



Draft School Travel Policy Consultation

Feedback report

southampton
dataobservatory



Data, Intelligence & Insight Team | *December 2023*

Introduction & methodology



Southampton City Council undertook a public consultation on draft proposals for amendments to the School Travel Service.

This consultation took place between **03/10/2023 – 27/11/2023** and received **182** responses.

The aim of this consultation was to:

- Clearly communicate the proposed draft policy to residents and stakeholders;
- Ensure any resident, business or stakeholder in Southampton that wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have, and;
- Allow participants to propose alternative suggestions for consideration which they feel could achieve the objectives of the policy in a different way.

This report summarises the aims, principles, methodology and results of the public consultation. It provides a summary of the consultation responses both for the consideration of decision makers and any interested individuals and stakeholders.

It is important to be mindful that a consultation is not a vote, it is an opportunity for stakeholders to express their views, concerns and alternatives to a proposal. This report outlines in detail the representations made during the consultation period so that decision makers can consider what has been said alongside other information.

Southampton City Council is committed to consultations of the highest standard and which are meaningful and comply with the *Gunning Principles*, considered to be the legal standard for consultations:

1. Proposals are still at a formative stage (a final decision has not yet been made);
2. There is sufficient information put forward in the proposals to allow 'intelligent consideration';
3. There is adequate time for consideration and response, and;
4. Conscientious consideration must be given to the consultation responses before a decision is made.



New Conversations 2.0
LGA guide to engagement



Rules: The Gunning Principles

They were coined by Stephen Sedley QC in a court case in 1985 relating to a school closure consultation (R v London Borough of Brent ex parte Gunning). Prior to this, very little consideration had been given to the laws of consultation. Sedley defined that a consultation is only legitimate when these four principles are met:

1. **proposals are still at a formative stage**
A final decision has not yet been made, or predetermined, by the decision makers
2. **there is sufficient information to give 'intelligent consideration'**
The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
3. **there is adequate time for consideration and response**
There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation,¹ despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation
4. **'conscientious consideration' must be given to the consultation responses before a decision is made**
Decision-makers should be able to provide evidence that they took consultation responses into account

These principles were reinforced in 2001 in the 'Coughlan Case (R v North and East Devon Health Authority ex parte Coughlan²), which involved a health authority closure and confirmed that they applied to all consultations, and then in a Supreme Court case in 2014 (R ex parte Moseley v LB Haringey³), which endorsed the legal standing of the four principles. Since then, the Gunning Principles have formed a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.⁴

¹ In some local authorities, their local voluntary Compact agreement with the third sector may specify the length of time they are required to consult for. However, in many cases, the Compact is either inactive or has been cancelled so the consultation timeframe is open to debate

² BAILII, England and Wales Court of Appeal (Civil Decision) Decisions, Accessed: 13 December 2016.

³ BAILII, United Kingdom Supreme Court, Accessed: 13 December 2016

⁴ The information used to produce this document has been taken from the Law of Consultation training course provided by The Consultation Institute

The agreed approach for this consultation was to use an online questionnaire as the main route for feedback. Questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured way, helping to ensure respondents are aware of the background and detail of the proposals.

Respondents could also write letters or emails to provide feedback on the proposals. Emails or letters from stakeholders that contained consultation feedback were collated and analysed as a part of the overall consultation.

The consultation was promoted in the following ways:

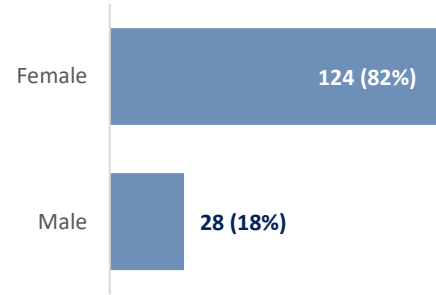
- Via schools and the Parent Carer Forum
- Southampton City Council's website
- Social media posts (including Facebook, LinkedIn, X/Twitter)
- Southampton City Council e-bulletins

All quantitative survey results have been analysed and presented in graphs within this report. Respondents were also given opportunities throughout the questionnaire to provide written feedback on the proposals.

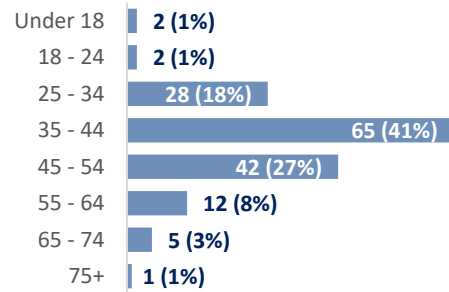
Total responses | 177 survey responses
5 email/letter responses
182 total

Graphs on this page are labelled as count (percentage)

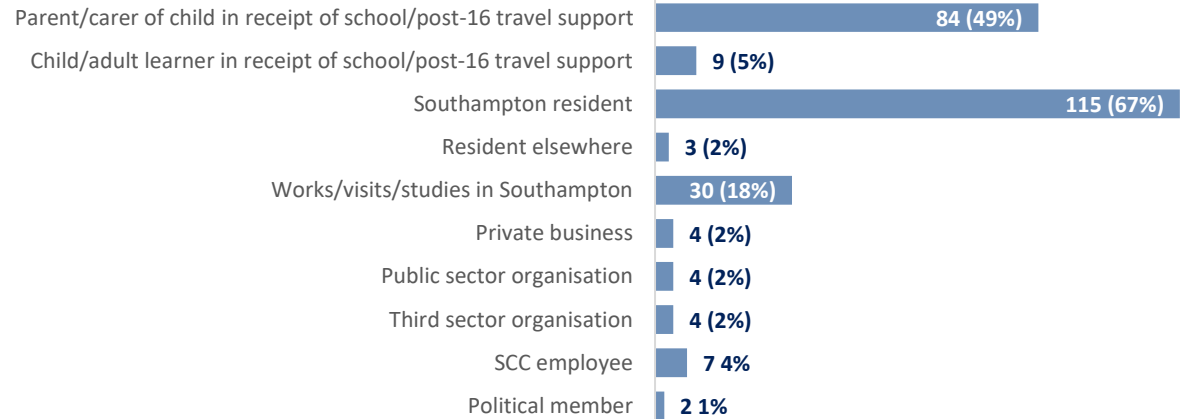
Sex



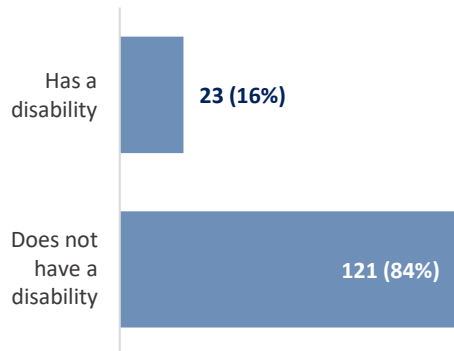
Age



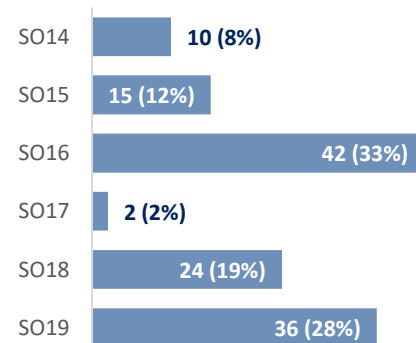
Interest in the consultation



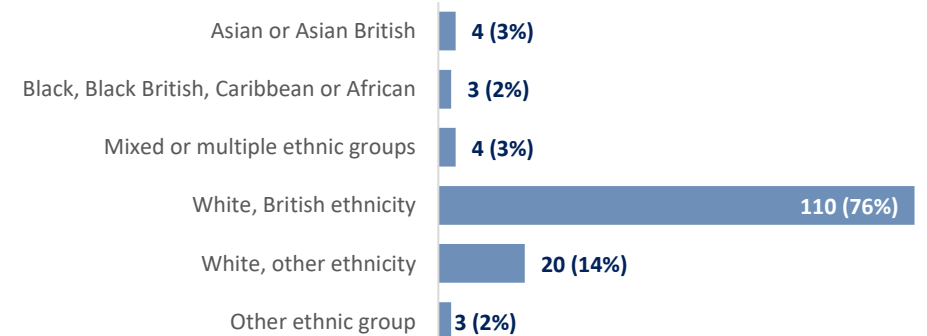
Disability



Postcode



Ethnicity



The proposals



Updating the appeals process to bring it in line with government guidance

The appeals process is for disputing whether travel support is offered by Southampton City Council. In line with government guidance, we propose to introduce a two-stage process for appeals: the first stage would be a review by senior officers within 20 working days of receiving an appeal; then, if the appellant wishes to escalate the appeal, the second stage would be a review by an independent panel within 40 working days of the appeal being escalated.

Setting out a clear order and hierarchy in which travel options will be considered by the Council

The aim of this is to improve transparency. This would apply both to new applicants and to those already receiving travel support. If a child/student/adult learner is eligible for travel support, we would consider a range of options, working with pupils, parents and carers pro-actively to establish the most suitable and sustainable approach. Proposed methods of travel support would be considered in a clear order, which is set out on the right:

Proposed travel options hierarchy

- 1) ***Travel training***
Independent travel training gives children, students and adult learners the essential skills needed to travel independently either on foot, by other sustainable travel option, such as bike or scooter, or by public transport.
- 2) ***Sustainable travel such as bike or scooter***
- 3) ***Bus/rail pass***
- 4) ***Personal Travel Budgets (PTBs)***
Only applicable to children and young people with an EHCP. Parents or carers can use PTBs in any reasonable way to get their child to school
- 5) ***Group pick up/drop off***
Where appropriate and reasonable, parents or carers may be expected to take their child to and from a pick-up/drop off point. Pick-up/drop-off points will be within one mile of the child's home address.
- 6) ***Vehicle (taxi/minibus) provision by other Southampton City Council directorates that have suitable vehicles***
- 7) ***Multi-occupancy transport (transportation for multiple children)***
- 8) ***Single-occupancy transport (e.g. taxi, minibus – transport for a single child)***

Parents/carers listing their nearest school in school application forms when applying for school travel support

When an application for travel is considered following the normal admissions round, it can be difficult for local authorities to know whether a child could have been admitted to their nearest school if their parent/carer did not list that school as a preference when they applied for a school place. Therefore, Southampton City Council is requesting that parents/carers list their nearest school on their application form if they intend to apply for travel support.

Defining the home address, including in cases of dual custody

We are proposing the following definition:

“The designated home address will be defined as the address at which the child resides and spends the majority of their time.”

In cases where a child has a shared living arrangement, such as equal shared custody for separated parents/carers, we would use the address where the recipient of the child benefit lives. If no child benefit is received, we would use the address where the child is registered at their GP surgery.

Changes to the terminology used within the policy to ensure it is consistent and in line with the rebrand from ‘Home to School Transport’ to ‘School Travel Service’

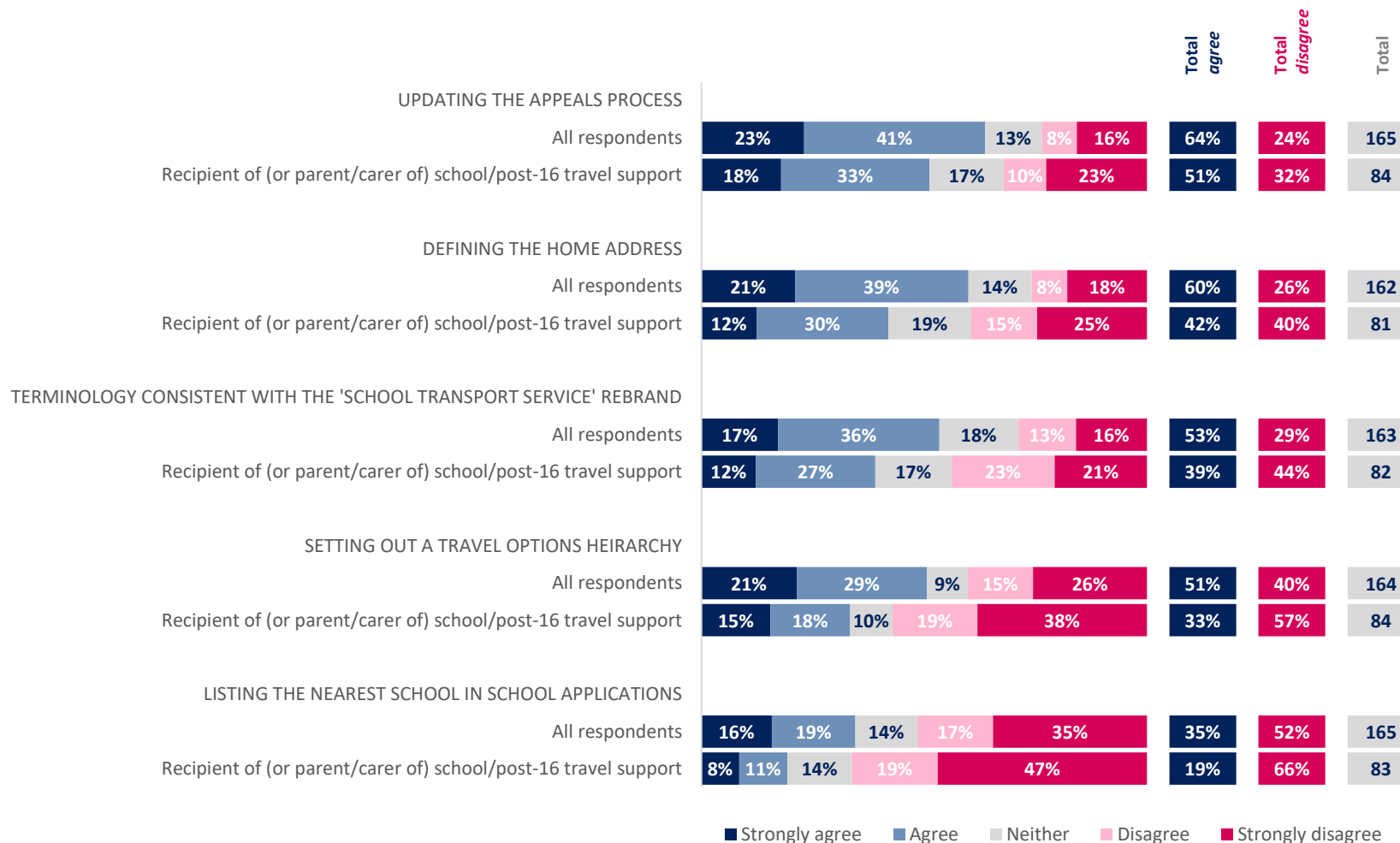
This introduces flexibility to the policy and is a more accurate reflection of the service offer to provide sustainable as well as suitable travel options.

What is NOT being proposed?

The criteria for entitlement for travel support. This is set out by law. Southampton City Council has a duty under the Education Acts 1996 and 2011 to provide free-of-charge travel support for ‘eligible children’ of compulsory school age.

The Council is also not proposing to introduce charges for post-16 travel support.

Question 1 | To what extent do you agree or disagree with the proposals?

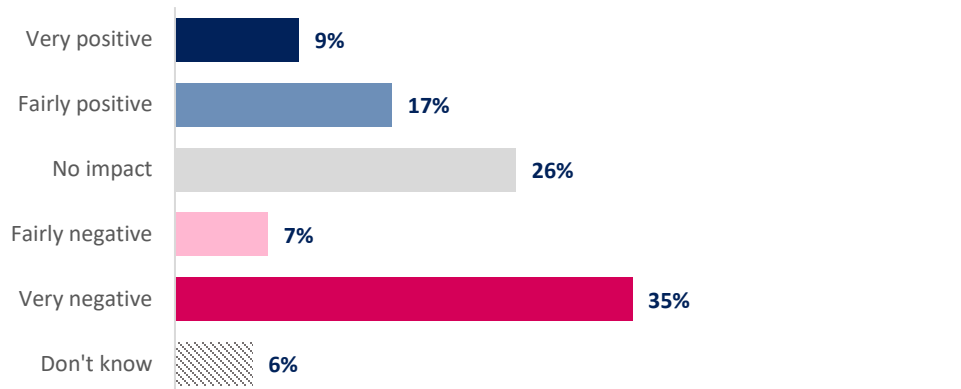


Key findings

- In all cases, recipients of travel support* agreed with the proposals to a lesser extent than respondents overall, between 12% and 18% points
- Overall respondents agreed with all of the elements of the proposals by 50% or more, apart from the listing of the nearest school in school applications, where 52% *disagreed*
- Recipients of travel support* agreed with updating the appeals process at 51%, but disagreed with the proposed travel options hierarchy (57%) and listing the nearest school in school applications (66%)
- Recipients of travel support* were split on defining the home address and updating terminology with the service rebrand, with neither agree nor disagree receiving more than 50% of responses for this breakdown in either case

Question 2 | If implemented, what impact do you feel the proposals may have on you, or your family?

All respondents | 169



Total positive
26% (44 respondents)

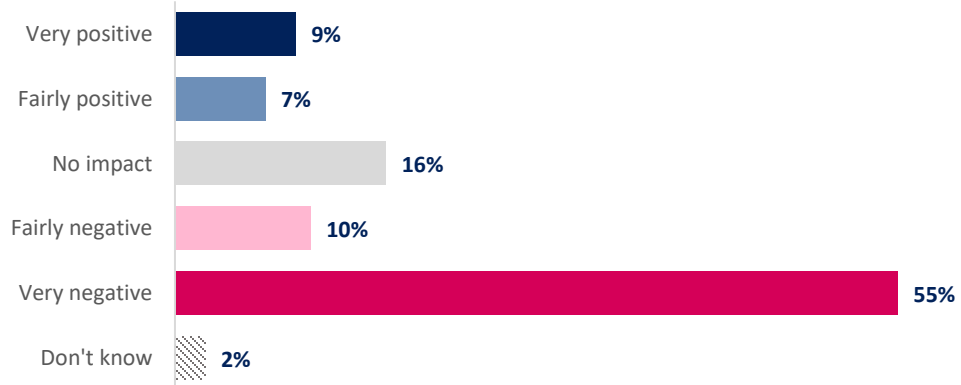
Total negative
42% (71 respondents)

Key findings

- Respondents overall said that the proposals would have a negative impact to a greater extent than positive 42% to 26%, including 35% that said they would have a *very negative* impact
- 26% also said that the proposals would have no impact at all
- Recipients of travel support* said that the proposals would have a *very negative* impact at 55%, 13% points more than the total negative responses from respondents overall



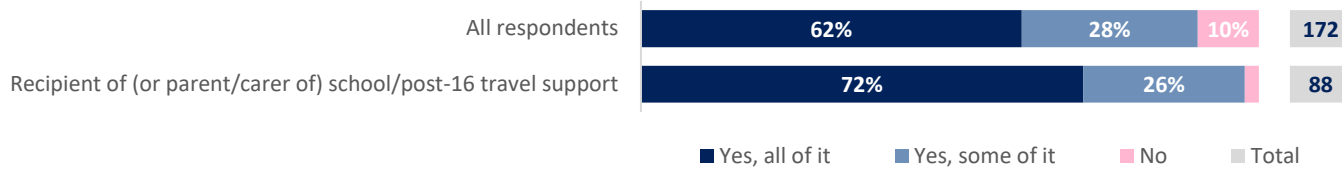
Recipient of (or parent/carer of) school/post-16 travel support* | 87



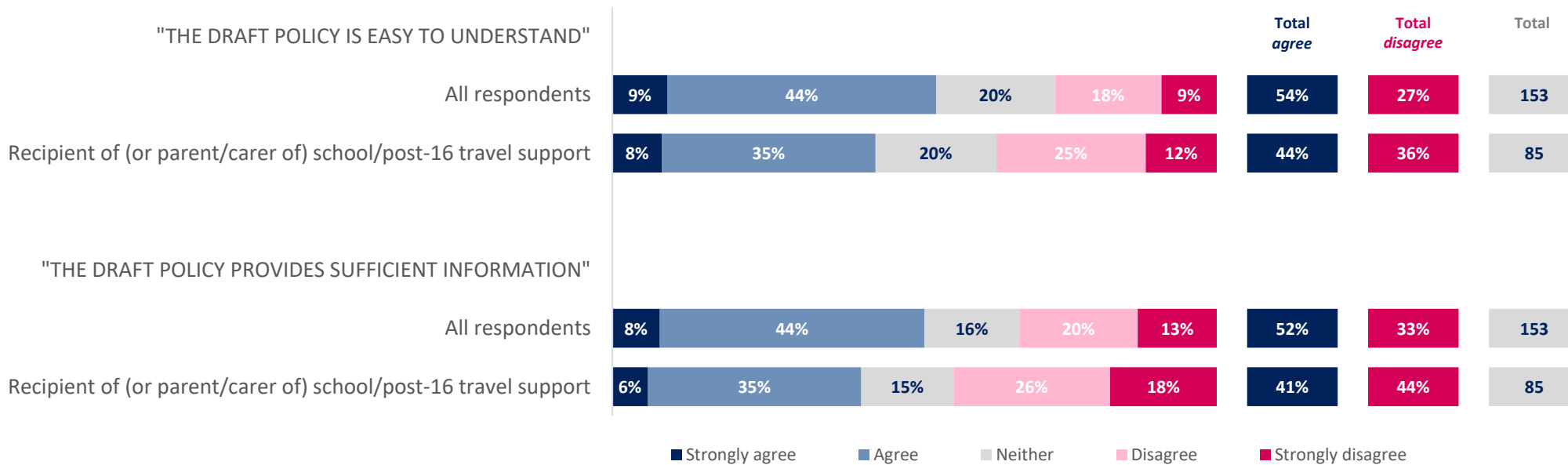
Total positive
16% (14 respondents)

Total negative
66% (57 respondents)

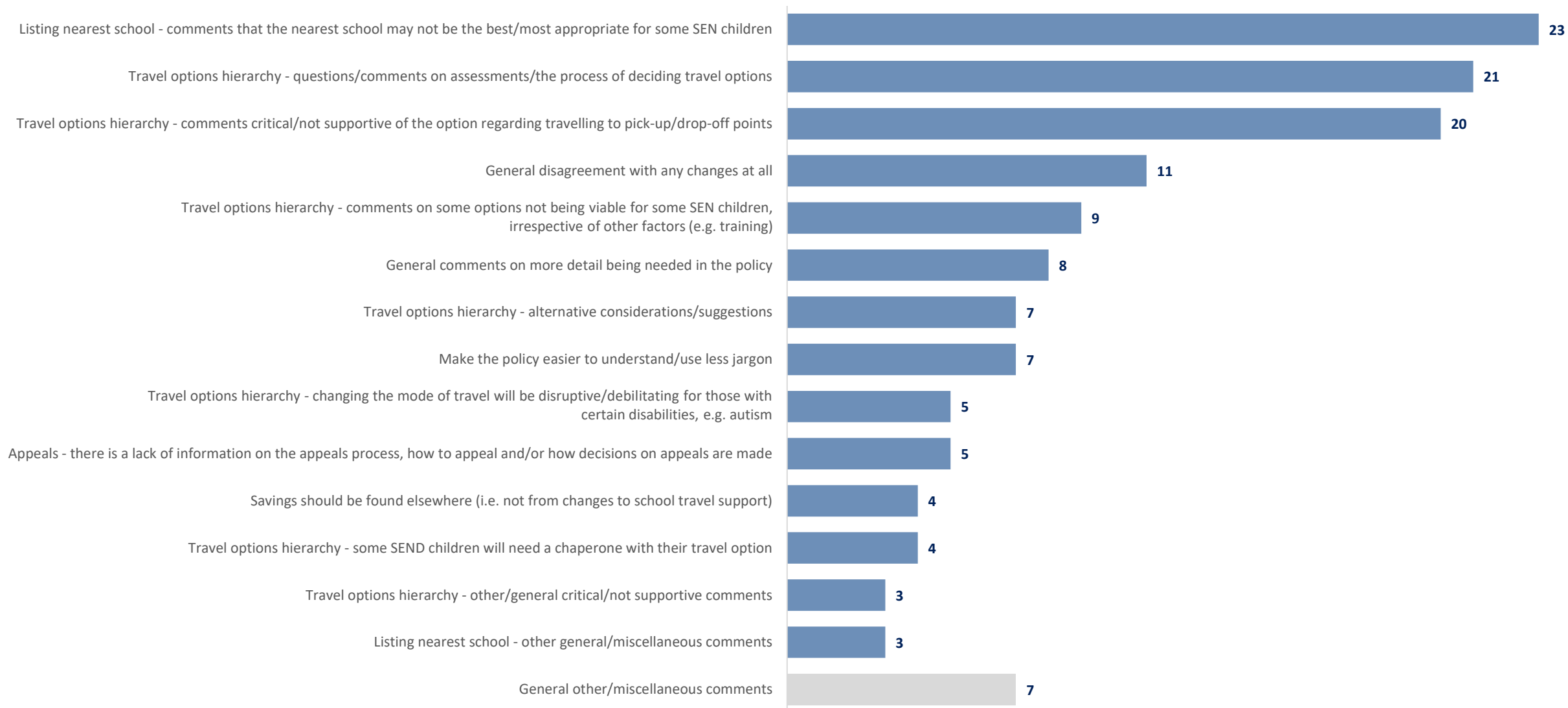
Question 4 | Have you read the proposed draft policy?



Question 5 | If you have read the draft policy, to what extent do you agree or disagree with the following statements?



Free-text comments and other suggestions and feedback*



*No. comments per comment theme. Comments from Q3 If you disagree, or have any comments, impacts, suggestions, please provide details and Q6 If there were parts of the draft policy that you did not understand or you feel need more information, please provide further details