

## **CABINET – 16 JULY 2013**

### **THE PROPOSED HOME TO SCHOOL TRANSPORT POLICY**

#### **Report by Director for Children, Education and Families**

#### **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. In addition, local authorities are under a statutory duty to have regard to the Guidance on Home to School Travel and Transport issued by the Department for Education in March 2013. A copy of this guidance has been placed in the Members' Lounge.
3. The decision to review the discretionary elements within the policy 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.
4. 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.

#### **Exempt Information**

5. There is no exempt information within this report.

#### **Proposed changes to the Home to School Transport**

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 days. Oxfordshire's consultation opened on 5 June 2013 and was originally due to end on 3 July 2013. It was then extended to 5 July 2013 and a further extension was then agreed to 15 July 2013. This means that the consultation will have lasted for 41 days. Updated information on the consultation will be submitted as an addendum to this report on 16 July 2013.
7. The consultation documents were placed on the County Council's public website and were accessible through the Consultation Portal. Links to the documents were sent to all state funded schools in Oxfordshire as well as to, neighbouring local authorities, the Oxford Diocese, the Archdiocese of Birmingham, district councils in Oxfordshire, and parish councils within Oxfordshire. The consultation was also publicised in "Schools News" which

was sent to all state funded schools in Oxfordshire. In addition all primary schools were provided with a letter to use to alert parents to the consultation.

8. There was a high level of response to the consultation, particularly to Proposal 5. An interim summary of the results of the consultation can be found in Annex 1. An updated summary will be made available on 16 July.
9. Copies of the responses have been placed in the Members' Lounge.

### **Proposal 1**

**To increase the charges for concessionary travel and post 16 travel in 2014/15 to £290.40 (£96.80 per two terms of the 6 term year) for those who live under 3 miles from the school attended and £541.20 per annum (£180.40 per two terms of the 6 term year) for those who live over 3 miles from the school attended**

10. Concessionary seats are spare seats on home to school transport routes. These are routes that are operated for the benefit of those who are entitled to free transport to and from school. These spare seats can be used by children whose parents have paid the concessionary fare. Concessionary fares are waived for children from low income families.
11. The average cost of a seat to the County Council on one of the home to school transport routes, excluding those using taxis, is £784.70. Therefore the proposed new fare represents an average subsidy per seat on these routes of £243.50 for those travelling 3 miles or over and £494.30 for those travelling under 3 miles.
12. Post 16 students would pay the lower fare if they live 3 miles or less from the school, or the higher fare if they live over 3 miles from the school. There would be no special arrangements for individual schools or colleges.
13. The proposed fare increase is expected to increase revenue by at least £19,000 in 2014/15. The price rise would take effect in September 2014.

Table 1 Concessionary Fares

	Concessionary fare September 2013	Proposed concessionary fare from September 2014	Percentage increase
3 miles or less from home to school	£88.00 per two terms (6 term year)	£96.80 per two terms (6 term year)	10%
Over 3 miles from home to school	£164.00 per two terms (6 term year)	£180.40 per two terms of the 6 term year	10%

14. A majority of those responding disagreed with this proposal.

**Proposal 2**

**To increase the concessionary fare by 2% per annum each year from September 2015**

15. The Council includes an annual inflation increase of 2% in new home to school transport contracts. Increasing fares annually by 2% would therefore maintain the ratio between the contribution made by the parent and the subsidy provided by the Council.
16. If this proposal is accepted the 2% price rise would take effect in September of 2015 and would be followed by a 2% increase in September of each successive year.
17. An increase of 2% can be expected to increase income from concessionary travel by at least an additional £4,000 in the 2015/16 financial year (in a full year this would amount to approximately £6,802).
18. A majority of those who responded were opposed to this proposal.

**Proposal 3**

**To end the waiving of the concessionary charge for the third and subsequent children of those families who have more than two children using the same home to school transport service**

19. Currently families that have more than two children using the same home to school transport service receive an additional subsidy of £784.70 for every further child they have who uses the same home to school transport service. Only 12 families currently benefit from this additional subsidy.
20. This proposal is not being proposed as a cost saving measure but as a means of ensuring equity. Families who pay the concessionary fare would in future receive the same average level of subsidy per seat.
21. No saving is forecast in this report because it is not the purpose of this proposal to achieve a saving, though it is clear that a very small saving is likely to arise if implemented.
22. A majority of those who commented on this proposal were opposed to its adoption.

**Proposal 4**

**To only use the guidance issued by Road Safety GB when making risk assessments of walked routes to school**

23. Road Safety GB is a national road safety organisation that includes representatives from groups across the UK, such as local government road safety teams. It aims to reduce the number and severity of road accidents (and therefore to reduce loss of life and personal injury) by raising awareness

of road safety and safer road user behaviour with the road using public, through the provision of training, advice, information, leadership, research, publicity, informed comment and other services to relevant bodies (national and local) and to its members.

24. In 2012 Road Safety GB published updated guidance designed to help officers carry out assessments on walked routes to school where the journey is below the statutory walking distance. The "Assessment of Walked Routes to School" guidelines contain a method of assessing walked routes to school together with relevant extracts from Acts of Parliament and case law relating to transport to school. This national guidance was produced by four representatives of Road Safety GB and one representative of the Royal Society for The Prevention of Accidents. The Road Safety GB guidance published in 2012 replaced the earlier guidance published in 2002 by the Local Authorities Road Safety Officers Association. The "Assessment of Walked Routes to School" guidelines have been placed in the Members' Lounge.
25. The principles followed in the Road Safety GB publication are straightforward and for a route to be safe to walk there must be (on anything other than very lightly used roads) an adequate footway alongside a road, or a footpath where the route is away from a road. In addition where there is a need to cross a road and where no pedestrian crossing is provided, there must be a sufficient number of safe crossing opportunities at the times of day that children would be crossing both on their way to or from school.
26. The assessment is expected to be a practical one rather than a "desk top" exercise (although a check is made against the reported accident record as supplied by the police for any incidents which may be material). The route is walked and, if necessary, repeated visits are made to check the availability of crossing opportunities. The assessment report can be made available to any party requesting a copy.
27. Adopting this proposal would formally recognise the current approach used within Oxfordshire, ensure that assessments are consistent with the law and that they are also consistent and fair.
28. Savings are likely to arise if any routes are re-assessed as safe but this cannot be evaluated until the routes are walked and assessed.
29. A majority of those who commented on this proposal were opposed to its adoption.

#### **Proposal 5**

**To agree to the phased ending of free travel to the designated (catchment) school if the distance from home to school is over 3 miles if aged 8 or over, or 2 miles, if less than aged 8 and of school age, unless it is the nearest available school.**

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30. If agreed this proposal would take effect from September 2014. Those children for whom free transport has been agreed before that date would not be affected by the proposed policy change.
31. Those children aged 8 to 16 who live over 3 miles from their nearest available school, or 2 miles if they are of school age and under the age of 8, would be unaffected. They would continue to be eligible for free travel to their nearest school. This is commonly referred to as “statutory entitlement”.
32. The areas most affected in the Oxford area would be Risinghurst, Kennington and Garsington. The area most affected in the Banbury area would be Adderbury. Other areas that would be significantly affected are Farmoor, Southmoor, Stadhampton, Bampton and Alvescot.
33. The secondary schools most affected by the phased ending of these routes would be Matthew Arnold School, Burford School, Warriner School, Wheatley Park School, Icknield School and Marlborough School.
34. If adopted this policy could be expected to lead to some families choosing to send their children to the nearest school rather than to the catchment/designated area school. This in many, but not all, cases would result in the Council having to establish or expand home to school transport routes to some schools while gradually reducing services operated to catchment/designated area schools. However, some routes could be discontinued and there would be an opportunity to consolidate other routes. In addition, in the short term it is likely that there would be an increase in the income from concessionary fares. No reduction in routes is likely before 2015/16.
35. This new approach would meet legal requirements and after 5 years would be likely to lead to savings of at least £311,000.
36. The figures in Table 2 are based on savings that can be made by the phased ending of 9 routes. These consist of 3 routes from Kennington to Matthew Arnold School, 1 route from Bampton to Burford School, 2 routes from Risinghurst to Wheatley Park School and 3 routes from Garsington to Wheatley Park School. The following assumptions have been followed:
  - (a) parents will largely continue to send their children to the catchment school;
  - (b) all the spare seats will be used by concessionary travellers (if this is not the case the concessionary fare income will decrease but savings from cancelling coaches would still be not be affected);
  - (c) year groups are of equal sizes;
  - (d) establishing additional routes elsewhere to accommodate parents who do change school preferences will be balanced by savings, for example

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reduced vehicle sizes on some routes and increased income from concessionary fares from spare seats.

Table2. Annual Estimated Savings 2014-2018

	2013	2014	2015	2016	2017	2018
Free travel no	565	452	339	226	113	0
No affected	0	113	226	339	452	0
Saving	0	£61,156	£129,737	£171,686	£229,783	£311,790

37. It is not anticipated that there would be any reduction in the number of vehicles required before September 2015.
38. There are other possible savings from changing, wherever possible, from dedicated home to school transport to public transport with season tickets of around £350 per annum.
39. The current policy of providing free travel to the catchment/designated area school even if is not the nearest school to a child's home address was adopted at a time when the Council had direct control of admissions arrangements for the majority of secondary and primary schools. Most secondary schools are now academies and increasingly primary schools are also converting to this status. This means that the Council increasingly has no control over the size of catchment areas. This in turn means that, given the current policy, academies can potentially increase the financial obligations of the Council.
40. Therefore if Proposal 5 is not adopted, in order to avoid future financial risk the Council will need to consider formally agreeing travel areas coterminous with the current designated areas and so essentially "freezing" the current arrangements. These travel areas would need to be reviewed periodically to ensure that they are fair and appropriate. No consultation on agreeing travel areas coterminous with the current designated areas could take place before the beginning of the 2013/14 academic year.
41. A clear majority of those who commented on this proposal were opposed to it.

### **Proposal 6**

#### **To reassess routes designated as "unsafe walking routes" against the guidance issued by Road Safety GB over 2013/14 and 2014/15**

42. If the Council formally agrees to the use of Road Safety GB guidance in assessing the safety of walking routes (Proposal 4) the relevant routes can then assessed against this common standard. Proposal 6 is that this reassessment should be undertaken over a two year period beginning in September 2013. This would ensure that all routes are reviewed by the end of the 2014/15 academic year.

43. Adoption of this approach would ensure that national guidance regarding route safety is applied consistently across Oxfordshire.
44. Those receiving free transport on the grounds that there is no safe walking route would, as now, have this financial assistance withdrawn if the route is re-assessed as safe to walk.
45. There has been no assumption that using the national road safety guidance will reduce costs but there is an expectation that using this guidance will ensure fairness and equity.
46. Providing free travel on grounds of an unsafe walking route involves significant expenditure, for example the annual costs of five sample routes are £25,555, £26,790, £26,790, £29,450, £39,710 per coach. Given costs of this magnitude, continuing routes that are no longer required would represent a poor use of resources.
47. A majority of those who commented on this proposal were opposed to it.

**Proposal 7**

**To remove references to collaborative learning transport from the Home to School Travel policy**

48. This type of transport was provided because of an initiative of the previous Government and collaborative learning partnerships have now been discontinued. Therefore removing references to this initiative from the Home to School Transport Policy would reflect the ending of the initiative.
49. There are no savings involved in this proposal.
50. A majority of those who commented on this proposal were opposed to it.

**To adopt a two stage review/appeal process from September 2013 in accordance with the Department for Education Transport and Travel Guidance of March 2013 (Proposal 8)**

51. Adopting this two stage appeals process would ensure that the Local Authority meets its legal responsibilities. There is no evidence that a two stage approach would be anything other than cost neutral.
52. There are no expected savings from this proposal.
53. A small majority of those who commented were in favour of this proposal.

**To adopt all other parts of the Home to School Transport Policy**

54. The other parts of the proposed policy regarding children attending mainstream schools are taken from the current policy or current practice.

55. Those parts of the policy regarding children with Statements Special Educational Needs reflect current practice together with the need to respond to the legal changes due when the Children and Families Bill receives the Royal Assent.

### **Carbon Reduction**

56. Any reduction in the number of buses operated by the Council will reduce the Council's carbon footprint. Additionally any pupil who walks or cycles to school as a result of the measures proposed in this report will be involved in a healthier life style and contribute a real carbon reduction (as opposed to those cases where a parent transports a child to school by car). Conversely if more parents decide to transport their children by car there could be a net increase in carbon emissions.

### **Risk**

57. Given the level of opposition to Proposals 1 to 7, if they are agreed, there is a medium level risk of implementation being delayed by the decisions being called in and/or of referral to judicial review.
58. There is a low level risk that the numbers of travellers using the concessionary scheme will fall as a result of increasing charges and that this will reduce any additional income.
59. There is a low level risk that there will be a rapid change in choice of schools and that in 2014 and 2015 this will significantly reduce the intake of schools such as Burford School, Matthew Arnold School and Wheatley Park School. The evidence provided by the phased ending of subsidised travel on faith grounds to the Blessed George Napier School suggests changes of this kind are highly unlikely, at least in the short term.

### **Financial and Staff Implications**

60. In order to administer the changes, particularly the determination of the "nearest available school" and dealing with the anticipated increase in the number of Home to School Transport appeals, the admissions team would need an additional £32,000 per annum (one full time post). This would require a virement from within the Home to School Transport budget.
61. In the first instance this new post would be required for a temporary period of two years at which point the need for the post would be reviewed.
62. Every effort would be made to recruit to the new post from the existing Council workforce rather than by an outside appointment.
63. If all the proposals set out in this report are adopted, savings after 5 years will reach at least £0.350 million per annum. There is potential for the savings to be higher depending upon the outcome of re-assessments of walking routes



but these cannot be estimated in advance. Some of the proposals create an environment in which further efficiency savings can be sought as well as delivering savings in themselves. In addition adoption of these proposals will reduce the risk that future transport cost pressures will arise from the decisions of schools outside the Council's control.

64. Approximately 10% of the above savings will be offset by the additional costs of staffing. The net annual saving anticipated after 5 years (allowing for all transitional entitlements to run their course) is therefore at least £0.32 million.
65. The 2013/14 budget requires a saving of £0.20 million from Home to School Transport. Although this proposal will not make these savings in this financial year, it will allow greater savings to be made in later years, which would allow the council to manage the cashflow of the savings being delivered later. The savings from this proposal are expected to start at over £80,000 in the year after it goes live in 2014, rising each year as the number of children receiving free transport falls before reaching the £0.32 million referred to in paragraph 64.

## RECOMMENDATION

66. **The Cabinet is RECOMMENDED to adopt the following proposals:**
- (a) To increase the charges for concessionary travel and post 16 travel in 2014/15 to £290.40 (£96.80 per two terms of the 6 term year) for those who live under 3 miles from the school attended and £541.20 per annum (£180.40 per two terms of the 6 term year) for those who live over 3 miles from the school attended.
- (b) To increase the concessionary fare by 2% per annum from September 2015
- (c) From September 2014 to end the waiving of the concessionary charge for the third and subsequent children of families who have more than two children using the same home to school transport service.
- (d) From September 2013 onwards to only use the guidance issued by Road Safety GB when making risk assessments of walked routes to school.
- (e) From September 2014 onwards to adopt the phased ending of free travel to the designated (catchment) school if the distance from home to school is over 3 miles if aged 8 or over, or 2 miles if less than aged 8 and of school age **if it is not the nearest school.**
- (f) To reassess routes designated as "unsafe walking routes" against the guidance issued by Road Safety GB over 2013/14 and 2014/15.
- (g) From 2013 to remove all references to collaborative learning transport from the Home to School Transport Policy.

- (h) From September 2013 to use a two stage review/appeal process in accordance with the Department for Education Transport and Travel Guidance of March 2013.
- (i) All other parts of the proposed Home to School Transport Policy not covered by proposals a to h for September 2014 onwards.

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Background papers: Home to School Transport and Travel Guidance March 2013,  
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