

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Executive Lead Member for Children's Services
<b>Date:</b>	6 June 2011
<b>Title:</b>	Home to School Transport Policy 2012
<b>Reference:</b>	2438
<b>Report From:</b>	Director of Children's Services

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## **1. Executive Summary**

- 1.1. The purpose of this paper is to inform the Executive Lead Member on the outcome of the consultation on proposed changes to the Home to School Transport policy and to seek approval for a new County Council Home to School Transport (HTST) policy.
- 1.2. The existing policy was written in 2000 and updated to incorporate the new denominational school transport policy, changes to transport entitlement introduced by the Education and Inspections Act 2006 for children in receipt of free school meals and guidance issued by the then Department for Children Schools and Families (DCSF).
- 1.3. In the process of reviewing the policy the following have been considered;
  - The consultation responses.
  - The legislative framework and statutory guidance that determine Home to School Transport provision.
  - All discretionary and mandatory elements of the existing policy. It is proposed that the future policy, which has been written in the context of high spending on Home to School Transport and the need to manage that spending effectively, contains a minimum of elements that are non-statutory.

## **2. Contextual information**

- 2.1. The Education Act 1996 (as amended) imposes a duty on Local Authorities (LAs) to facilitate the attendance of children at schools and to ensure no parent can have a defence to a prosecution for non-attendance simply because the LA has not made suitable arrangements for transport to and from school.

- 2.2. The Education and Inspections Act 2006 created new duties on the County Council to provide free transport for pupils in receipt of free school meals or whose families receive the maximum level of Working Tax Credit.
- 2.3. Guidance has been issued by Central Government, particularly *Home to School Travel and Transport Guidance (2007)* and *2010 Post-16 Transport Guidance (March 2010)*, that informs policy. The proposed policy draws on elements of Hampshire's current policy where it is appropriate to do so and takes full account of the Local Authority's statutory duties.
- 2.4. In the last financial year approximately 15 000 mainstream and special educational needs pupils and students were transported to schools and colleges at a cost of just over £25.5 million to the County Council. Spending on Home to School Transport (HTST) has increased significantly since the last policy changes were approved in 2007. The legislation requires that transport is provided free to statutorily 'entitled' pupils. Expenditure is 'demand led'. Although numbers in the secondary phase will reduce in the coming three academic years, this does not necessarily lead to savings. In addition numbers joining the primary phase have increased and this is forecast to continue during the same time period. Managing the HTST service to meet the individual needs of all entitled pupils is a major undertaking for the County Council.

### **3. Outline of Proposals being Consulted Upon**

- 3.1. That the Executive Lead Member for Children's Services approve the revised Home to School Transport policy to be effective in September 2012. The proposed policy is provided in Appendix 1. The proposed elements for post-16 students, for inclusion in the statement for providing transport assistance for Post 16 students, are provided in Appendix 2.

### **4. Consultation responses**

- 4.1. The Local Authority's consultation website opened on 7 February 2011, running until 8 April 2011. The following were approached:

- Parents via press releases,
- Schools (headteachers and Governing Bodies),
- Colleges,
- Diocesan Boards of Education and
- Neighbouring authorities

All groups were referred to the County Council's website. 235 online responses and a further 30 letters were received on time.

- 4.2 The full analysis of responses, including a collective summary of the written comments, is provided in Appendix 3. A file containing hard copies of responses (and replies where sent) has been placed in the members room.. The letters raise similar concerns to those received via the online consultation process.

- 4.3 The number of children receiving discretionary transport entitlement is approximately 1 300 and a further 13 700 receive statutory entitlement. 192 of the online responses were from parents or students, 27 of the letters were from parents. The proposals to remove discretionary elements and to make two changes were all opposed by a majority of respondents,
- Removing the delayed application of the increased statutory walking distance for 8 year olds; opposed by 110 of 143 online respondents.
  - Removing a HTST service for children attending a denominational school; opposed by 157 of 199 online respondents. 25 of the letters opposed the removal of this discretionary element.
  - No longer waiving the charge when 3 or more siblings attend a denominational school; opposed by 119 of 165 online respondents
  - No longer providing assistance with transport for Year 10 and 11 (i.e. Key Stage 4) pupils who move schools; opposed by 97 of 134 online respondents
  - No longer providing assistance for home to college transport costs for students from low income families; opposed by 136 of 153 online respondents
  - in the case of there being more than one school treating an address as 'in-catchment' HTST would only be provided to the nearest qualifying school; opposed by 91 of 133 online respondents
  - introducing a charge for post-16 students with LDD; opposed by 126 of 147 online respondents.
- 4.4 For the second bullet point above there were 21 comments stating that having entitlement for children attending a denominational school discriminates against all other families.
- 4.5 In one area of the County headteachers raised concerns that removal of support for children travelling to the denominational school may result in fewer applications for that (popular) school from families living further away. If that were to occur then more local children will be admitted which in turn impacts on other nearby schools and may reduce their intake.
- 4.6 Proportionally respondents were against the changes. Many respondents answered more than one of the consultation questions. It is unclear which of the consultations questions may have a direct impact on the particular respondent. The numbers responding were typically 150 to 200 replies, in each of the areas affected the numbers of currently entitled children ranges from 58 to 703.
- 4.7 For each of the elements the question of when any changes might be introduced was discussed within the consultation. Comments were made that indicated that many thought it would be unfair to introduce any changes for currently entitled pupils and that a pupil that doesn't change school should keep their existing entitlement for the remainder of their current phase of schooling . This comment is appropriate for bullet points 2, 3, 5, 6 and 7 above.

## 5. Summary of Proposed Changes to Policy

5.1. The following items were a feature of the consultation. The table presents whether or not each of the elements has been removed from the proposed new policy,

Consultation Feature	Change included in new policy?
Removal of transport for eight year olds until the end of the school year in which they have their eighth birthday	No
Removal of Home to school transport for children attending a denominational school	Yes
Removal of waiving of the fee for Home to school transport for children attending a denominational school for a family of three or more children	Yes
Removal of Assistance with transport for Year 10 and 11 (ie Key Stage 4) pupils who move schools	Yes
Removal of assistance for home to college transport costs for students from low income families	Yes
Revising entitlement when children live in an area designated as catchment by more than one school and so offering transport (where appropriate) to only the nearest school.	Yes
Revising entitlement for Year 10 and 11 pupils so that the policy reflects practice	No*
Introducing a charge for post-16 students with learning disabilities or a disability	Yes

\* As it is proposed that the wider discretionary entitlement is removed this option is, in effect, no longer available.

5.2. It is clear that a large majority of those responding to the consultation do not wish the County Council to make the proposed changes to its current transport policy. The consultation has aimed to get responses from those who directly benefit from the existing policy. In responding they have pointed out a range of reasons why changes should not be made and the potential consequences of making these changes. Nevertheless the County Council is still faced with financial pressures on its home to school transport budget.

5.3. In response to the consultation responses and taking account of the current guidance from the Department for Education the County Council proposes that in introducing the changes the following detail should apply.

- Removal of Home to school transport for children attending a denominational school: **introduce this change for new entrants to the phase of schooling.**
- Removal of waiving of the fee for Home to school transport for children attending a denominational school for a family of three or more children: **introduce this change for new entrants to the phase of schooling.**
- Removal of assistance for home to college transport costs for students from low income families: **introduce this change for new entrants to the phase of education.**
- Revising entitlement when children live in an area designated as catchment by more than one school and so offering transport (where appropriate) to only the nearest school: **introduce this change for new entrants to the phase of schooling.**
- Introducing a charge for post-16 students with learning disabilities or a disability: **the charge should be set to match the 'privilege' rate as prescribed by the Home to School Transport policy and applied to new entrants to the phase of education.**

5.4. The Equality Impact Assessment seeks where possible to identify the groups of families that might be affected by changes and presents the mitigation against undue impact of the changes where possible. It has been decided some changes will be applied only to new entrants to the phase of schooling, families that are entitled under the current policy will maintain that entitlement until they complete attendance at the school. Although there has been the expected opposition to the changes and certain families will be affected by the removal of and changes to existing entitlement the County Council is mindful that meeting Home to School Transport budget pressures means that resources have to be redirected from providing services to other children. Therefore the changes that will apply are those presented in 5.1 and 5.3 above.

## **6. Financial Implications**

6.1. The Revenue Budget report to the Executive Lead Member for Children's Services on 28 January 2011 included a paragraph on anticipated savings of £500,000 in 2012/13 arising from a review of the HTST policy. On that agenda was also the report on proposed consultation on the HTST policy, which gave more details of the specific areas being considered. The recommended changes will fail to meet that target during 2012/13, partly because of the part year effect of implementing the changes from September 2012. However, during 2013/14 the target savings should be achieved and go on to be exceeded as the phased in changes have a full effect.

6.2. Other significant savings are being achieved through other efficiency workstreams and by regular review of working practices.

**7. Recommendation**

7.1. That the Executive Lead Member for Children’s Services approve the proposed Home to School Transport policy (as detailed in Appendix A to this Report), and the proposed paragraph for the Post-16 Transport Policy Statement (as detailed in Appendix B to this Report).

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>OR</b>	
<b>This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:</b>	
<i>NB: Only complete this section if you have not completed any of the Corporate Strategy tick boxes above. If it is not applicable, please delete.</i>	

*NB: If the ‘Other significant links’ section below is not applicable, please delete it.*

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>	<u>Date</u>	

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None

## **IMPACT ASSESSMENTS:**

### **1. Equalities Impact Assessment:**

- 1.1. No adverse impact in regard to race, culture, gender or disability arising from this report has been identified. However, to ensure that the Home to School Transport service does provide the best possible service for entitled children and that when applying, the Authority is able to take proper account of the best interests of all children an equality impact assessment has been undertaken and is attached as Appendix 4.

### **2. Impact on Crime and Disorder:**

- 2.1. None

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

The proposal includes the intention to withdraw existing Home to School Transport provision. Over time it is possible that there will be more parental car journeys to school that are a direct result of the change in policy. The overall impact is very difficult to determine as pupils currently access a transport service and in future the mode of transport may change with an associated change in carbon footprint.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Over 90% of HCC schools have a current travel plan and any modal shift in travel habits of pupils can be identified and any necessary and available responses considered. The County Council is able to support schools in their travel planning activities. Also the County Council Local Travel Plan (LTP) considers pupil and student journeys to school and college and has a strategic intent to meet the transport needs of children and young people in a way that promotes sustainable travel.