

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet meeting
2.	Date:	8 th February 2012
3.	Title:	Discretionary Home to School Transport Provision Wards – All Wards
4.	Directorate:	Environment and Development Services

5. Summary

Following the Cabinet Report of 21st September 2011, Cabinet approved entering a period of consultation regarding various proposals to discontinue elements of discretionary transport provision in order to achieve budgetary savings. This report details the result of the consultation and makes recommendations on the actions necessary to achieve financial savings.

5. Recommendations

- a) That current provision of discretionary free transport for under fives and Post 16 learners is discontinued by the end of July 2012.
- b) That current provision of discretionary free transport for primary and secondary learners attending denominational schools is discontinued on a phased basis commencing September 2013.
- c) That under fives and Post 16 learners are assessed and reviewed for eligibility to transport assistance based upon mobility and medical needs, and that charges are introduced by September 2012 for those who qualify, with due regard to the Equality Act 2010. (See Para 7b of report).
- d) That Cabinet approve and adopt the Draft Home to School Transport Policy - April 2012 for publication in April 2012.
- e) That a new Post 16 Education Transport Policy is submitted to Cabinet at a later date for approval and adoption prior to publication in April 2012.
- f) That remaining statutory obligations are met.

7. Proposals and Details

a) Overall Policy

Following identification of three areas of Home to School transport assistance which are currently provided on a discretionary basis, Council agreed that consultation should be undertaken in regard to these being discontinued and financial savings realised.

These areas are:-

Discretionary transport for under fives.
Discretionary denominational transport.
Post 16 transport.

Consultation on all three areas commenced on 19th November 2011 and ended on 20th January 2012.

Details of the individual consultation exercises can be found at Section 11.

b) Client Groups Affected

As a result of the consultation exercise the proposed revisions to under fives transport provision has been amended to include charging.

None of the other responses have caused us to amend the recommendations within this report.

- *Children under five.*

It is proposed that only children under five who have physical and medical difficulties which prevent them accessing public transport will continue to be assessed for eligibility for transport provision (with due regard to the Equality Act 2010). Where transport is provided a charge will be introduced.

It is proposed that charges be introduced by September 2012 because they are attending non statutory education (i.e. not 5-16 years olds) or early years provision. Charges would be calculated according to existing means tested benefit entitlement.

- *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.

It is proposed that only Post 16 who have physical and medical difficulties which prevent them accessing public transport will continue to be assessed for eligibility for transport provision (with due regard to the Equality Act 2010). Where transport is provided a charge will be introduced.

It is proposed that charges be introduced by September 2012 because they are attending non statutory education (i.e. not 5-16 years olds). Calculation of charges remains to be finalised but details will be included in the Post 16 Education Transport

Policy to be submitted to Cabinet for approval and adoption at a later date (See Recommendation e)).

c) Statutory Obligations

• *Children under five*

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 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".

Provision of free transport for other pupils attending denominational schools is discretionary.

- "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 irrespective of whether this is to a local or more distant provision.

d) Discretionary services proposed to be discontinued/amended

• **"It is proposed to discontinue discretionary free transport assistance for children under five by the end of July 2012.**

Transport has previously been provided for children in these categories where attendance was at an educational establishment some distance from the home address. For those reviewed as no longer eligible to free transport assistance, this will be discontinued by the end of July 2012.

• **"It is proposed to discontinue the discretionary element of denominational transport commencing September 2013".**

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 of denominational transport for both primary and secondary aged pupils should be performed by a phased process. For example, pupils 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 attending secondary denominational schools, under which there is a statutory duty to provide it.

- **“It is proposed to discontinue the current provision of discretionary free transport for Post 16 learners by September 2012”.**

Free transport assistance is currently provided for Post 16 learners attending Rotherham Special Schools with Post 16 provision. It must also be provided for those Post 16 learners with special needs attending other educational provisions both within and outside Rotherham assessed as entitled. Whilst there is a duty to provide transport assistance to those who qualify, there is no requirement to provide this free and so it is intended to introduce charges for this provision.

We know that some students have physical and medical difficulties which prevent them accessing public transport. We are therefore proposing to continue to provide transport for these students (with due regard to the Equality Act 2010), following an assessment and relevant medical evidence but introduce a charge for this service to cover some of the costs. It is anticipated that the charge would be based on the concessionary rate and distance criteria. Existing means testing benefits will be used to calculate contributions to ensure a fair and equitable charge.

A new Post 16 Education Transport Policy will be prepared and submitted to cabinet for approval prior to being published in April 2012. All new and existing requests for transport assistance will be assessed individually, under this new policy, so that learners are able to make an informed choice of their Post 16 provider.

8. Finance

a) Transport for children under five.

It was originally identified in the September 2011 Cabinet Report that there was a potential saving of approx £40,000. However, much of this saving has already been achieved during the 2011/12 financial year due to the change in educational provision by the Early Years Team. It may be possible to achieve further savings of approx £7,000 during 2012/13.

b) Discretionary Denominational Transport

The initial savings would commence 2013/14 academic year anticipated to be £20,100 increasing annually thereafter, at a rate governed by the cost of concessionary fares, until 2017. Only 60% of the initial academic years saving could be realised in the 2013/14 financial year. At current concessionary fares rate this equates to a total saving of £100,500

c) Transport for Post 16 Learners

It is not possible to calculate potential savings for this group since they are not easily identifiable. There is a current budget of £14,200 for those attending FE Colleges although the projected spend for this in 2011/12 is expected to be £125,000 due to a loss of funding from Central Government. This shortfall is currently covered by savings elsewhere within the overall Home to School Transport Budget. Costs for Post 16 learners attending Special Schools are currently contained within the individual school cost codes.

9. Risks and Uncertainties

a) Transport for children aged under five

Proposed government legislation is due to be implemented in September 2012 which places a duty on local authorities to offer early years provision to children aged two years from impoverished families who meet specific criteria.

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.

Relevant extracts from the Transport Policy are published in the Admissions prospectus which is available to parents July 2012 onwards for admission to school in September 2013. If changes in the Transport Policy take place in April 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 a new Post 16 policy is published by the Local Authority by April 2012 changes cannot be implemented in preparation for September 2012 learners.

This Policy cannot state that no transport assistance is available and any support that is provided should be equitable between educational providers.

There have been major changes to the way that Post 16 learners are funded such as the 16-18 Bursary Scheme and increases in Learner Support Fund grants to schools and Colleges.

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" (to be renamed the Home to School Transport Policy – April 2012).

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

11. Background Papers and Consultation

Three main areas within the Transport Policy for Children and Young People - July 2010 were identified which are provided on a discretionary basis, and which, if discontinued, would lead to a reduction in currently provided transport assistance and consequent budgetary savings.

Following approval by Cabinet to consult on proposals contained within the Cabinet Report dated 21st September 2011, formal consultation commenced on 19th November 2011 and ended on 20th January 2012. This time period exceeds national government guidance of minimum 28 school days.

Consultation was also referred to the Improving Lives Select Commission who met on 25th January 2012 to consider the Discretionary Home to School Transport Provision Cabinet Report dated 21st September 2011. Members had a useful discussion and supported the recommendations being proposed in the report.

Each of these three areas of transport assistance has been consulted upon and details of the method and summary of results are detailed below and in the attached appendices.

Individual consultation responses can be viewed if necessary.

Consultation on proposed revisions to the current Transport Policy for Children and Young People- Under Fives

Formal consultation via written and electronic communication was undertaken within the Rotherham Authority with Heads of 22 Children's Centres, 1 Early Years Centre, approximately 85 Infant and Primary Schools, 55 families with children registered on the disabled children's register, including a range of approx 300 Early Years Providers/Child Care Services.

Consultation has been made with Children & Young People's Services, Early Years Panel and other forums and neighbouring local authorities and no objections have been received and our proposals have been acknowledged. Sheffield, Doncaster and Barnsley all agreed and supported our proposals.

Limited responses have been received and this takes into account that limited numbers are in the affected group of children who will be under five before September 2012.

Comments included:-

That children who are disabled and receive disability allowances should contribute towards transport.

That discretionary transport creates inequalities, jealousies and animosity in the communities.

Bus fares are going up all the time and when on benefits this is hard.

The on line for the consultation on the Council Website attracted 9 respondents and postal respondents were 5. (**see Appendices 1&2**)

Consultation on proposed revisions to the current Transport Policy for Children and Young People – Discretionary Denominational Transport

Consultation was undertaken by letter to parents/carers of all Rotherham pupils attending denominational schools. A total of 4793 letters were issued via the schools. The five neighbouring Local Authority's, Catholic and C of E diocese, Boards of Governors of all Rotherham schools and All Saints School in Sheffield which is attended by some Rotherham pupils, were all sent the consultation letter via attachment to e-mail.

The letters also informed those wishing to respond that a copy of the consultation was available "on-line".

There have been 412 responses to this consultation representing 8.5% of those consulted, 5.8% by post and 2.7% "on-line"

Approximately 37% of responses had additional comments. Where these contained contact names and addresses these comments were responded to.

47% of the responses were from parents /carers of pupils attending St Bernard's Catholic High School. This was to be expected since the discontinuation of discretionary denominational transport would have the greatest effect on pupils attending this school.

Three neighbouring authorities advised that they had no objections to our action and Sheffield LA supported our move towards equality of provision.

Details of individual responses are attached at **Appendices 3 and 4**. Letters from St. Bernard's Catholic High School and the Church of England Diocese are also attached at **Appendices 5A,5B and 6** for consideration by the decision making body.

Consultation on proposed revisions to the current Transport Policy for Children and Young People – Post 16 Learners

Consultation was undertaken by letter to all year 11 students, who will be potential Post 16 learners from September 2012, and current year 12 and 13 students attending Rotherham Special Schools, Mainstream Schools, and Colleges. Also involved were the Post 16 learners who are attending schools outside the Rotherham area and receiving free home to school transport to these schools. A total of 4867 letters were issued via the schools and colleges. The five neighbouring Local Authorities, Boards of Governors and Headteachers of all Rotherham Schools, Colleagues within Connexions Service and Children & Young People's Services were also invited to participate in the Consultation and all received a copy of the letter, via attachment to e-mail.

The letters also informed those wishing to respond, that a copy of the consultation was available "on-line". Return of the majority of consultation letters was through the postal system.

Of the 4867 letters, we received only 255 responses, representing 5.24% of those consulted. Therefore, 4612 did not respond, representing 94.76% of those consulted. Please see **Appendices 7&8** for breakdown of numbers and percentages of responses.

As the majority of people consulted did not send a response, this would indicate that the overall number of stakeholders do not object to our proposals:

The majority of responses were against our proposal to cease free transport for Post 16 Learners from September 2012. However, the responses and comments received indicate that the majority of respondees had believed that we were to discontinue the student 16-18 concessionary fare passes.

We received a number of queries regarding the above, and we confirmed that these student bus passes are approved by the sixth form/further education providers and issued by South Yorkshire Passenger Transport. This is not something that Rotherham Council is responsible for, and stressed that there is no proposal to remove these student passes. We also confirmed this with Headteachers and Chair of Governors via e-mail.

The majority of responses were against introducing charges for Post 16 Learners with physical and medical needs who would still require transport assistance, but who would be charged a contribution towards their transport.

The majority of responses were against using existing means tested benefit entitlement (e.g. Free School Meals) to calculate contributions to travel costs for Post 16 Learners with Special Educational Needs. Entitlement to Free School meals is used to assess eligibility to zero fare bus passes for statutory aged pupils from low income families.

Our five neighbouring Local Authorities were also consulted and we received 3 responses. All were supporting our Proposals. Barnsley and Doncaster said they would not object to our proposals. Sheffield City Council fully support our proposals.

The majority of respondees offered no comments.

Some respondees requested a response to their concerns about the proposals and these were addressed immediately in accordance to the Council Customer Charter. Comments included concerns about discontinuing the student 16-18 concessionary fare passes, and suggestions for how the Council can make savings from other areas. We also received a letter from a college objecting to the proposal 'in the strongest terms (*see appendices 9A, 9B & 9C*).

Background Papers – attached:-

Appendix 1 - Under fives on-line responses

Appendix 2 - Under fives postal responses

Appendix 3 - Denominational on-line responses

Appendix 4 - Denominational postal responses

Appendix 5A&B – St Bernard's Letter

Appendix 6 - C of E Diocese Letter

Appendix 7 - Post 16 on-line responses

Appendix 8 - Post 16 postal responses

Appendix 9A, B&C – Freeman College Letter

Draft "Home to School Transport Policy – April 2012" – available at the meeting.

Other 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”.
- Under five, Denominational and Post 16 consultation letters
- Under five, Denominational and Post 16 consultation planning forms (F1)
- Under five , denominational and Post 16 consultation results

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