increase Life chances to decrease	Better efficiency	Unknown. Likely that participation in education and training would reduce to some extent.
Saving	£750k	Difficult to estimate	Proposed 50% cut resulting in a £375k saving per annum
Other Issues	Politically charged issue		

## **Option 3: Grants**



6.22 The Group agreed that, in light of the well documented issues facing young people at the moment, particularly around employment, the Council should make some attempt within its powers to invest in young people to remove

barriers so that they can follow a course that will lead into the world of work, help them fulfil their potential and enable them to follow a vocation.

- 6.23 Although the Group wishes access to education to be at the forefront of any policy, the Group is also mindful that savings are required. With both these points in mind, the Group suggests that the best option is to offer a reduced devolved grant (£375k p.a.) to schools and Further Education Colleges (option 3 – 2a). This grant would be on a needs led basis with the 2011/2012 subsidy data providing a base level. The efficacy of this grant would then need to be reviewed yearly. As the grant would be fully devolved to schools and Further Education Colleges, it would be under their discretion as to how they use the money for transport.
- 6.24 The Group is aware that it could be asserted that there is an inconsistency between supporting post 16 mainstream transport on grounds of supporting choice and access whilst not supporting discretionary faith transport. It is argued however, that access to post 16 mainstream transport is available to every student regardless of background whereas access to faith transport is only available to a distinct group. Removing discretionary subsidy for faith transport whilst retaining support for post 16 mainstream transport is therefore still consistent with the principle of equity and the promotion of a 'level playing field'.

#### **6.25 Special Educational Needs Transport**

- 6.26 It is important to stress that there is not solely an economic motive behind suggesting that changes could be made to SEN transport. On the contrary, in exploring other elements around Home to School Transport, it became apparent to the Group that there is an over use of taxis for children and young people with SEN which is fostering a culture of dependence and promoting poor outcomes.
- 6.27 It is suggested therefore that the Council, in full partnership and consultation with parents and carers, look at alternatives around SEN transport to improve outcomes by promoting a positive culture of independence for children, young people and families. Very simply, any decision around the provision of transport should be made around the needs of the child or young person in order for them to fulfil their full potential.

## **7.0 RECOMMENDATIONS**

- 7.1 That discretionary denominational transport subsidies be removed for new entrants starting school in the 2013/14 academic year and subsequent years.
- 7.2 That the discretionary denominational subsidy be retained for new entrant siblings of children currently in receipt of the discretionary denominational subsidy.
- 7.3 That a reduced devolved grant of £375,000 per annum be offered to all Cheshire East Sixth Forms and Further Education Colleges for post 16 mainstream transport subsidies. The respective grants to be awarded on the basis of the 2011/12 data and the efficacy of this to be reviewed yearly.
- 7.4 That when the Council procures a new holistic education software system, transport management needs are considered so that home to school transport data that is linked with other core data can be produced automatically and on demand.
- 7.5 That the Council establish an overarching Integrated Transport Team in order to identify convergences (and synergies) between various transport policies. (See paragraph 5.35).
- 7.6 That the Council investigate options around bus sharing and staggered start times for schools and colleges taking into consideration the possibility of altering public transport routes, times and capacity. The Council should continue to support schools and sixth forms in developing their school travel plans, as well as offering advice on issues linked to procurement and traffic congestion.
- 7.7 That the Council opens up discussions with parents about the possibility of increasing charges to help facilitate the retention of existing bus routes.
- 7.8 That the Council devolve the statutory transport budget to schools (both Primary and Secondary) where schools feel that they have the appropriate resources to manage it.
- 7.9 That the Council, in full partnership and consultation with parents, carers and social workers look at alternatives around SEN transport to improve outcomes by promoting a positive culture of independence for children, young people and families.
- 7.10 That the Council open up discussion with special schools with a view to integrating Independent Travel Training into the curriculum.

## **8.0 Background Information**

- 8.1 For background information relating to this report, please get in touch with the report author:  
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