

CABINET SCRUTINY COMMITTEE

Monday, 27th June, 2011

2.00 pm

**Darent Room, Sessions House, County Hall,
Maidstone**





AGENDA

CABINET SCRUTINY COMMITTEE

Monday, 27th June, 2011, at 2.00 pm
Darent Room, Sessions House, County
Hall, Maidstone

Ask for: **Peter Sass**
Telephone: **01622 694002**

Membership

Liberal Democrat (1): Mrs T Dean (Chairman)

Conservative (11): Mr R F Manning, Mr R Brookbank, Mr A R Chell, Mr D A Hirst,
Mr E E C Hotson, Mr M J Jarvis, Mr R E King, Mr R L H Long, TD,
Mr M J Northey, Mr J E Scholes and Mr C P Smith

Labour (1) Mr G Cowan

Independent (1) Mr R J Lees

Church The Reverend N Genders, Dr D Wadman and Mr A Tear

Representatives (3):

Parent Governor (2): Mr B Critchley and Mr P Myers

Refreshments will be available 15 minutes before the start of the meeting

Timing of items as shown below is approximate and subject to change.

County Councillors who are not Members of the Committee but who wish to ask questions at the meeting are asked to notify the Chairman of their questions in advance.

Webcasting Notice

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site – at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

By entering the meeting room you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured then you should make the Clerk of the meeting aware.

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

- A1 Introduction/Webcasting
- A2 Substitutes
- A3 Declarations of Interests by Members in Items on the Agenda for this Meeting
- A4 Minutes of the meeting held on 1 June 2011 (1 - 12)
- A5 Follow-up Items from Cabinet Scrutiny Committee (13 - 18)
- A6 Informal Member Group on Budgetary Issues held on 17 June 2011 (to follow)

B. CABINET/CABINET MEMBER DECISIONS AT VARIANCE TO APPROVED BUDGET OR POLICY FRAMEWORK

There are no items for consideration.

C. CABINET DECISIONS

- C1 Proposals to Change the Discretionary Elements of Home to School Transport Provision (19 - 52)

Mrs S Hohler, Cabinet Member, Education, Learning and Skills, Mr A Roberts, Interim Corporate Director, Education, Learning and Skills and Mr S Bagshaw, Head of Admissions and Transport have been invited to attend the meeting between 2.30pm and 3.30pm to answer Members' questions on this item.

D. CABINET MEMBER DECISIONS

There are no items for consideration.

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

Friday, 17 June 2011

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL

CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 1 June 2011.

PRESENT: Mrs T Dean (Chairman), Mr G Cowan, Mr R F Manning, Mr R Brookbank, Mr A R Chell, Mr D A Hirst, Mr E E C Hotson, Mr M J Jarvis, Mr R E King, Mr R J Lees, Mr R L H Long, TD, Mr M J Northey, Mr J E Scholes and Mr C P Smith

PARENT GOVERNORS: Mr P Myers

ALSO PRESENT: Mrs J Whittle, Mr C T Wells and Mr P M Hill, OBE

IN ATTENDANCE: Mr M Newsam (Interim Corporate Director of Families and Social Care), Mrs A Beer (Director of Personnel & Development), Ms A Slaven (Director of Service Improvement), Mr J Turner (Assistant Head of Youth Service), Mr K Tilson (Head of Finance for Policy and Resources), Mr P Sass (Head of Democratic Services) and Mr A Webb (Research Officer to the Cabinet Scrutiny Committee)

UNRESTRICTED ITEMS

12. Introduction/Webcasting

(Item A1)

(1) The Chairman advised the Committee that, in addition to being webcast, some of the meeting would be filmed by local media.

13. Committee Membership

(Item A2)

(1) The Chairman advised the Committee that Mr Gordon Cowan, having been elected to the position of Leader of the Labour Group, had replaced Mr Leslie Christie as the Labour Spokesperson on the Cabinet Scrutiny Committee. The Chairman welcomed Mr Cowan on behalf of the Committee and paid tribute to the work carried out by Mr Christie while he was Labour Spokesperson.

14. Minutes of the meeting held on 9 February 2011

(Item A5)

RESOLVED: that the minutes of the meeting held on 9 February 2011 are correctly recorded and that they be signed by the Chairman.

Matters arising:

(1) Referring to agenda item 7 of the minutes, the Chairman informed Members that the outstanding recommendations relating to the Budget would be pursued at the Informal Member Group on Budgetary Issues.

(2) The Chairman asked that the outstanding actions from item 7 (paragraphs 18 and 23) and item 8 (paragraphs 4 and 14) be pursued.

15. Minutes of the meeting held on 28 March 2011

(Item A6)

RESOLVED: that the minutes of the meeting held on 28 March 2011 are correctly recorded and that they be signed by the Chairman.

Matters arising:

(1) The Chairman inquired whether anything had been done to improve sound quality of the equipment used for amplification at the meeting in Edenbridge. Mr Sass explained that the venue, rather than the equipment used, was the principal reason for the poor quality of sound on the day.

(2) Mr Manning expressed a view that district council offices should be used for meetings taking place away from County Hall; The Chairman explained that a number of venues had been explored for the Edenbridge meeting, and that the sports hall was the most suitable venue available on that day.

16. Follow-up Items from Cabinet Scrutiny Committee

(Item A7)

Bold Steps for Kent – the Medium Term Plan to 2014

(1) The Chairman explained that a response had been received to Recommendation 5 in the form of a report written in respect of the relevant Towards 2010 target. It was not yet possible to see the effect on Small and Medium sized Enterprises, particularly as there had been a reduction in the number of local contractors accessing KCC contracts because the overall number of contractors had also reduced. It was agreed that the issue would be passed to the Regeneration and Economic Development Policy Overview and Scrutiny Committee (REDPOSC) for follow-up.

Older Person's Modernisation

(2) The Chairman reminded Members that the papers provided in response to the recommendations were not considered at the 9 February meeting due to the fact that they were provided sufficiently in advance of the meeting. Regarding recommendation 11, the Chairman welcomed the high-level commitment to Member involvement from the Group Managing Director and asked that the Committee Report Format be circulated.

(3) Referring to the consultation process, the Chairman stated that there had been a complaint from Hawkhurst Parish Council that they had not been formally consulted. She had been informed by the lead officer that individual Parish Councillors had been written to or invited to meetings, but the Parish Council had not been consulted formally via the Parish Clerk. The officer had apologised to the Parish Council, and the consultation protocol had been amended as a result.

Edenbridge Community Centre

(4) The point was made that the report provided by the Cabinet Member in response to the recommendations dealt with the closure of the school, yet local people appeared to be more concerned with the move of the library and the opening of the community centre.

(5) Recommendations 6 – 11 related to consulting with or contacting local businesses and it was agreed that these outstanding recommendations be dealt with by the Customer and Communities POSC.

(6) Having made reference to Recommendation 2, the Chairman initiated a discussion about the attendance of Cabinet Members at Cabinet Scrutiny Committee, and invited Mr Sass to inform Members of the relevant legislation. Mr Sass quoted from subsections 13 and 14 of section 21 of the Local Government Act 2000, which state that an overview and scrutiny committee may require members of the executive to attend before it to answer questions, and that it is the duty of those members to comply with this requirement.

(7) A number of comments and views were expressed during the discussion, including that:

- the Cabinet Member and Deputy Cabinet Member had been unable to attend the Edenbridge meeting despite many dates being offered
- members of the Executive could frustrate the Committee by not making themselves available for meetings (but it was not being suggested that the Cabinet Member, Customer and Communities had done so on this occasion).
- the circumstances surrounding the Edenbridge meeting made it difficult for the Cabinet Member to attend (i.e. the fact that the meeting was held outside County Hall and was not a diarised meeting)
- it was a rare occurrence when Cabinet Members did not appear before the Committee
- that the diaries of Cabinet Members tend to be full for the ensuing six weeks, and whilst they could keep scrutiny committee dates free, it was often not possible to attend non-diarised meetings at short notice.

(8) Referring to the response to recommendation 3, which stated that there had been no request at the POSC agenda setting for a report on the Edenbridge Centre, the Chairman expressed a view that it was the responsibility of Cabinet Members and officers to ask for items to go on to the agenda. She suggested that this issue be considered in the forthcoming report to the County Council on the committee structure.

17. Informal Member Group on Budgetary Issues held on 1 April 2011

(Item A8)

RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 1 April 2011.

18. Informal Member Group on Budgetary Issues held on 19 May 2011

(Item A9)

RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 19 May 2011.

19. Putting Children First: Kent's Safeguarding and Looked After Children Improvement Plan & KCC's Workforce Strategy for Children's Social Services

(Item C1)

Mrs J Whittle, Cabinet Member, Specialist Children's Services, Mr C Wells, former Cabinet Member, Children, Families and Education, Mr M Newsam, Interim Corporate Director, Families and Social Care and Ms A Beer, Corporate Director of Human Resources were present for this item.

(1) There was a discussion about the nature of the call-in, with some Members questioning why it had been brought before the Committee, in view of the fact that Members had had an opportunity to debate it at full council and that the ultimate sanction of the Committee was to refer to full council in any case. Mr Sass reiterated the constitutional position, which was that the Committee had called in the Cabinet's decision to note the Improvement Plan and that the scope of the debate was limited to that.

(2) The Chairman expressed a view that Members should raise their concerns about call-ins in advance of the actual meeting. She went on to express some of her reasons for the call-in, including:

- that there had been no discussion about costs and sustainability of the Improvement Plan
- to explore the outstanding issues raised at the December 2010 meeting of the Committee

(3) The Chairman explained that at the December 2010 meeting, the Committee was informed that the Improvement Plan would be shared, and it would take 6-7 weeks for it to be drafted. The Improvement Plan was made available on 7 April, and having exercised a call-in, the Committee was advised that it could not be discussed as it was in a completed form.

(4) Mr Newsam explained that he was not at KCC in December, but it was important that the Improvement Plan responded not only to the Ofsted recommendations but also their causes. He felt that the version from January would not have been of the required standard, and it was normal for the Local Authority (LA) to draft the Improvement Plan before taking it to the Improvement Board and thence the Department for Education. Mr Newsam stated that if the Improvement Plan had gone to Cabinet, Cabinet Scrutiny Committee and then the Improvement Board it would be an expensive exercise, and that perhaps the Committee had received inappropriate advice back in December.

(5) In response to a question about whether the Improvement Plan could have gone to Cabinet for Members' views, Mr Newsam explained that there was no set procedure, and that common sense and judgement had been applied. The

Improvement Plan had been signed off by all the KCC partners and the External Board because all the stakeholders must endorse an Improvement Plan.

(6) The Chairman asked when Members would know who underperformed, whether they were replaced and who misrepresented the situation. She referred to the fact that the Leader had said there would be a '*post mortem*' and the recommendation, endorsed by many Members at the December meeting, that a report be brought back to the Committee.

(7) Mrs Whittle, who had been brought into the Cabinet to focus on the improvement of Children's Services, referred to page 117 of the agenda, and made the point that the culture within Children's Services had previously not always been open and transparent, but since then a cross-party Children's Services Improvement Panel had been established where Members had been extremely challenging. The Ofsted report had been very open about the challenges the Council faced, including the social worker vacancy rate and the Integrated Children's System (ICS) not being fit for purpose.

(8) Mrs Whittle felt there had been a long *post mortem*, including covering what went wrong in an all-Member briefing and a very constructive County Council meeting on 12 May, and it was unhelpful to keep going over what had happened instead of focussing on rebuilding the service and the morale of staff. The Chairman and Mr Cowan both rejected the suggestion that the request for a *post mortem* was political, and felt that the public wanted to know who was to blame. Mr Wells argued that Members should not be judging Children's Social Services by its failures, and that there was a danger of turning the issue into a tabloid headline and care needed to be taken given the recent developments relating to the former Director of Children's Services in Haringey. Mr Cowan felt that the issues had been skirted over at County Council and wanted to see rolling progress reports on the six key themes of the Improvement Plan.

(9) A Member made the point that audit had not been covered in the report, and that he would have liked to have seen the Head of Audit and Risk on the task force. Mr Newsam felt this was a helpful suggestion, and explained that there would be practice audits over the next few months carried out by senior managers.

(10) The Chairman referred to data provided in respect of recommendations 5 and 6 from the December meeting, which covered the period from January 2010 to November 2011, and asked if data going back to 2008 could be provided since this was when the Joint Area Review was carried out and a glowing report had been received. Mr Newsam referred to the presentation he gave at County Council, which showed the increase in Looked After Children (LAC) and Child Protection Plans since 2005, and a steep climb at the beginning of 2008 which had been higher than that in other LAs. This increase in demand had occurred while the number of staff in the service had remained static. A number of LAs which had also failed their Ofsted inspections had experienced the same issues as Kent and it would be necessary to tackle all of them systematically. Mr Newsam explained that he could make data available for the period since 2008, but would caution on its accuracy due to failures in the quality of management information and performance management, and the fact that ICS was implemented in 2008. It would take several weeks or months to improve the integrity of the data, and this was one of the 'Core Tasks' of the Improvement

Plan but it was possible to identify trends in numbers of LAC and children on the Child Protection Register, since these had been independently triangulated.

(11) The Chairman explained that the former Chief Executive of KCC, Peter Gilroy, and the lead inspector from Ofsted who carried out the inspection in 2010, Stephen Hart, had both declined the invitation to attend the meeting and invited Mr Sass to read aloud the emails of apology which had been sent the previous day. The Chairman expressed disappointment that neither Mr Gilroy nor a representative from Ofsted felt able to attend, since she wanted to know how the situation had developed, considering that KCC had received a four star rating from Ofsted in preceding years.

(12) Responding to a question about whether he had any concerns about the issues that were subsequently highlighted by Ofsted during his tenure as Cabinet Member for Children, Families and Education, Mr Wells made the following points:

- The inspection regime / Joint Area Review in 2008 was very different to those which followed the Peter Connelly case
- KCC was judged in 2008 by the outcome of an inspection and nationally LAs had become very focussed on inspection
- Members who did not know what social work was like on the ground took comfort in inspection results
- It was possible for authorities to have their social services assessed as four-star on the basis of a snapshot without actually having a four-star service.

(13) In reply to a question about whether he was satisfied that the information that Members would receive in the future would answer questions and highlight any issues, Mr Wells stated that:

- The world of Children's Services was very different to that three years previously.
- The then Government had a strong belief in computer systems, yet there had been a number of failures (e.g NHS Patient Management Information system)
- The Every Child Matters approach had taken an area of work focussed on a small number of vulnerable children and applied universality
- That the Improvement Plan would go further than just responding to the inspection.

(14) Referring to the increased requirement for social workers to carry out assessments and other inputs and how this had put staff under pressure, the Chairman asked if an increase to the number of social workers had been discussed in the previous three years. Mr Wells responded that in 2008 the vacancy rates were between 15% and 22% and there had been a debate about it but historically the service did not set its complement of staff according to pressures in individual districts. At the time ability to recruit was the main limiting factor.

(15) Mrs Whittle suggested that recommendations 6 and 7 which arose from the discussion at Cabinet Scrutiny Committee in December 2010 could be addressed at the Children's Services Improvement Panel. The Chairman felt that the information should instead be analysed in the public arena; A Policy Overview and Scrutiny Committee (POSC) might be a possible forum for this.

(16) Responding to a query from Mr Manning about whether only the Ofsted report had been used as the basis for the Improvement Plan, or whether forensic work had been carried out, Mr Newsam explained that the way that KCC carried out improvement was more important than the Improvement Plan itself, and that every time officers were answering questions or doing research about the past they were not focussing on improvement and the ten core tasks which would be implemented over the following six months. The Improvement Plan would have to evolve when there was more clarity in the future, with the current document only taking the Council through to the end of the calendar year.

(17) Mr Cowan referred to the fact that the service had failed to respond to growing pressures and had not invested in prevention. He asked why there had been such low investment, and whether the Council now had enough money to make sure the improvement did not fail. Mr Wells referred to a steady upward trend in Child Protection plans which had then been compounded by the 'Baby P effect', which resulted in a 47% increase in referrals to social services and a situation which was almost impossible to cope with. Many agencies thought that referring to social services was the end of their interest, rather than seeking to engage with other partners as advocated by Every Child Matters.

(18) Mrs Whittle explained that money had been invested in recruiting a peripatetic team to clear backlogs and recruiting social workers both experienced and newly-qualified. To contextualise, she explained there had been a 20% increase in LAC over the previous three years with an average increase of two months being spent in care. Whilst the Council had committed a resource to strengthening the service, it would not be in a position to do so in the future and better care planning would result in better outcomes and reduced spending, since the increase in the number of LAC and time spent in care alone cost the Council an additional £4m per year.

(19) Responding to a question about how progress would be monitored in future, including the quality as well as number of social workers, Mr Newsam explained that:

- transparency was one of the key behaviours the service was working towards
- social worker vacancies had decreased, but many were still learning their trade
- that the programme was the most scrutinised in the Council, and progress was being monitored at
 - monthly meetings with all managers
 - weekly meetings with the Cabinet Member
 - monthly meetings with Children's Services Improvement Panel; and
 - monthly meetings with the external board

(20) In reply to a query about the hardest thing the Council would need to achieve, Mrs Whittle mentioned a number of elements, including:

- Rebuilding the level of trust Members have in the information provided on Children's Services
- Building and strengthening social work teams and retaining staff
- Rebuilding the reputation of the Council

All of these would require a relentless focus on the performance of the service.

(21) There was a brief discussion about why there were fewer men in the social work profession, with Mr Newsam stating that historically there had been more women entering the caring professions, particularly through the unqualified route, with a greater tendency for men in the profession to aspire to management with women more likely to stay in front line roles. Ms Beer stated that this was something that the Council would need to look at over the longer term, and that alongside its recruitment campaign it would be highlighting the valuable work done by social workers, including using some male role models if possible.

(22) Following on from a point made by Mrs Whittle about how Ofsted had been critical of KCC's corporate parenting role and that there was a need to strengthen the role of Members, the Chairman made the point that she and other Members had sometimes experienced a dismissive response from the service when attempting to take up cases on behalf of constituents. She felt that there was nothing in the report that referred to Members being used as a resource for helping to monitor the service, but accepted there may be a need for training to help them better understand it. Mr Newsam gave a commitment that if Members felt that they were being shut out in any way they could raise this directly with him, and if he knew the specific cases he could look at whether any perception of poor practice was unfairly judgemental or appropriately critical.

(23) On the involvement of local Members, Mr Newsam also made the following points:

- Mrs Whittle had made a clear commitment to open up the service, including offering the opportunity for Members to shadow social workers
- Officers would be happy to train and support local Members in their role as corporate parents
- That he and Mrs Whittle were keen to develop the role of Members on Locality Boards to take ownership so they could take ownership of social care issues in their communities. Where areas did not have a Locality Board, there were Local Children's Trusts although there would need to be a decision in the future about how they worked alongside each other.

(24) In response to a question about the sustainability of the Improvement Plan and the resources required for some of the measures which had not been costed, Mr Newsam explained that:

- the core cost of improvement was £1.3m, which paid for the peripatetic team
- the cost of improved terms and conditions for social workers was around £1.8m for the current year
- the Council had made total provision of £3.5m for improvement, but it was difficult to be sure of future costs, because of unknowns such as:
 - how many cases would translate into high cost packages; and
 - the right number of staff that would be required in each part of the county (this 'baselining' had not been done previously)
- establishment numbers would need to increase in the short term due to current pressures, but as improvements happened in partnership-working and preventative services there would be fewer assessments, fewer LAC and fewer children on the Child Protection register, resulting in fewer social workers being required.

- that some improvements were already required before the Ofsted judgement, including to accommodation and ICS, and that these should not be conflated with the specific improvement measures.

(25) Responding to a suggestion that after six months he would have a better idea of the cost of running the service, Mr Newsam indicated that he hoped to come back in the Autumn with a clearer financial model of would be required in the current year and future years, and this could influence the budget setting process for 2012/13.

RESOLVED: that the Cabinet Scrutiny Committee:

(26) Thank Mrs Whittle, Mr Wells, Mr Newsam and Ms Beer for attending the meeting and answering Members' questions.

(27) Make no comments on the decision of the Cabinet to note the progress made on the Improvement Plan

In relation to the follow-up items from 8 December 2010:

(28) Express regret that Members were not informed that a copy of the draft Improvement Plan could not be provided to the Committee.

(29) Ask the Cabinet Member, Specialist Children's Services, to consider whether the Head of Audit and Risk should be added to the membership of the Improvement Board.

(30) Express disappointment that information requested at the meeting on 8 December 2010 relating to the outcome of the meeting with the Minister, the outcome of the review into the circumstances surrounding the judgements and historical data relating to social worker posts, vacancies and safeguarding referrals had not been provided.

20. Revenue & Capital Budget Monitoring Exception Report 2010-11

(Item C2)

Mr M Hill, Cabinet Member, Customer and Communities, Ms A Slaven, Director of Service Improvement, Mr J Turner, Assistant Head of Youth Service and Mr K Tilson, Head of Finance, Customer and Communities were present for this item.

(1) Mr Cowan, who had requested the call in, explained that his local youth centre raised funds that could then be reinvested, for example in subsidising day trips for young people from deprived areas who otherwise would not be able to go. There were youth centres across the county that were efficiently run and generated income for the benefit of the young people they served, and Mr Cowan questioned what incentive they would have to raise these additional funds if they would be taken away and put in a central reserve. He went onto explain that youth centres, including in his area, had been asked if money had been ear-marked for specific projects yet this had still been taken away, and therefore questioned the purpose of asking them.

(2) Mr Hill explained that the purpose of the exercise was primarily financial tidying up. During the previous twenty years the youth centres had maintained separate bank accounts, with money raised from letting out KCC buildings kept distinct from

that raised through other charitable activities. It had since been pointed out by Finance that these separate KCC bank accounts were not permitted. Underspends would normally be rolled into a central reserve, but Mr Hill had negotiated with the Cabinet Member for Finance and Business Support and the Cabinet that the underspend be retained within the Youth Service.

(3) Responding to a question about whether this process had already occurred and whether there had been a formal decision on the Forward Plan, Mr Tilson stated that there had not been a formal decision. He explained that the youth centres had been rolling their underspends into reserves when they were part of Education, but that accounting legislation only permitted schools to roll forward any income generated during the year.

(4) The Chairman asked for clarification of why the decision to create a Youth Centre reserve had not been a Key Decision, since it was likely to affect a significant amount of people, and some youth centres served more than one electoral division. Mr Hill explained that the situation was an anomaly that had built up over a number of years, and when he discovered that it would be illegal to allow it to continue he had no choice but to take the decision. Mr Sass also advised Members that, in his opinion, it did not constitute a Key Decision.

(5) On the question of whether Local Members and young people were informed that the changes would be occurring, Mr Turner responded that this had not happened, mainly because there was no longer a management committee at every youth project but that it was the Council's money, raised through the hiring of its premises.

(6) Replying to an inquiry regarding the length of time that youth centres had to use up their underspends in advance of the monies being clawed back on 31 March, Mr Tilson explained that the process had been ongoing throughout the previous year and clarified that not all of the youth centres' unused funds would have been reclaimed, due to the fact that money could have originated from external grant funding or pre-existing financial commitments (rather than 'ear-marking'). Mr Turner added that the underspends has been discussed over the previous three to four years and there had consistently been a sum of around £500k rolled forward each year. Since not every youth centre was able to make as significant a sum from letting their premises as others, this initiative would also allow the Youth Service to look more strategically at the use of the funds and target areas of deprivation.

(7) In response to a concern that youth workers would no longer have an incentive to go out into communities and bring people into KCC premises to generate additional income, Ms Slaven stated that youth workers were committed to young people and would therefore continue to fund raise.

(8) The Chairman referred to three questions that had been sent in by email. Two of these questions referred to the discouraging effect of monies being reclaimed from youth centres, with the third asking where the money to maintain the buildings would come from if it was now going to be rolled into a reserve. Mr Turner responded that there were at least 17 youth workers who were not based in a youth centre and did not have the ability to let the premises and this could be seen as inequitable. Despite that fact, they still managed to raise money for local activities for young people.

(9) Responding to a request for more detail on how the two year programme of commissioning of youth services would work, Mr Hill explained that the programme to transform youth services would be unveiled later that year, and it would involve commissioning services from the voluntary sector while building capacity in the voluntary sector so it could take a greater role in youth work in Kent. The dedicated reserve would help enable the implementation of this new model.

(10) Mr Tilson explained that each youth centre was given a contribution to its running costs each year, but they still had an incentive to generate income since this does not cover the whole cost. However the more expensive maintenance element had been removed since this was now covered by the Directorate's capital programme

(11) In reply to a question asking how it was possible to be accurate about the sources of money held in youth centre bank accounts, Mr Tilson explained that the finance team held records of which grants had been received and external funders would also keep track of how grant money was spent. Where there were funds committed to projects in the first few months of the financial year these would be honoured. It was explained that there was a separate funding stream which had been allocated for additional monies for summer programmes. Responding to follow-up questions about whether there was time for applications to be submitted and approved and whether young people could be involved in the process, Ms Slaven and Mr Turner explained that Kent Youth Opportunities Fund applications were still being received, and that young people were involved either through the Kent Youth County Council or through being trained as assessors in the bid selection processes.

RESOLVED: that the Cabinet Scrutiny Committee:

(12) Thank Mr Hill, Ms Slaven, Mr Turner and Mr Tilson for attending the meeting and answering Members' questions.

(13) Make no comments on the proposal.

21. Appointment of 'Preferred Bidder' on new Kent Highway Services Contract (Item C3)

Mr Manning explained that he had met with the Cabinet Member for Environment, Highways and Waste and relevant officers to discuss this matter and that his various queries and questions had been responded to satisfactorily. Accordingly, this item was withdrawn from the agenda.

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By: Peter Sass - Head of Democratic Services

To: Cabinet Scrutiny Committee – 27 June 2011

Subject: Follow up items and Decisions from Cabinet Scrutiny Committee – 1 June 2011.

Classification: Unrestricted

Summary: This report sets out the decisions from the Cabinet Scrutiny Committee and items which the Committee has raised previously for follow up

Introduction

1. This is a rolling schedule of information requested previously by the Cabinet Scrutiny Committee.
2. If the information supplied is satisfactory it will be removed following the meeting, but if the Committee should find the information to be unsatisfactory it will remain on the schedule with a request for further information.
3. The decisions from the meeting of the Cabinet Scrutiny Committee on 1 June 2011 are set out in the table below along with the response of the relevant Cabinet Member.

Recommendation

4. That the Cabinet Scrutiny Committee notes the responses to the issues raised previously.

Contact: Peter Sass
peter.sass@kent.gov.uk

01622 694002

Background Information: *Nil*

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Follow-up items from Cabinet Scrutiny Committee – Tracking sheet

17 June 2011

Item	Date of meeting	Recommendation	Status	Notes
Highways Business Plan IMG - Gulley Emptying Schedules	10/12/08	1	PENDING	Report expected Autumn 2011
Bold Steps for Kent - The Medium Term Plan to 2014	08/12/10	8	OUTSTANDING	Officers are pursuing a response to this recommendation.
Revenue & Capital Budget Monitoring Exception Report 2010-11	01/06/11	1	TO NOTE ONLY	
Revenue & Capital Budget Monitoring Exception Report 2010-12	01/06/11	2	TO NOTE ONLY	
Putting Children First: Kent's Safeguarding and Looked After Children Improvement Plan & KCC's Workforce Strategy for Children's Social Services	01/06/11	1	TO NOTE ONLY	
Putting Children First: Kent's Safeguarding and Looked After Children Improvement Plan & KCC's Workforce Strategy for Children's Social Services	01/06/11	2	TO NOTE ONLY	
Putting Children First: Kent's Safeguarding and Looked After Children Improvement Plan & KCC's Workforce Strategy for Children's Social Services	01/06/11	3	RESPONSE RECEIVED	
Putting Children First: Kent's Safeguarding and Looked After Children Improvement Plan & KCC's Workforce Strategy for Children's Social Services	01/06/11	4	RESPONSE RECEIVED	
Putting Children First: Kent's Safeguarding and Looked After Children Improvement Plan & KCC's Workforce Strategy for Children's Social Services	01/06/11	5	RESPONSE RECEIVED	

Revenue & Capital Budget Monitoring Exception Report 2010-11 (1 June 2011)
(Proposed contribution of £500k from the Youth Service to a new earmarked reserve)

Cabinet portfolio: Mr PM Hill OBE

Synopsis: The report to Cabinet was based on the monitoring returns for March and highlighted the main movements since the third full monitoring report presented to Cabinet in April. Cabinet was asked to agree the creation of a new earmarked reserve, from the underspending in the Youth Centres

Reason for call-in: Members were concerned about the governance rules on youth centre income and the effect of the creation of the reserve on KCC's plans to pump-prime Big Society initiatives.

Recommendations and responses:

- 1. Thank Mr Hill, Ms Slaven, Mr Turner and Mr Tilson for attending the meeting and answering Members' questions.**
- 2. Make no comments on the proposal.**

**Putting Children First: Kent's Safeguarding and Looked After Children
Improvement Plan & KCC's Workforce Strategy for Children's Social Services
(1 June 2011)**

Cabinet portfolio: Mrs J Whittle

Synopsis: The reports to Cabinet:

- a) sought endorsement of the Improvement Plan and reports on progress to date
- b) asked Cabinet to note the content of the report and endorse the steps being taken to make KCC the Employer of Choice for children's social workers and to delegate the approval of the final changes to the remuneration of children's social workers to the Cabinet Member for Specialist Children's Services following engagement with staff and managers in the service.

Reason for call-in: Members wished to examine in detail whether the implementation of the Improvement Plan and the workforce strategy measures being proposed would bring about the improvement required and that these necessary improvements would be sustained into the future, particularly bearing in mind the cost of implementing the improvement plan.

Recommendations and responses:

1. Thank Mrs Whittle, Mr Wells, Mr Newsam and Ms Beer for attending the meeting and answering Members' questions.

2. Make no comments on the decision of the Cabinet to note the progress made on the Improvement Plan

In relation to the follow-up items from 8 December 2010:

3. Express regret that Members were not informed that a copy of the draft Improvement Plan could not be provided to the Committee.

The Improvement Plan was made available to all Members at the earliest possible opportunity. The draft was revised in early 2011 and, as a multi-agency and not a KCC document, was subject to formal ratification by the multi-agency Improvement Board chaired by Liz Railton CBE. It was therefore not appropriate to circulate a draft to the Committee before it had been ratified by the Board or preceded to KCC's Cabinet. Ms Railton reports on a quarterly basis to the Secretary of State and the Leader of the Council of progress made by KCC and other agencies against the Improvement Plan. The ratified Plan was also debated at County Council on 12 May and taken to Cabinet on 23 May. The Plan is a standing item on the Specialist Children's Services Policy Overview and Scrutiny Committee and is being scrutinised on a monthly basis by the All-Party Children's Services Improvement Panel. In addition, the Cabinet Member is providing quarterly updates on the Improvement Plan to Cabinet (which is publicly webcast).

Date of response: 15 June 2011

4. Ask the Cabinet Member, Specialist Children's Services, to consider whether an officer from Audit should be added to the membership of the Improvement Board.

I believe an officer from Audit should be included in the random audits of cases to ensure we have a thorough check of the quality of case recording and have instructed this be done.

Date of response: 15 June 2011

5. Express disappointment that information requested at the meeting on 8 December 2010 relating to the outcome of the meeting with the Minister, the outcome of the review into the circumstances surrounding the judgements and historical data relating to social worker posts, vacancies and safeguarding referrals had not been provided.

A range of verbal and/or written presentations and updates to County Councillors by the Interim Director, Malcolm Newsam and Cabinet Member, Jenny Whittle, have been very explicit about the significant vacancies in social worker posts which were at a height in the early part of 2010 and the significant increase in safeguarding referrals. Sarah Hohler, the then Cabinet Member for Children, Families and Education directorate, wrote to all Members on 19 November 2010 following publication of the Ofsted report on Safeguarding and Looked After Children in Kent. This letter stated that *"during the last two years there has been a 21% increase in referrals"* and that *"KCC's social worker vacancy rate has more than halved from 26% in January 2010 to 11% currently"*.

The scale of the problems in Children's Social Services when Ofsted undertook their inspections in August and October 2010 and the subsequent actions taken to improve safeguarding and looked after children services have been discussed at length in a range of verbal and/or written presentations and reports to the County Council and Cabinet which have been webcast to the public, all-Member briefings and the cross-party Children's Services Improvement Panel.

The Leader met with the Children's Minister to discuss the Council's planned actions in response to the Ofsted report on Safeguarding and Looked After Children. On 27 January 2011, the Minister issued an Improvement Notice to the Council since when a comprehensive Improvement Plan with defined timescales and lines of accountability have been published and approved by the external Improvement Board, chaired by Liz Railton CBE. The performance of the County Council and the other agencies with a responsibility for providing services to vulnerable children is scrutinised on a monthly basis by this Board. Ms Railton reports on the Council's progress on a quarterly basis to the Secretary of State and the Leader of the Council. Her first report, which was circulated by the Leader of the Council to all Members on 1 June 2011. In his covering note, the Leader stated that *"the report is most positive but we must not underestimate the challenges ahead and the time it will take to deliver the significant changes to turn around Children's Social Services"*.

Date of response: 15 June 2011

By: Peter Sass: Head of Democratic Services
To: Cabinet Scrutiny Committee – 27 June 2011
Subject: Proposals to Change the Discretionary Elements of Home to School Transport Provision

Background

(1) Members wish to examine in detail the specific impacts upon children from low-income families, the over-representation of consultation respondents living in affluent areas and what was done to mitigate this, and the discretionary element of the policy which is dependent on children from low-income families attending the nearest grammar school.

Guests

(1) Mrs S Hohler, Cabinet Member, Education, Learning and Skills, Mr A Roberts, Interim Corporate Director, Education, Learning and Skills and Mr S Bagshaw, Head of Admissions and Transport have been invited to attend the meeting between 2.30pm and 3.30pm to answer Members' questions on this item.

Options for the Cabinet Scrutiny Committee

(1) The Cabinet Scrutiny Committee may:

(a) make no comments

(b) express comments but not require reconsideration of the decision

(c) require implementation of the decision to be postponed pending reconsideration of the matter in the light of the Committee's comments by whoever took the decision or

(d) require implementation of the decision to be postponed pending consideration of the matter by the full Council.

Contact: Adam Webb Tel: 01622 694764

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By: Sarah Hohler, Cabinet Member for Education, Learning & Skills
Andy Roberts, Interim Corporate Director for Education, Learning & Skills

To: Cabinet – 20 June 2011

Subject: Proposals to change the discretionary elements of home to school transport provision

Classification: Unrestricted

Summary: This report informs the Cabinet Member for Education, Learning & Skills on the outcomes from the consultation on proposals to remove the discretionary elements of home to school transport provision. This paper includes analysis on the impact of the proposals and puts forward recommendations for the provision of home to school transport.

Introduction

1. (1) KCC has recently undertaken consultation on proposals to change the discretionary elements of home to school transport provision, in particular to stop providing free transport above the statutory requirements to:

- (i) Children assessed to be of selective ability¹.
- (ii) Children attending the nearest (voluntary aided) church school if it is of the same denomination as the child.

(2) The proposals set out in 1.1 (i) and (ii) would be introduced in September 2012 but those children already in receipt of the discretionary transport assistance would continue to retain this entitlement until they leave their current school, are no longer of statutory school age or have moved house and following assessment are found not to be eligible under the revised policy.

(3) KCC has consulted with stakeholders during the period 21 March 2011 to 6 May 2011. Analysis has been undertaken to look at the potential impact of the proposals and how this might affect different groups of children, and an equality impact assessment has also been carried out.

Context for change

¹ The provision for discretionary transport on selective grounds does not apply to children who live in comprehensive areas of the county (Tenterden & New Romney; Paddock Wood; Isle of Sheppey; Swanley, Longfield and Swanscombe).

2. (1) The current policy on home to school transport provision was last considered by the Education Committee on 25 January 1994 and the Education and Libraries Committee on 18 October 1999. The latter was to consider denominational transport.

(2) Since that time there has been:

- (i) Considerable pressures on public services due to reduced funding levels and as part of reductions to budgets across KCC a saving has been identified on the home to school transport budget. For 2012/13 and 2013/14 this equates to £2.5m.
- (ii) Improved access to low cost travel through the Kent Freedom Pass (KFP) for pupils between the ages of 11 and 16.
- (iii) Changes in legislation with regard to Academies and in particular the Equality Act 2010, which now means the current policy, may be vulnerable to challenge.

Consultation

3. A summary of the consultation and responses to it are set out in appendix 1. A summary of the existing statutory obligations are set out in appendix 2.

Analysis of impact

4. Analysis was undertaken to look at the impact of the proposals and how this might affect particular groups. A summary of the analysis is set out in appendix 3.

Equality Impact Assessment

5. (1) An equality impact assessment has been carried out in line with KCC policy. The initial screening of the impact assessment identified that there may be potential for an impact on particular groups with protected characteristics so a full assessment was carried out to look at the impact on:

- Disabled children
- Girls and/or boys
- Children from ethnic minority groups
- Children from different faith groups

(2) The full impact assessment has identified that within the scope of this assessment there is no disproportionate impact for future cohorts of children. In undertaking the equalities impact assessment whilst there was no direct impact to the above groups it was identified through MOSIAC that some lower to middle income groups could be impacted upon in regard to the removal of denominational discretionary transport and a small proportion of children from low income families attending selective schools.

(3) As a result of the above findings the LA would seek to mitigate against this by ensuring that children from low income families assessed suitable for grammar school be extended the same level of provision as is afforded to children from low income families who attend a denominational school i.e. they will receive free transport to any one of their three nearest appropriate schools between 2-15 miles of their home. This provision is to ensure that the changes do not become a barrier to social mobility which was the founding principle of selective education.

(4) Whilst findings did not identify that changes would result in a significant impact on children in Local Authority Care (LAC), the LA is keen to support LAC children at every opportunity. It is proposed that children in the care of Kent Local Authority will be treated in the same way as those children from low income families eligible for free school meals.

Specific Implications

Resources

6. (1) As mentioned in 2.2 (i) there are considerable pressures on public services and as part of wider savings across KCC there is a need to make a saving on the home to school transport budget. For 2012/13 and 2013/14 this equates to £2.5m. The proposed changes will deliver a saving somewhere in between £0.9m and £3.5m; it is recognised that the changes will impact on families and in more financially secure times KCC would have sought to avoid introducing such measures. However, the financial pressures facing local government means that difficult decisions regarding discretionary provision need to be taken to ensure that statutory services can be maintained.

(2) The full extent of potential savings is hard to quantify because it will ultimately be determined by parental preference for schools. Some may opt for a nearer school; others may simply choose schools further from their home full in the knowledge that they will be responsible for their own transport arrangements.

Transport

(3) Some existing bus networks may see additional pressures if more pupils seek to travel on the public transport routes and other routes may see less demand as eligible pupil numbers fall. This will need to be closely monitored as will the demand for the vacant seat payment scheme and a further review will be needed in the future.

Other Local Authorities

7. In the main, provision in other neighbouring LA for discretionary home to school transport² shows a pattern of changing and reduced provision. For example: East Sussex provides free home to school transport to church aided denominational secondary schools where families meet low income criteria; Essex has just undertaken consultation to remove all subsidy for discretionary home to school

² There is selective provision in Medway and Essex (partial).

transport; Surrey is consulting on proposals so that transport to denominational schools would no longer be offered to new applicants; and West Sussex introduced a charging policy in 2008 but is now consulting on proposals to stop providing home to school transport on denominational grounds.

Conclusions

8. (1) There is a need to review the current provision for discretionary home to school transport provision and make recommendations for change. In light of the detailed analysis undertaken it is apparent that the majority of pupils in receipt of discretionary free transport are from families best placed to afford that provision. A full equality impact assessment has been carried out to ensure that the impact on groups with protected characteristics has been fully considered, and any action planning to mitigate a negative impact, has also been fully considered.

(2) In summary:

- Analysis suggests the proposed changes will impact mostly on those families that can afford to pay for transport and benefit the most those families that cannot. The proposals seek to ensure that those children in most need of support will continue to be availed of it.
- The existing arrangements perpetuate an inequity in provision which it is appropriate to address.
- The groups most likely to be impacted will be those families on lower to middle incomes who may earn above the threshold of free school meal eligibility but none the less have genuine cases of hardship. The scope of circumstances which places families in this position is beyond simple definition. It is most appropriate for such cases to therefore be considered through the established transport appeals process. Parents will be given the opportunity to make their case to panels if they are refused transport under the new policy. Those panels will be empowered to take account of personal circumstances and override decisions taken in line with policy where they consider the personal circumstances of the case warrants this.

Recommendations

9. The Cabinet is asked to agree that:

- (i) From 1 September 2012, Kent County Council will not provide home to school transport provision on denominational or selective grounds other than where there is a statutory requirement to provide transport.
- (ii) For children of low income families where the child is defined as an "eligible child" by schedule 35B Education Act 1996 (e.g. entitled to Free School Meals) and is resident in a selective area of education and aged between 11 and 16 years; Kent County Council will fund transport to the nearest grammar school provided that the child has

met the entry requirements of the school and has been offered a place and it is the nearest school of that type to the child's home at a distance between 2-15 miles. This discretionary provision will align an element of selective transport policy with the statutory provision afforded to children from low income families who wish to attend a denominational school."

- (iii) Any pupil in receipt of transport assistance on denominational or selective grounds prior to September 2012 will continue to retain this entitlement until they leave their current school, are no longer of statutory school age or have moved house and, following a transport assessment, are found not to be eligible under the revised policy.
- (iv) In light of the many variable outcomes resulting from the changes in transport policy and how this may or may not impact on parental preferences for schools, a further review of transport will be needed in the future.

Scott Bagshaw
Head to Admissions and Transport
01622 694185
scott.bagshaw@kent.gov.uk

Background information:

Equalities Impact Assessment report – Proposals to change the discretionary elements of home to school transport provision – Scott Bagshaw / Lynne Miller

Other information:

Report by the Research and Evaluation Team, KCC Business Strategy Division on:

- i) *The impact of the proposals and how it affects particular groups of children.*
- ii) *The responses to the consultation on KCC's proposals on discretionary home to school transport provision.*

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Details of the consultation on proposals to change the discretionary elements of home to school transport provision

During the period 21 March 2011 to 6 May 2011 consultation has taken place with:

- Parents (the consultation has been promoted by various means, including by schools, local community groups, Children's Centres, the Children's Disability Teams, the KCC web-site and the parenting e-brief)
- Kent schools, academies and FE colleges
- Diocesan Boards
- Chief Executives of District and Borough Councils in Kent and neighbouring Local Authorities
- Kent MPs and KCC elected Members
- Kent Children's Trust
- KCC officers
- KCC Staff Equality Groups (these groups represent the equality strands of age, disability, race, sexual orientation and transgender)
- Kent Standing Advisory Council for Religious Education
- Kent Youth County Council

Responses to the consultation

A total of 1,256 responses to the consultation were received.

88% of respondents did not agree with the proposal to remove discretionary home to school transport. 11% agreed with the proposal, and 2% did not provide an answer¹.

80% of respondents agreed that pupils already receiving discretionary home to school transport should continue to be provided with free transport. 16% disagreed with this proposal, and 4% did not provide an answer.

Response themes

Comments on the proposals:

- 33% were concerned that the proposals added to financial hardship for families.
- 25% considered the proposals unfair in a local authority that operates a selective system.
- 17% made reference to the Kent Freedom Pass and about half of these comments were concerned about the increase of the pass to £100 and the possibility of future increases.
- 14% made particular reference to the unfairness of the proposals for families of religious faith.
- 8% commented that the proposals would lead to increased congestion and pollution.

¹ Figures do not add up to 100% due to rounding

- 7% thought the proposals were contrary to parental choice in general.
- 6% were concerned about the loss of dedicated transport.

Comments on vulnerable groups

About half of the respondents comments on particular groups they thought should be given special consideration, these were:

- All children and families (11%)
- Low income families (7%)
- Looked after children and foster children (6%)
- Young carers (5%)
- Children with disabilities (4%)
- Children attending faith schools (4%)

Comments from the Dioceses

All our Diocesan partners strongly opposed the removal of the discretionary provisions. Their opposition was based on the view that it would restrict choice by families for a school based on religion and belief. Both Southwark and Canterbury Diocese made particular reference to the partnership arrangements to work collaboratively, and support the LA, to provide school places in Kent. Canterbury Diocese was also concerned about the removal of discretionary transport to selective schools. The comments from the Dioceses also reflect concerns for transport considerations and the impact on particular groups (e.g. those on low income or in rural areas). Canterbury Diocese also made particular reference to:

- Those dependent on Trains.
- Families with 3 or more children at school.

Profile of those responding

82% were from parents; 5% were from pupils; 8% were from a member of school staff or school governor and 4% were from other groups, 2% did not state who they were² Those from other groups included responses from the Archdiocese of Southwark, Canterbury Diocese, Rochester Diocesan Board of Education and a Catholic Priest.

73% of respondents provided a valid postcode and this has been used to give a Mosaic profile. While the results of this analysis are only partial they show that the groups K&M 1, K&M 4 and K&M 11 are over represented compared to the Kent population. This reflects some of the most affluent segments of the population, and for K&M 11, a number of people living in rural communities. Those segments on lower or comfortable incomes are under –represented in terms of consultation responses.

² Figures do not add up to 100% due to rounding

Appendix 2

Kent County Council has a statutory duty to provide school transport for certain categories of school age pupils. This is known as “statutory entitlement”.

Age / Type of pupil	Statutory entitlement
Pupils up to the age of 8 (yr 3)	Free transport to the nearest appropriate school if it is more than two miles walking distance from home.
Pupils between the ages of 8 and 16 (yrs 4-11)	Free transport to the nearest appropriate school if it is more than three miles walking distance from home.
Pupils from low income families aged between 8 and 10 (yrs 4-6)	Free transport to the nearest appropriate school if it is more than two miles walking distance from home.
Pupils from low income families aged between 11 and 16 (yrs 7-11) Families with a low income are currently defined as those children entitled to free school meals or whose family is in receipt of maximum working tax credit.	Free transport to one of the three nearest appropriate schools if it is between two and six miles away, or the nearest school preferred by reason of a parent/carer’s religion or belief. It must be more than two miles by the shortest available walking route and not more than 15 miles away.
Pupils with Special Educational Needs, disability or mobility problems.	Free transport to the nearest appropriate school, where the pupil lives within the statutory walking distance from school and where, due to their special needs or disability or mobility problems, they are unable to walk in reasonable safety, even when accompanied. Transport will be provided to pupils who have a statement of special educational need which sets out a requirement for free transport to a particular school specified in the statement.
Pupils living within the statutory walking distance but who are unable to walk in safety to school because of the nature of the route.	Free transport to the nearest appropriate school where the pupil lives within the statutory walking distance from school and where, due to the nature of the route, they are unable to walk in reasonable safety even when accompanied.

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Summary points from the analysis of the impact of the proposals on the discretionary elements of the home to school transport provision

Denominational Primary

- It is estimated that 288 of the 640 pupils currently eligible would retain their eligibility given the proposals set out in the consultation. This is equivalent to 45% of current eligible pupils attending denominational primary schools in Kent.
- The pupils most likely to retain their eligibility are pupils from less affluent families, many living on low incomes and reliant on state assistance. In addition, many pupils from rural areas retain their eligibility as they tend to live further than the statutory distance from a school.
- Of the 352 pupils who would no longer be eligible (55% of pupils), those most affected would be those families on middle and high incomes.
- Analysis of equality criteria show the majority of pupils are not negatively impacted. Areas which may warrant further attention are children where English is an additional language as the proportion retaining their eligibility is lower than the proportion of pupils where English is their first language. In addition, the proportion of pupils from an ethnic minority retaining their eligibility is lower than the overall proportion. However, the number of pupils for both of these groups is very small and these figures should be treated with caution.

Denominational Secondary

- 28% of eligible pupils attending denominational schools are from the most affluent families in Kent.
- It is estimated that 664 of the 1,800 pupils currently eligible would retain their eligibility given the proposals set out in the consultation. This is equivalent to 37% of current eligible pupils attending denominational secondary schools in Kent.
- Pupils most affected by the proposed changes are those living in rural areas. Due to their location, they are more likely to live more than 3 miles from a school and therefore maintain their eligibility (albeit to a nearer school).
- A significant proportion of the most affluent also retain their eligibility. Approximately 42% of pupils from the most affluent families in Kent retain their eligibility.
- Of the 1,128 pupils who would no longer be eligible, those most affected would be families on middle to lower incomes.
- Analysis of relevant equality criteria and other criteria including looked after children and free school meals show the majority of pupils in these categories are not negatively impacted by the proposed changes.
- However, for children where English is an additional language the proportion retaining their eligibility is slightly lower than the proportion of pupils where

English is their first language. There may also be some local impact for faith schools amongst Irish and White Eastern European ethnic groups (although number of pupils from ethnic groups are very small and should be treated with caution).

Selective Secondary

- It is estimated that 6,863 pupils attending Selective secondary schools in Kent are eligible for home to school transport. Over 2,500 or 36% are from the most affluent families in Kent.
- It is estimated that 2,664 of those pupils currently eligible would retain their eligibility given the proposals set out in the consultation. This is equivalent to 39% of current eligible pupils attending selective secondary schools in Kent.
- A higher proportion of pupils living in rural areas retain their eligibility as they live more than 3 miles from the nearest school. In addition 40% or 989 pupils from the most affluent families will still be entitled to home to school transport.
- Of the 4,199 pupils who would no longer be eligible (61% of pupils), those most affected would be those families on middle and low incomes, but a significant minority are likely to be from families on low incomes surviving on limited means. This could potentially be mitigated by actively promoting Free School Meals take up for children from low income families.
- Analysis of equality criteria show the majority of pupils are not negatively impacted. Areas which may warrant further attention are children where English is an additional language as the proportion retaining their eligibility is slightly lower than the proportion of pupils where English is their first language. In addition, the proportion of pupils from the ethnic groups White Eastern European and Chinese retaining their eligibility is lower than the overall proportion. However, the number of pupils from ethnic groups is very small and these figures should be treated with caution.

Caveats

All figures are estimates based on a number of variables which have been applied as proxies to establish eligibility such as free school meals, Special Educational Needs Status and approximated distance from a child's postcode to the nearest school.

In addition, the results are based on 87% of current eligible pupils attending denominational secondary schools and 91% of current eligible pupils attending selective secondary schools. This is due to some pupils attending schools outside of Kent, or insufficient data for the pupil in order to determine if they would qualify for eligibility. It is considered the sample size is sufficient to provide estimates.

The most affluent families in Kent are considered to be those classified as the Mosaic segment K&M1. This group is described as 'Kent's most highly educated and financially successful citizens, living sought after locations'.

KENT COUNTY COUNCIL
EQUALITY IMPACT ASSESSMENT

Directorate: Education, Learning & Skills

Name of policy, procedure, project or service:

Proposals to change the discretionary elements of home to school transport provision

Type: Policy

Responsible Owner/ Senior Officer

Scott Bagshaw, Head of Admissions & Transport

Date of Initial Screening:

May 2011

Screening Grid

Characteristic	Could this policy, procedure, project or service affect this group differently from others in Kent? YES/NO	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO	Assessment of potential impact HIGH/MEDIUM/LOW/ NONE/UNKNOWN		Provide details: a) Is internal action required? If yes, why? b) Is further assessment required? If yes, why? c) Explain how good practice can promote equal opportunities (see <i>note at end of grid</i>).
			Positive	Negative	
Age	N/A (children are not within the statutory provisions under this protected characteristic)	N/A	N/A	N/A	N/A
Disability	Unknown (the proposed change may not impact on disabled children because there is provision made through Statements of Special Educational Need for children who need home to school transport as a result of a disability to access appropriate provision).	Unknown	Unknown	Unknown	Further assessment required to establish if disabled children would be impacted on by the proposed changes.
Gender	Potentially as some Grammar schools are for boys or girls.	Unknown	Unknown	Unknown	Further assessment required to establish whether boys or girls are disproportionately impacted on by the proposed changes.
Gender identity	No	Yes as the proposed changes are to remove discretionary elements that only benefit some pupils.	Low	Low	No further internal action is required.

Characteristic	Could this policy, procedure, project or service affect this group differently from others in Kent? YES/NO	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO	Assessment of potential impact HIGH/MEDIUM/LOW/ NONE/UNKNOWN		Provide details: a) Is internal action required? If yes, why? b) Is further assessment required? If yes, why? c) Explain how good practice can promote equal opportunities (see <i>note at end of grid</i>).
			Positive	Negative	
Race	Unknown	Unknown	Unknown	Unknown	Further assessment required to establish whether different ethnic groups would be differentially impacted (positively or negatively) by the change to the criteria.
Religion or belief	Yes	Unknown	Low	High	Further assessment required as there is a potential negative impact on some faith groups as a result of the proposed changes.
Sexual orientation	No	Yes as the proposed changes are to remove discretionary elements that only benefit some groups.	Low	Low	No further internal action is required.
Pregnancy and maternity	No	Yes as the proposed changes are to remove discretionary elements that only benefit some groups.	Low	Low	No further internal action is required.

Additional Note: The withdrawal of free transport on denominational or selective grounds will remove the current inequality for families and this will have an overall positive equality impact as all children will be treated equally regardless of their religion or belief, or their ability (see page 5 (i) – (iv) for examples).

Part 1: INITIAL SCREENING

{This policy requires a full Equality Impact Assessment and therefore part 2 of this form is considered almost immediately after the completion of part 1 of this form. The public consultation informed both the screening and the full impact assessment.}

Context

The current policy on home to school transport provision was last considered by the Education Committee on 25 January 1994 and the Education and Libraries Committee on 18 October 1999. The latter was to consider denominational transport. Within the current provision for home to school transport the Local Authority (LA) exercises its discretion to provide free transport above the statutory distance to:

- Children assessed to be of selective ability as long as the pupil does not live in a comprehensive area of the county¹.
- Children attending the nearest (voluntary aided) church school if it is of the same denomination of the child.

It is the discretionary elements of provision that are being reviewed. The context for the proposed changes to home to school transport provision is set against:

- (i) The considerable pressures on public services due to reduced funding levels. For 2012/13 and 2013/14 this equates to a saving of £2.5m on the home to school transport budget.
- (ii) The availability of the Kent Freedom Pass² which was introduced by Kent four years ago. This means that there is low cost travel to and from school for the majority of children aged between 11 and 16 in the county. 26.6%³ children have a Kent Freedom Pass (KFP) and within this cohort there are 3,096 children who attend denominational schools and 9,088 children who attend selective schools.
- (iii) The changing education landscape with the growing number of schools becoming academies across the county. These academies are able to cater for children across the entire ability range and therefore will often be the nearest appropriate school for those who are assessed as suitable for selective education. 41⁴ secondary schools have changed to academy status, 6 secondary schools are in the process of converting and a further 10 secondary schools have expressed an

¹ These are: Tenterden & New Romney; Paddock Wood; Isle of Sheppey; Swanley, Longfield and Swanscombe.

² Kent County Council introduced the KFP to make travel easier and affordable for young people. From September 2011 this will cost £100 per annum. The KFP allows 11-16 years old in Kent to use public bus services, not only to and from school, but in the evenings, weekends and during school holidays.

³ 26,916 of the pupil population for the secondary phase.

⁴ 16 of these schools transferred to academy status prior to the establishment of the Academies Act 2010.

interest in becoming an academy. This means that academy provision is now approaching 50% of secondary phase provision in Kent.

- (iv) The Council's Medium Term Plan 2014/15: Bold Steps for Kent which says: "*The challenge we face as an Authority is how to bridge the significant gap between reduced revenue and funding pressures that grow over the next four years and beyond.*"

Aims and Objectives

It has been over 17 years since the Council formally reviewed its policy on home to school transport provision. Additionally, discretionary provision to denominational schools was formally reviewed by the Council some 11 years ago.

The proposed changes to home to school transport provision are to remove these discretionary elements⁵. The proposed changes would be introduced in September 2012 but those children already in receipt of the discretionary transport assistance would continue to retain this entitlement until they leave their current school or are no longer of statutory school age. It is recognised that there are some groups of children who do not currently benefit from discretionary free transport because they are excluded by the current criteria. For example:

- (i) Children (girls or boys) who wish to attend a single sex school where this is above the statutory distance and is not their nearest appropriate school.
- (ii) Children who wish to attend a school of a particular denomination where they do not meet the criteria for the discretionary free transport. For example, this might be because they are from another Christian denomination, world religion or are not a practising member of the denomination in question. Out of the 733 applications received for denominational transport in the academic year 2009-10, 38 applications were refused (5.2%).
- (iii) Children who wish to attend a school with a particular curriculum specialism where this is above the statutory distance and is not their nearest appropriate school.
- (iv) Children assessed as suitable for selective education but who live in a comprehensive area of the county. There were 250 children attending primary schools in comprehensive areas of the county that were assessed suitable for grammar school and were offered a place in a grammar school in 2011.

In the main provision in other neighbouring Local Authorities for discretionary home to school transport⁶ shows a pattern of changing and reduced provision. For example: East Sussex provides free home to school transport to church aided denominational secondary schools where families meet low income criteria; Essex has just undertaken consultation to remove all subsidy for

⁵ Some children have the right to free transport and this is protected by law and will not be affected.

⁶ There is selective provision in Medway and Essex (partial).

discretionary home to school transport; Medway offers assisted travel on denominational and selective grounds; Surrey is consulting on proposals so that transport to denominational schools would no longer be offered to new applicants; and, West Sussex introduced a charging policy in 2008 but is now consulting on proposals to stop providing home to school transport on denominational grounds.

The consultation on the home to school transport provision will provide the opportunity for the LA to:

- Review policy that has been in place for a number of years and consider whether it is appropriate to operate policy that benefits particular groups of children and excludes other groups.
- Achieve the necessary reduction in its home to school transport budget. For 2012/13 and 2013/14 this equates to a saving of £2.5m.
- Re-think provision within a changing landscape (as set out in points (ii) and (iii) on page 3) that provides an opportunity to bring about change in such a way as to minimise the potential for a negative impact on children⁷.

Beneficiaries

The community of Kent, including families, will benefit from the proposed changes. In particular:

- Home to school transport provision that has been reviewed and is appropriate given the context, budgetary and school provision, within which the LA operates.
- The prioritisation of resources by the LA in order for it to meet its statutory obligations for home to school transport provision and delivery of its Medium Term Plan savings.

Consultation and data

Consultation

KCC has consulted on its proposals during the period 21 March 2011 to 6 May 2011. The public consultation is in line with KCC policy to ensure that before any important decision is taken on matters of policy and service, consultation is inclusive and involves all people with an interest in the matter, including those that are considered to be from 'overlooked groups'. The following stakeholders were included within the scope of the consultation:

- Parents (the consultation has been promoted by various means, including by schools, local community groups, Children's Centres, the Children's Disability Teams, the KCC web-site and the parenting e-brief)

⁷ Those children who would have received the free transport if the discretionary provision were to be maintained. This would include some children who are assessed as suitable for grammar or pupils from a particular denomination wishing to attend a school of the same denomination.

- Kent schools, academies and FE colleges
- Diocesan Boards
- Chief Executives of District and Borough Councils in Kent and neighbouring Local Authorities
- Kent MPs and KCC elected Members
- Kent Children’s Trust
- KCC officers
- KCC Staff Equality Groups (these groups represent the equality strands of age, disability, race, sexual orientation and transgender)
- Kent Standing Advisory Council for Religious Education
- Kent Youth County Council

There has been interest from local media and because of this the consultation has been brought to the attention of the wider community of Kent.

Data⁸ (2010/11)

For the current cohort of children receiving free transport in denominational primary and secondary schools, and selective schools the position is:

Children receiving free transport on denominational grounds to primary schools	213	0.6% of the total pupil population in denominational primary schools	0.2% of the total primary pupil population
Children receiving free transport on denominational grounds to secondary schools	1,709	15.1% of the total pupil population in denominational secondary schools	1.7% of the total secondary pupil population
Children receiving free transport on selective grounds	7,685	23.7% of the total pupil population in selective schools	7.7% of the total secondary pupil population

Other

The Equality Act 2010 now means that the current policy may be vulnerable to challenge, if for example:

- A parent who applies for home to school transport for their child to attend a non denominational school on the grounds of non belief, where this school is beyond the statutory distance and a denominational school is nearer.
- A parent who applies for home to school transport for their child to attend a single sex school on the grounds of their culture and background, when this school is beyond the statutory distance and is not the nearest appropriate school.

⁸ There may be some children who would get free transport as part of statutory provision

The current criteria means that should a new school be opened of a world faith other than Christian then discretionary home to school transport can be provided if parents apply on the grounds of their religion, where the new school is beyond the statutory distance and is not the nearest appropriate school.

The impact of the increase in the KFP has not yet been fully assessed⁹ but it is expected that the increase in cost from £50 to £100 will potentially reduce demand for the pass. Current thinking is that if there was no change there would be an increase in take-up from 26,916 to around 28,600 but numbers could reduce to around 25,144 when the increase in costs is applied in September 2011. However, if the proposed changes to the discretionary home to school transport are applied then demand for the KFP could increase from September 2012.

Potential Impact

The proposed changes will not impact on the children who are:

- Currently in receipt of discretionary home to school transport on denominational or selective grounds
- In receipt of discretionary home to school transport on denominational or selective grounds prior to September 2012.

For the above, the proposal is that they will retain this provision until they reach statutory school leaving age.

Adverse Impact:

The proposed changes will potentially have an adverse impact on future generations of children who would no longer be entitled to home to school transport in accordance with the current criteria for denominational or selective schools. This initial screening has identified that there is potential for an adverse impact on the following groups:

- Disabled children
- Girls and/or boys
- Children from ethnic minority groups
- Children from different faith groups

Positive Impact:

The proposed changes would have a positive impact on the majority of children in Kent by providing a more equitable basis for school transport provision by removing an entitlement which only applies to a small cohort of children.

⁹ An equality impact assessment (EIA) will be carried out on the change in cost to the KFP. This is a separate exercise to this EIA.

JUDGEMENT

Option 1 – Screening Sufficient YES/NO

Justification: N/A

Option 2 – Internal Action Required ~~YES/NO~~ N/A

Option 3 – Full Impact Assessment YES/NO

A full impact assessment is required as:

- A potential impact has been identified on a group that has a protected characteristic.
- The potential impact of the changes to the provision are unknown for some groups with a protected characteristic.

Sign Off

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

Senior Officer

Signed:

Date: 7 June 2011

Name: Andy Roberts

Job Title: Interim Corporate Director for Education, Learning & Skills

Directorate Equality Lead

Signed:

Date: 7 June 2011

Name: Emkay Magba-Kamara

Part 2: FULL ASSESSMENT

Name: Proposals to change the discretionary elements of home to school transport provision

Responsible Owner/ Senior Officer: Scott Bagshaw

Date of Full Equality Impact Assessment: May 2011

Scope of the Assessment

To look at the potential impact of the proposed changes to remove discretionary home to school transport on denominational or selective grounds on groups with protected characteristics that have been identified as a result of the screening (part 1). The screening identified that the following groups should be included within the scope of this assessment:

- Disabled children
- Girls and/or boys
- Children from ethnic minority groups
- Children from different faith groups

Information and Data

KCC has carried out analysis:

- (i) To assess how many children will no longer be eligible under the proposed changes. The analysis focused on the children currently attending denominational and selective schools, and this model enabled the LA to see if there were any groups who in the future are likely to be disproportionately affected by the proposed changes. In relation to the scope of this assessment this included groups with the following characteristics:

- Gender
- Special Education Needs
- Ethnicity (and English as an additional language)

It was not possible to look at children by their religion or faith as it is not a statutory requirement to collect this data and it is not collected as part of the school census. KCC holds very limited data on pupil level data for disability and this is therefore not reliable. However, its data on children with statements of special educational needs is considered to be a close proxy.

- (ii) On the responses to the consultation on its proposals relating to discretionary home to school transport provision. Information from the findings of the consultation is set out in the following section: Involvement and Engagement.

In relation to the analysis carried out on pupil level data (reference (i) above) and based on the methodology used the findings are set out below:

General – pupil level data¹⁰

Denominational Primary	It is estimated that 45% of children attending denominational primary schools included in the analysis would still be entitled to transport on statutory ¹¹ grounds. Of those entitled under the proposals, the majority retain their eligibility because they live more than the statutory distance from the nearest school. A significant proportion also retain their eligibility on SEN and low income grounds. Approximately 55% (352) of pupils would no longer be entitled to free transport as there is a nearer appropriate school within the statutory distance.
Denominational Secondary	37% of pupils would still be entitled to transport on statutory grounds, mainly because they live more than 3 miles from the nearest school. A significant proportion of children would also be entitled on low income and Special Educational Needs grounds. 63% (1,128) of pupils would no longer be entitled to free transport as there would be a nearer appropriate school less than 3 miles away.
Selective	39% of pupils would still be entitled to transport on statutory grounds, nearly all because they live more than 3 miles from the nearest school. 61% (4,199) of pupils would no longer be entitled to free transport as there would be a nearer appropriate school less than 3 miles away.

Impact on groups

If the profile of the current cohort remains the same for future cohorts then this would be the potential impact on the groups included within the scope of this assessment:

	Denominational Primary	Denominational Secondary	Selective
Gender	Of the pupils who retain their eligibility under the proposals, a slightly higher proportion of male pupils (49% of male pupils) retain their eligibility than female pupils (40% of female	No impact has been identified.	No impact has been identified.

¹⁰ Figures do not take account of where other local schools may be full and as a consequence the LA may still be required to provide transport if a parent has named their nearest appropriate school but been unable to secure a place.

¹¹ Statutory provision is provided on grounds of low income (Free School Meals), SEN and distance. The methodology used for low income is based on families whose children are entitled to free school meals or where the family is in receipt of maximum working tax credit.

	pupils).		
Special Educational Needs (SEN)	There is a potential impact on 61 pupils out of 640 pupils, who are identified as "School Action Plus".	No impact has been identified.	All children with a statement of SEN were assumed to be potentially eligible for home to school transport under statutory grounds ¹² . There is a potential impact on 36 pupils out of 6,863 pupils, who are identified as "School Action Plus".
Ethnicity (and children with English as an additional language)	The analysis indicates that there is a negative impact on pupils from ethnic minority groups but it is not possible to identify particular groups because the numbers are so low. The analysis also indicated that there is an impact on children with English as an additional language; this group represented 8.6% of the cohort (55 pupils).	The analysis indicated that there is a negative impact on 43 pupils from minority ethnic groups (white eastern European and Irish) and 30 pupils (white western European and African). The analysis also indicated that there is an impact on children with English as an additional language; this group represented 4.8% of the cohort (86 pupils).	The analysis indicated that there is a negative impact on 39 pupils from minority ethnic groups (white eastern European and Chinese). It also indicated that there is an impact on children with English as an additional language; this group represented 4.17% of the cohort (286 pupils).

Data: the results are based on 87% of current eligible pupils attending denominational secondary schools and 91% of current eligible pupils attending selective secondary schools. This is due to some pupils attending schools outside of Kent, or insufficient data for the pupil in order to determine if they would qualify for eligibility. It is considered the sample size is sufficient to provide estimates.

More generally, the impact on groups identified by analysis using the Mosaic groups is as follows:

Denominational Primary	Groups disproportionately impacted by the proposals are Mosaic groups K&M 1 and K&M 4. K&M 1 represent the most affluent citizens in Kent and K&M 4 are characterised by young, full nest families on middle incomes living in new housing. Of those pupils classified as K&M 1, 68% will no longer be entitled to discretionary transport under the proposed scheme compared with 55% for all groups. The proportion is even higher for K&M 4 with 77% of current pupils no longer entitled under the proposals.
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¹² Not all children with a statement of SEN get free transport on the grounds of their special needs. However, some children with statements will get free transport on other grounds.

Denominational Secondary	Approximately 42% of pupils from the most affluent families will retain their eligibility. 1,128 pupils who would be no longer eligible would be from families on middle to lower incomes
Selective	Of the 4,199 pupils who would no longer be eligible, those most affected would be families on middle and low incomes, but a small proportion are likely to be from families living on limited means.

Involvement and Engagement

Consultation responses

A total of 1,256 responses to the consultation were received. 83.4% were from parents; 5.1% were from pupils; 7.8% were from a member of school staff or school governor and 3.7% were from other groups. Information on the respondents (as individuals) in relation to the protected characteristics for disability, ethnicity and religion is provided in the table below:

Disability	Those who did not consider themselves to be disabled	81%
	Those who considered themselves to be disabled	3%
	No response	17%
Ethnicity	White British	84%
	White - other	3%
	White - Irish	1%
	Mixed - any other mixed background	1%
	Mixed - white – Asian	1%
	Mixed - white – Black African	0.1%
	Mixed - white – Black Caribbean	0.5%
	Any other Asian background	0.5%
	Bangladeshi	0.1%
	Indian	1%
	Pakistani	0.2%
	African	0.2%
	Any other black background	0.2%
	Caribbean	0.4%
Chinese	0.2%	
Religion	Buddhist	0.2%
	Christian	69%
	Hindu	0.2%
	Jewish	0.1%
	Muslim	1%
	None	14%
	Other (this included 13 Catholic, 1 holistic, 1 pagan, 1 Pantheist and 1 spiritual)	3%
	Sikh	0.3%
	No response	13%

73% of respondents provided a valid postcode and this has been used to give a Mosaic profile. While the results of this analysis are only partial they show that the groups K&M 1, K&M 4 and K&M 11 are over represented compared to the Kent population. This reflects some of the most affluent segments of the population, and for K&M 11, a number of people living in rural communities. Those segments on lower or comfortable incomes are under – represented in terms of consultation responses.

Consultation responses to the proposals

88% of respondents did not agree with the proposal to remove discretionary home to school transport. 11% agreed with the proposal, and 2% did not provide an answer¹³.

80% of respondents agreed that pupils already receiving discretionary home to school transport should continue to be provided with free transport. 16% disagreed with this proposal, and 4% did not provide an answer.

Analysis of comments from respondents

In relation to the scope of this assessment, 14% of respondents made particular reference to the unfairness of the proposals for families of religious faith. The most commonly mentioned groups were Christian denominations, Catholic and Church of England.

Responses were received from the Archdiocese of Southwark, Canterbury Diocese, Rochester Diocesan Board of Education and a Catholic Priest. The following extracts give an indication of the responses from the Dioceses:

Southwark: “We fundamentally disagree with the proposals outlined in this consultation because they will have serious consequences for Catholic schools in Kent and cause great risk to education in the Catholic sector, also affecting non Catholic families who choose to send their children to Catholic schools. It will inevitably lead to a decline in numbers in Catholic schools and consequently reduce the learning opportunities for young people in Kent.”

Canterbury: “The fact that other Local Authorities have removed funding for home to school transport beyond their statutory duties should not be a reason for Kent to do so as well. Kent is a much more complicated county than most: The selective nature of Kent means that parents are actively encouraged and expected to choose a school that is not their nearest school because it has been deemed to be 'the most appropriate'. This context is further complicated by the inclusion of comprehensive denominational schools.”

Rochester: “I write to you, representing the Diocesan department with responsibility for supporting our eighty eight Church of England schools, to make strong representations against the proposals by Kent County Council, to remove subsidised funding in respect of the above. We have two Church of England Secondary schools that will be adversely affected by these proposals, Bennett Memorial Diocesan

¹³ Figures do not add up due to rounding.

School in Tunbridge Wells and St George's School in Gravesend. Both have a distinctive Christian ethos and provide an inclusive, caring and supportive environment where pupils learn and flourish in a setting shaped by Christian values and lie at the very heart of the communities they serve.”

Both Southwark and Canterbury Diocese made particular reference to the partnership arrangements to work collaboratively, and support the LA to provide school places in Kent. The comments from the Dioceses also reflect concerns that parental preference may be compromised, the impact on particular groups and that there may be increased traffic congestion.

Vulnerable groups

About half of the respondents made a comment about groups they considered should be given special consideration and in relation to the scope of this assessment:

- 4% considered that children with disabilities, including children with SEN should be given special consideration.
- 4% considered that children attending faith schools should be given special consideration.

Canterbury Diocese named the following as groups for special consideration:

- Those living in rural communities where there is no access to suitable public transport.
- Those dependent on Trains.
- Families with 3 or more children at school.
- Families who are not entitled to FSM but who have low incomes.

Judgement

1. The response from the public consultation indicated that a substantial majority (80%) did not support the proposed removal of the discretionary elements for home to school transport. However, it should be noted that Mosaic analysis shows that the majority of respondents were from the most affluent segments of the Kent population.
2. The response from the public consultation supported the proposal that if the discretionary provisions were removed then the existing cohorts of children should continue to receive those benefits until they reach statutory school leaving age.
3. All our Diocesan partners strongly opposed the removal of the discretionary provisions and this opposition was based on the view that it would restrict the choice of families for a school based on their religion and belief. Canterbury Diocese expressed particular concern for
 - Those living in rural communities where there is no access to suitable public transport.
 - Those dependent on Trains.
 - Families with 3 or more children at school.

- Families who are not entitled to FSM but who have low incomes¹⁴.

4. Analysis of pupil level data based on the protected characteristics showed that:

Denominational Primary

The small cohort (640) means that the proposed changes would affect a relatively small proportion of the overall population. No negative impacts were identified across the groups with protected characteristics and it was noted that the Mosaic analysis indicated that a significant majority of those currently eligible were in Mosaic Groups KM1 and KM4.

Denominational Secondary

Gender - no impact identified

Special Educational Needs - no impact identified

Minority Ethnic Groups - some negative impact on a relatively small cohort.

Pupil level data on faith background is not a statutory requirement and is not collected as part of the school census.

Although it was not possible to analyse pupil level data on faith background it is recognised that for children in receipt of discretionary transport to denominational schools there is a potential negative impact for future cohorts of children. However, 37% of pupils would still be entitled to transport on statutory grounds, mainly because they live more than 3 miles from the nearest school. Approximately 42% of pupils (within the current cohort) from the most affluent families will retain their eligibility. 1,128 pupils who would be no longer eligible would be from families on middle to lower incomes and there is a potential negative impact on this group

Selective

Gender - no impact identified

Special Educational Needs - no impact identified

Minority Ethnic Groups some negative impact on a relatively small cohort.

Pupil level data on faith background is not a statutory requirement and is not collected as part of the school census.

Of the 4,199 pupils who would no longer be eligible, those most affected would be families on middle and low incomes, but a small proportion are likely to be from families living on limited means. 39% (2,664) of pupils would still be entitled to transport on statutory grounds, nearly all because they live more than 3 miles from the nearest school. 61% (4,199) of pupils would no longer be entitled to free transport as there would be a nearer appropriate school less than 3 miles away.

In summary, within the scope of this assessment there is a potential negative impact for future cohorts of children with a Christian denominational background where these families are on a low income.

¹⁴ Families on low incomes were underrepresented in terms of responses to our consultation.

Action Plan

This is set out on page 18 & 19.

Monitoring and Review

The Head of Admissions and Transport will review the implementation of the changes to provision and the action plan. This will be undertaken in spring 2013.

Sign Off

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

Senior Officer

Signed:

Date: 7 June 2011

Name: Andy Roberts

Job Title: Interim Corporate Director for Education, Learning & Skills

Directorate Equality Lead

Signed:

Date: 7 June 2011

Name: Emkay Magba-Kamara

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Religion or belief	Families on low income who would no longer be eligible for free transport on denominational grounds.	To apply existing eligibility criteria for low income families, i.e. free transport to any one of their three most appropriate schools between 2 – 15 miles of their home.	Families on Free School Meals who met the entry criteria for a denominational school are aware and receive their due entitlement.	Scott Bagshaw, Head of Admissions & Transport	Ongoing from September 2012 (the date when the changes to the provision are applied)	None (continuation of existing arrangements)
Disability; Gender; Race; and, Religion or belief	No direct impact to these groups, however, it was identified through Mosaic analysis that a small proportion of children from low income families attending selective schools may be impacted upon.	Children from low income families assessed suitable for grammar school will receive free transport to any one of their three most appropriate schools between 2 – 15 miles of their home.	Families on Free School Meals whose children are assessed as suitable for grammar school are aware and receive their due entitlement	Scott Bagshaw, Head of Admissions & Transport	Ongoing from September 2012 (the date when the changes to the provision are applied)	There will be a small reduction to the predicted savings as a result of this change.

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Disability; Gender; Race; and, Religion or belief	No direct impact to these groups, however, it was identified through Mosaic analysis that a small proportion of children from low income families attending selective or denominational schools may be impacted upon.	Parents will be given the opportunity to make their case to panels if they are refused transport under the new policy. Those panels will be empowered to take account of personal circumstances and override decisions taken in line with the policy where they consider the personal circumstances warrants this.	Families are aware of their right of appeal.	Scott Bagshaw	Ongoing from implementation of September 2012 (the date when the new policy is applied)	The full extent is unknown.

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