

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet
2.	Date:	21 st September 2011
3.	Title:	Discretionary Home to School Transport Provision
4.	Directorate:	Environment and Development Services

5. Summary

The current “Transport Policy for Children and Young People” contains both statutory and discretionary provisions. This report outlines the current provision and identifies potential budgetary savings which could be made by the discontinuation of the discretionary transport provision.

6. Recommendations

To consult upon the proposals set out below:-

- a) That current provision of discretionary free transport to children less than 5 years old is discontinued from September 2012
- b) That current provision of discretionary free transport for primary and secondary learners attending denominational schools is discontinued commencing September 2013
- c) That the Post 16 Education Transport Policy is deleted from the overall Transport Policy for Children and Young People from September 2012
- d) That the new Transport Policy for Children and Young People be renamed the Home to School Transport Policy from September 2012
- e) That a new Post 16 Education Transport Policy be published separately by the Council by 31 May 2012
- f) That remaining statutory obligations are met.

7. Proposals and Details

a) Overall Policy

The current "Transport Policy for Children and Young People - July 2010" outlines the transport provision available to learners in the Rotherham area. This provision consists of transport which must be provided as a statutory duty and other transport which has been provided historically or to meet specific requirements. This latter provision is discretionary and there is no legal duty for it to continue. Current financial restrictions require us to review discretionary provision, and this report serves to outline and recommend three specific areas which can be discontinued to achieve financial savings.

b) Client Groups Affected

- *Children below Compulsory School Age.*

All children under 5 years of age with a Statement of Special Educational Needs, or attending an Enhanced Nursery place, or currently in receipt of free transport assistance to mainstream settings.

- *Children attending Faith Schools.*

Pupils attending denominational schools on the basis of their religion or belief which is not their nearest appropriate school and who are not from "low income" families

- *Post 16 Learners*

Post 16 learners in receipt of free transport assistance funded by RMBC.

c) Statutory Obligations

- *Children below Compulsory School Age*

For such children there is no statutory entitlement to free Home to School transport except that if the LA names a school in the child's statement of SEN then under Section 509 (of the Education Act 1996) it is required to consider whether the provision of transport is necessary, if so it has to be provided "free".

- *Children attending Faith Schools*

There is no statutory duty to provide free home to school transport on grounds of religion or belief.

There is, however, a statutory duty under Section 509AD of the Education and Inspections Act 2006 to provide free transport "for secondary aged children from "low income" * families to attend their nearest school preferred on grounds of religion or belief where that school is between 2 and 15 miles from their home".

As well as the above RMBC currently provides discretionary denominational transport to other pupils living more than 2 miles (for those aged under 8) and 3 miles (for those aged 8-16) and attending their nearest denominational school.

* "Low income" is identified as either pupils in receipt of free school meals or pupils from families in receipt of maximum working tax credit.

- *Post 16 Learners*

In the case of Post 16 transport, the only statutory duty is that the LA must publish annually, by 31st May, a Post 16 Education Transport Policy outlining what transport support is available in their area. The LA has been the lead member of the

Rotherham Post 16 Education Transport Partnership along with other external stakeholders from the Rotherham Area.

The Post 16 Transport Policy would be subject to consultation with other stakeholders; however the duty remains with the LA to publish the policy and fund any transport support it feels is necessary. Although any transport support is discretionary, as the LA provides free transport to Post 16 SEN learners attending Special Schools it must also provide the same level of support to Post 16 SEN learners attending other educational provision.

d) Discretionary services proposed to be discontinued/amended

• “It is proposed to discontinue provision of all transport assistance for children under 5” from September 2012

Transport has previously been provided for children in these categories either where attendance will be at an educational establishment some distance from the home address, or where the child has some physical or mobility issues. It should also be noted that children under 5 years travel for free on public transport.

RMBC currently provide free transport assistance to 32 children under the age of 5.

• “It is proposed to discontinue the discretionary element of denominational transport commencing September 2013”

There are 2 denominational secondary schools in Rotherham.

St Bernard’s, situated in Herringthorpe, is attended almost exclusively by Rotherham pupils. RMBC currently provide 337 zero fare passes to pupils at St Bernard’s of which 316 are provided discretionally.

Pupils attending St Pius, at Wath-Upon- Dearne, attend from Barnsley, Doncaster and Rotherham LAs. RMBC currently provide 17 zero fare passes to pupils at St Pius of which 14 are provided discretionally.

Barnsley LA commenced phased removal of discretionary denominational transport in September 2007 and Doncaster LA commenced phased removal in September 2010

Denominational transport is currently provided on a discretionary basis for 13 pupils attending primary schools.

Discontinuation of the discretionary element of primary denominational transport would not necessarily achieve a financial saving, since most pupils living in outlying areas would qualify on statutory distance criteria, if the denominational school remained the nearest school to the home address. However, it is important that transport provision remains equitable to that of mainstream schools and so free transport to primary aged children should only be provided where they are attending their nearest school irrespective of whether this is denominational.

It is proposed that the discontinuation of the discretionary element should be performed by a phased process. For example, pupils in secondary schools already in receipt of zero fare passes should continue to receive these. No new zero fare passes should be issued except for those pupils from “low income” backgrounds under which there is a statutory duty to provide it.

- **“It is proposed to remove the ‘Post 16 Education Transport Policy’ from the Transport Policy for Children and Young People”**

There is a statutory duty to prepare and publish a Post 16 Transport Policy but there is no statutory duty to provide transport (except as identified within the Policy). For this reason it is recommended that the ‘Post 16 Transport Policy’ be removed from the ‘Transport Policy for Children and Young People’.

- **“It is proposed that the Transport Policy for Children and Young People be renamed the Home to School Transport Policy”**

In the case of pupils of statutory school age (5-16) there is clear guidance and legislation which sets a minimum standard which all national L.A.’s need to provide. Removal of the ‘Post 16 Education Transport Policy’, as proposed above, from the ‘Transport Policy for Children and Young People’, together with discontinuation of all other discretionary elements, would leave a policy which only addresses statutory duty. It is, therefore recommended that, to easily identify the new policy and to highlight the fact that this is now only applicable to children of statutory school age, it is renamed the ‘Home to School Transport Policy’.

- **It is proposed that a new Post 16 Education Transport Policy be published separately by the Local Authority by end May 2011**

The ‘Post 16 Education Transport Policy’ dated May 2010 remains applicable to transport provided until the end of the academic year in July 2011. However, there is a statutory duty on the Local Authority to publish a Policy annually by 31 May 2011 which will be applicable to the 2011/12 academic year. An updated Policy has not been ratified and it is therefore recommended that the existing Policy be re-published immediately to cover our statutory duty. This Policy would be applicable for the 2011/12 academic year. A new Policy will need to be published by 31 May 2012 to cover the 2012/13 academic year.

8. Finance

a) Transport for children aged under 5

The total potential financial saving of discontinuing provision of all transport assistance for children under 5 is estimated to be £40,000 p.a.

b) Discretionary Denominational Transport

The initial savings would commence 2013/14 financial year anticipated to be £20,100 increasing annually thereafter at a rate governed by the cost of concessionary fares.

There are no financial implications for the removal of the Post 16 Education Transport Policy from the Transport Policy for Children and Young People or renaming it to the Home to School Transport Policy.

9. Risks and Uncertainties

a) Transport for children aged under 5

Early identification of children under 5 with either a Statement of SEN or attending Enhanced Nursery places may assist in planning for future educational provision. It is also a concern that if the LA has issued a Statement of SEN for a child under the age of 5 and the educational placement is some distance from the home address, then there may be some responsibility to provide transport assistance.

Some current discretionary provision of free transport assistance to children under 5 years attending mainstream settings does not result in extra expenditure for RMBC. Some under 5's travel together with older siblings who do receive free transport assistance.

b) Discretionary Denominational Transport

There is likely to be some adverse reaction to any removal of denominational transport. This may involve complaints from school or the diocese regarding possible falling numbers of pupils. Both Barnsley and Doncaster Councils are in the process of removing discretionary denominational transport but neither has seen a reduction in the number of school places being applied for.

It should also be recognised that whilst older siblings continue to receive zero fare passes, younger siblings would not. This phased discontinuation is being implemented by other LAs. This is a consequence of achieving the required savings.

The current provision of discretionary denominational transport is only favourable to certain communities and its discontinuation will ensure a more equitable service is implemented for all other pupils.

The Transport Policy is published in the Admissions prospectus and is available to parents in July 2012 onwards for admission to school in September 2013. If changes in the Transport Policy take place prior to July 2012 following consultation, financial savings could begin to be made from September 2013 but only 60% of the initial academic years savings could be realised in the 2013/14 financial year.

c) Post 16 Education Transport Policy

Unless the existing policy is to remain in place, a new policy must be published by the Local Authority by 31 May 2012 which will be applicable to the 2012/13 academic year.

This Policy cannot state that no transport assistance is available and any support that is provided should be equitable between educational providers. A distinction is made between mainstream learners and LLDD (Learners with Learning Difficulties and/or Disabilities).

National Post 16 Travel and Transport Guidance issued for the 2010/11 academic year remains in force and advises that the responsibility for providing and funding transport in accordance with the Post 16 Transport Policy rests with the LA. For those Post 16 LLDD learners who continue to attend Special Schools with Post 16 provision, this transport is currently provided free of charge since most travel with pre 16 learners. Given that this group receive free transport, then we are also duty bound to provide similar free transport to Post 16 LLDD learners attending local mainstream 6th forms and FE colleges. Some learners require specialist FE educational provision which may be distant and/or residential. Educational placement is decided by the SEN Post 16 Panel, and transport has to be considered.

There are major changes to the way that Post 16 learners are funded including elements for transport. There is to be a new 16-18 Bursary Scheme and increases in Learner Support Fund grants to schools and Colleges. Clarification and guidance are awaited from National Government.

10. Policy and Performance Agenda Implications

RMBC continue to provide our statutory requirements in line with legal duties and responsibilities.

Adoption of the recommendations and proposals of this report will result in changes to the "Transport Policy for Children and Young People - July 2010".

Any performance issues will be addressed by the Council's management framework and reported back to members.

11. Background Papers and Consultation

It is essential that any changes to the current Transport Policy are the subject of a consultation exercise with stakeholders. This would involve the school, pupils, parents, other neighbouring authorities and in the case of denominational transport with the relevant diocese and local religious representatives. This consultation should be completed in advance of any proposed changes to the Transport Policy to comply with Home to School Travel and Transport Guidance and must be undertaken over a period of 28 school days minimum.

The Transport Policy must be published annually prior to each new academic year. The Rotherham Transport Policy is published annually in July, but the Policy should be correct for the annual publication of the admissions prospectus. If agreed, the earliest date that any proposed changes to denominational transport could take effect would be in September 2013. These changes would need to be incorporated within the 2012 Transport Policy.

Information from YPLA is that no new Post 16 Education Transport guidance is to be issued for the 2011/12 academic year, but that LA's should use the previously issued 2010/11 guidance.

Background Papers

- "Home to School Travel and Transport Guidance – 2007".
- Guidance issued by DfES to accompany the Education and Inspections Act 2006.
- "Transport Policy for Children and Young People – July 2010".
- Draft "Home to School Transport Policy – April 2011"

Contact Name:

Ian Smith, Director of Asset Management

Tel: 01709 823850 Email: ian-eds.smith@rotherham.gov.uk

Craig Simpson, Corporate Transport Manager

Tel: 01709 334314 Email: craig.simpson@rotherham.gov.uk

Craig Ruding, Principal Officer – Education Transport

Tel: 01709 822527 Email: craig.ruding@rotherham.gov.uk