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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.

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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.*