

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	HOME TO SCHOOL AND POST-16 TRANSPORT POLICY 2011-12 ACADEMIC YEAR
<b>DATE OF DECISION:</b>	11 APRIL 2011
<b>REPORT OF:</b>	CABINET MEMBER FOR CHILDREN'S SERVICES AND LEARNING
<b>STATEMENT OF CONFIDENTIALITY</b>	
None	

### **BRIEF SUMMARY**

Following a consultation regarding the Authority's Home to School and Post-16 Transport Policy, Cabinet is asked to determine whether to remove discretionary transport funding for all pupils from September 2011, or for new pupils, and whether to introduce a graded fare charging system for post-16 students.

### **RECOMMENDATIONS:**

- (i) To retain discretionary Special Education Needs (SEN) early years transport provision to Weston Shore, whilst a full cost benefit review and options appraisal is undertaken.
- (ii) To retain current SEN primary and secondary transport provision.
- (iii) From September 2012, for 'new' mainstream primary and mainstream secondary pupils, to offer the statutory minimum. Therefore, no change in current policy for the 2011-12 academic year.
- (iv) Having had regard to the duty under s.509AD of the Education Act 1996 to remove all discretionary assistance for 'new' pupils for travel to faith schools from September 2012. Therefore, no change in current policy for the 2011-12 academic year.
- (v) To remove assistance for those who move school in year 10 / 11 from September 2011.
- (vi) To remove all post-16 assistance for 'new' mainstream students attending a mainstream establishment from September 2011, whilst undertaking a review of personal budgets and the possible introduction of a 'local payment'.
- (vii) To delegate authority to the Executive Director of Children's Services and Learning to finalise the text of the Home to School Transport Policies for 2011-12 and 2012-13 for publication.

### **REASONS FOR REPORT RECOMMENDATIONS**

1. The only options considered regarded non-statutory assistance.
2. The recommendations put forward are as a result of officer and Cabinet Member consideration of the public consultation responses.
3. It is considered inequitable to introduce immediate changes for those currently attending schools and colleges as families will have made decisions based on current policy.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4. The option not to review the Home to School and Post -16 Transport Policy was considered and rejected due to the need to balance the transport budget from 2011-12 and introduce wider efficiencies for the coming years.

### **DETAIL (Including consultation carried out)**

5. The Children's Services and Learning home to school / college and social care transport budgets have been overspent for each of the last three years. In 2010-11, whilst a number of actions have shown a positive savings impact, there will still be a pressure of over £100,000. As part of a wider review to introduce efficient processes and review eligibility, In November 2010, Children's Services and Learning Management Team agreed to review the spend, identify options and consult service users. The overall intention of the consultation was to address immediate and forecast adverse variance as a result of:
  - The rising birth rate (3,224 births in 2009-10 against 2,537 in 2003-04, representing a 27.1% increase) and pressure on primary places leading to increased travel requirements.
  - The rising number of children looked after (from 283 in September 2008 to 380 in February 2011) placing greater demands on transport, and increased transport for contact requirements between children looked after and their parents.
  - An increase in the children and young people with complex needs, requiring costly transport.
  - The time lag to consult and introduce new transport policies, and the phasing- in of reduced entitlements.
6. Southampton is a below average spender on pupil transport according to the Department for Education's Section 251 Financial Benchmarking 2010-11. Wider activities are being taken forward to develop efficiencies in transport booking and cancellation processes, re-tendering of contracted services, independent travel training, social care client transport eligibility reviews and post-16 concessionary fare opportunities. However, within this wider remit, it was considered necessary to review the provisions of the Home to School and Post-16 Transport Policy, and consult regarding options to remove discretionary entitlement and reduce eligibility to within statutory duty.
7. The current policy includes a range of transport entitlement for children and young people to support their access to suitable learning. Some of the criteria for support in the current policy are statutory, whilst other provision is discretionary and based on local decisions. The consultation document at Appendix 1 sought responses regarding bringing the local policy in line with statutory responsibility. It aimed to detail the distinction between services the Council is required to provide, and those it additionally chooses to support.
8. The intention of the consultation was to reduce costs, not only now but more importantly for the future.

9. The consultation document was posted on the Southampton City Council website on 24 January 2011. The document was written in plain English and outlined the current policy against statutory duties, options for change, the numbers of children and young people affected and potential savings. The consultation closed on 1 March. Following Cabinet approval on 11 April, the policy will be amended and posted on the website in May, to inform applications and admissions for the 2011-12 academic year onwards.
10. A total of 36 responses were received. Responses are summarised at Appendix 2, including rationale for report recommendations. The full responses are available on request. Ten requested a paper copy of the consultation document, two raised questions, and the remaining 24 opposed the proposals whilst, on balance, preferring the option of a phased-in approach for all 'new' applicants from September 2011.
11. The following have been consulted on the proposed changes to the Home to School and Post- 16 Transport Policy:
  - 400 parents / carers of children and young people in receipt of travel assistance.
  - Head teachers and Principals.
  - Cabinet Member for Children's Services and Learning.
  - All elected members.
  - Local Members of Parliament.
  - Neighbouring local authorities.
  - Local Members of Parliament.
  - Department for Education.
  - Skills Funding Agency.
  - Young People's Learning Agency.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

12. The pupil transport budget totals £1.56 million in 2011-12. Any identified savings from implementing the proposed transport policy will be used of help offset the forecast £100,000 overspend in 2011-12.

### **Property/Other**

13. None.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

14. Section 509 Education Act 1996 (as amended by the Education & Inspections Act 2006) requires the Local Authority to make 'such arrangements as it considers necessary to facilitate attendance ...[at school]'. It will be 'necessary' if a defence to non attendance would otherwise be available under s.444(4) of the Act. The right to transport assistance is further extended by Schedule 35B of the 1996 Act as inserted by the Education & Inspections Act 2006 which applies to low income families.
15. The statutory minimum provision may be summarised as follows:
  1. YR – Y3: to the nearest qualifying school over the statutory walking distance of 2 miles.
  2. Y4 – Y11: to the nearest qualifying school over the statutory walking distance of 3 miles.
  3. Children who cannot be expected to walk because of the nature / safety of the route.
  4. Children who are unable to walk because of SEN / mobility problems.
  5. Children from low income families as follows:
    - Aged 8 but under 11 : if the nearest qualifying school is more than 2 miles away (instead of switching to 3 miles at age 8 under 'normal' primary rules).
    - Aged over 11: to any one of the nearest 3 qualifying schools where the school is between 2 and 6 miles away.
    - Aged over 11 based on the expression of a preference on the grounds of religion or belief: nearest suitable school of that religion or belief between 2 and 15 miles away.
16. In addition to the above, the Council has a duty under section 509AD of the Education Act 1996 to exercise its transport functions having had regard to parent's wishes to have their child educated in accordance with their religion or beliefs (or lack thereof). In exercising any discretionary powers (such as a decision to provide or not to provide discretionary transport assistance) the Council must comply with this duty.

### **Other Legal Implications:**

17. In making changes to the Home to School Transport Policy the Council is required to have regard to its duties under the Equalities Act 2010 and the Human Rights Act 1998. Particular regard must be had to Article 8 (respect for private and family life), Article 9 (freedom of thought, conscience and religion) and Article 2 of the 1<sup>st</sup> Protocol (right to education).

18. Any interference with the rights protected under the Human rights Act must be proportionate to the legitimate aim being pursued and necessary in a democratic society. The right to education extends only in so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. The protocol protects the rights of individuals to access the state system of education in accordance with the law but does not confer a right to be educated to a particular standard or at a particular institution or school.

### **POLICY FRAMEWORK IMPLICATIONS**

19. The policy proposals impact on the Children and Young Peoples Plan, 14-19 Learning and Skills and Employability Strategy, Local Regeneration Strategy, Health and Wellbeing Strategic Plan, Safe City Plan and Economic Development Plan, Adult Learning and Skills Plan and Local Transport Policy.

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**KEY DECISION?** Yes/No    Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	All
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### **SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

#### **Appendices**

1.	Consultation document
2.	Summary of responses

#### **Documents In Members' Rooms**

1.	None
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#### **Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	Yes
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#### **Other Background Documents**

**Integrated Impact Assessment and Other Background documents available for inspection at: One Guildhall Square**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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