

CABINET – 16 JULY 2013

THE PROPOSED HOME TO SCHOOL TRANSPORT POLICY

Report by Director for Children's Services

Introduction

1. The legal basis for providing home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and where appropriate the Equality Act and English and European case law.
2. Local authorities are also under a statutory duty to have regard to the Home to School Travel and Transport Guidance issued by the Department for Education in 2007. A copy of this guidance has been placed in the Members' Lounge.
3. On 16 July following a consultation on changes to the Home to School Transport Policy the Cabinet decided not to proceed with the proposals at that time and to consult again in the 2013/14 academic year on any proposed changes to this policy.
4. The County Council's decision to review the discretionary elements in Term 6 was made in the light of the current difficult financial situation in the UK, the continuing impact this will have on local government finances, and the need to ensure that the Home to School Transport Policy is equitable and meets the requirements set out in the statutory guidance issued by the Department for Education.
5. In 2012-13 over £15 million was spent on home to school transport. Part of this expenditure was met from grants resulting in a net cost of £14.7 million.

Proposed arrangements for consulting on changes to the Home to School Transport Policy

6. Local authorities are required to consult upon any proposed changes to the published Home to School Transport Policy and a consultation of this kind must last at least 28 working days in term time. This requirement is set out in paragraph 137 of the Guidance on Transport and Travel 2007, statutory guidance issued by the Department of Education:

"Local authorities should consult widely on any changes to their local policies on school travel arrangements, with all interested parties included in the consultations. Consultations should last for at least 28 working days during

term time. This period should be extended to take account of any school holidays that may occur during the period of consultation.”

7. It is proposed that the consultation documents should be placed on the Consultation Portal of the County Council’s public website accompanied by a headline on the homepage; that an advertisement drawing attention to the consultation should be placed in local newspapers and that posters should be sent to public buildings (e.g. libraries); that a press release should be issued at the start of the consultation and further promoted via social media; that those currently in receipt of free or concessionary travel should be sent a short letter explaining how any future change in policy will affect their children; that the consultation should be publicised through “Schools News”. Guidance will need to be issued to schools asking them to inform parents that there is a consultation in progress on home to school transport.
8. In addition, it is also proposed that a link to the consultation document should be sent to all state funded schools in Oxfordshire as well as to neighbouring local authorities, the Oxford Diocese, the Archdiocese of Birmingham, and all district and parish councils in Oxfordshire.
9. It is proposed to open the consultation on 4 November 2013 and to close it on 20 December 2013. This means that the consultation will last for 47 days of which 35 will be in term time (see Annex 1).

Carbon Reduction

10. The consultation process will have no impact on carbon emissions.

Risk

11. There is a high level risk of any decision to implement changes in the Home to School Transport Policy being called in and/or of referred for judicial review if the consultation does not meet the consultation requirements set out in the statutory guidance (and referred to in paragraph 7).

Financial and Staff Implications

12. In order to carry out the consultation the Admissions Team would need £5,000 to meet additional staffing, publicity and travel costs. This could be vired from the Home to School Transport Budget to which any consequential savings would accrue. This cost of £5,000 is for the consultation alone and does not represent any longer term increase in the Council’s financial commitments. The financial implications of any proposals to change the Home to School Transport Policy will be evaluated prior to the opening of the consultation.
13. Every effort would be made to ensure any additional staffing needed to manage the consultation process and analyse responses to the consultation will be provided from within the existing Council workforce rather than by outside appointment.

RECOMMENDATION

14. **The Cabinet is RECOMMENDED to adopt the following proposals:**
- a. To agree the consultation arrangements for Home to School Transport
 - b. If 14(a) is agreed, to determine whether any Cabinet members will attend any of the public meetings

JIM LEIVERS
Director for Children's Services

Background papers: Home to School Travel and Transport Guidance, Department
for Education

Contact Officer: Neil Darlington, Admissions and Transport Services Manager

September 2013

DRAFT

Annex 1

Consultation Timetable

Serial	Date	Action
(1)	09 October	Consultation document considered by CCMT(County Council Management Team)
(2)	11 October	Consideration of the consultation document at the Cabinet Away Day
(3)	14 October 2013	Consideration of the consultation document by senior councillors
(4)	30 October/1 November 2013	Posters to be distributed to all schools, public libraries and other public buildings advertising the start of the consultation on the Home to School Transport Policy
(5)	1 November 2013	Email to all County Councillors
(6)	1 November 2013	Issue a press release regarding the consultation
(7)	Week beginning 4 November 2013	Consultation opens
(8)	By 4 November 2013	The consultation document to be available on the County Council's Consultation Portal
(9)	4 November 2013	Link to the consultation to be sent to all state funded schools in Oxfordshire, all neighbouring authorities, the Oxford Diocese, the Archdiocese of Birmingham, district councils and all parish councils for which we have an email address. Paper copies of the consultation document will be sent to parish councils if we do not have an email address.
(10)	Week beginning 4 November 2013	Maps to be published on the public website showing those areas that are most likely to be affected by any proposed changes
(11)	Week beginning 4 November 2013	Adverts regarding the consultation to appear in the Oxford Times, Banbury Guardian and Henley Standard
(12)	No later than the week beginning 4 November 2013	Letters to be sent to all parents whose children are in receipt of free or concessionary travel explaining the likely impact of any proposed change on those children
(13)	No later than the week beginning 4 November 2013	Publish a list of likely questions (with answers)

(14)	No later than the week beginning 4 November 2013	An item regarding the consultation to be placed on Twitter
(15)	No later than the week beginning 4 November 2013	Advertise the date of public meetings on the County Council's public website
(17)	No later than the week beginning 4 November 2013	A news item on the consultation to be published on the internet
(18)	No later than the week beginning 4 November 2013	Publish a news item on the intranet regarding the consultation
(19)	20 December 2012	Consultation closes
(20)	20 December – 10 January	Consultation feedback document prepared
(21)	15 January 2013	CCMT
(22)	16 January 2013	Consultation feedback considered by the Directorate Learning Team
(22)	Friday 17 January 2014	Cabinet papers published
(23)	28 January 2014	Consideration by Cabinet