

CABINET – 11 JULY MARCH 2016

HOME TO SCHOOL TRANSPORT FOR RAF BENSON

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 July 2014. A copy of this guidance has been placed in the Members' Lounge together with copies of all responses to the consultation.
3. In 2015 following representations from RAF Benson, RAF Benson School and Icknield Community College a decision was taken to review the impact of the new Home to School Transport Policy on families living at RAF Benson. This resulted in the council consulting upon a proposal to provide free travel to children living at RAF Benson who attend Icknield Community College due to capacity issues in that area. It was also proposed that this arrangement should be annually reviewed to ensure that if the capacity issue was resolved free travel could be ended for those starting at the school in the future.
4. After considering the responses to the consultation the proposal was agreed with the proviso that there would be an annual review of the need to continue this special arrangement. This decision was taken on 9 March 2015.
5. In accordance with the Cabinet member decision taken on 9 March 2015, the arrangements for free travel from RAF Benson to Icknield Community College have been reviewed. A consultation took place between 11 May and 30 June 2016. A consultation of this kind must last at least 28 days. In this case the consultation lasted for 54 days, of which 32 were working days that fell within term time. Updated information on the consultation will be submitted as an addendum to this report on 11 July 2016.
6. The Council is committed to the Armed Forces Covenant and its aim of ensuring that the military community is treated equitably.

Proposed changes to the Home to School Transport Policy

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7. All three of the state funded schools that were likely to be affected have been directly consulted and letters were posted to all families with children at RAF Benson School who would potentially be affected in 2017.
8. At the time of writing there have been 9 responses. All except one of the responses are in favour of the proposal. The one negative response stated that free travel should be provided without the need for a consultation. An updated record of responses to the consultation will be submitted on 11 July 2016.
9. Copies of the responses have been placed in the Members' Lounge.
10. If the proposal is agreed the current free travel arrangements would be extended to those children living at RAF Benson who join Icknield Community College in September to July 2017.
11. Currently the admissions arrangements for Wallingford School give priority to those living within the designated area of the school and RAF Benson is outside the designated area. The 2015 report recommending free travel from RAF Benson to Icknield Community College referred to evidence from 2014 and 2015 and demographic projections for 2016 onwards that suggested that children living at RAF Benson were highly unlikely to obtain places at Wallingford School, given the demand from within the designated/catchment area. The allocation data available for 2016 demonstrates that this remains the case.
12. In addition, if the admission arrangements of Wallingford School were changed to ensure that children from RAF Benson could have a reasonable expectation of obtaining a place this could only be achieved by displacing other children who currently live within the designated area. This in turn could be expected to lead to the need for expenditure on additional Home to School Transport routes. The admission arrangements are the responsibility of Wallingford School, not the County Council, and the earliest point at which they could be amended is during the forthcoming academic year in preparation for entry in 2018.
13. RAF Benson lies within the designated/catchment area of Icknield Community College which is the second closest school to this location. This is the school that most children from RAF Benson will attend on secondary transfer. In addition in all but a few cases Icknield Community College will be the closest school to their address with an available place. This in turn means that these children will receive free travel to Icknield Community College.
14. Prior to the decision taken last year, to be sure that free transport would be provided to Icknield Community College, parents would have had to list Wallingford School as their first preference and hope that a place was not made available at the school. This would have meant that their children would then have received free transport to Icknield Community College because it would have been the nearest school with an available place.

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15. If the current arrangements are extended for a further year parents will be able to list Icknield Community College as a first preference and feel safe in the knowledge that free transport will be provided from RAF Benson. They would not be required to name Wallingford School as a first preference while really wishing to send their son/daughter to Icknield Community College and having to wait to see if Wallingford School fills from its designated area before a place is offered at Icknield Community College along with free school transport on the basis of it being the nearest available school with a place.
16. 8 children from RAF Benson obtained a place at Wallingford School for entry in September 2015. All of these children were eligible for free transport to Wallingford School (the nearest secondary school to RAF Benson). In addition, 23 children from RAF Benson were eligible for free transport to Icknield Community College because it was the nearest school to their address with an available place. In 2015 both Icknield Community College and Wallingford School filled all available places.
17. There were 17 on time applications for transfer to secondary school from families living at RAF Benson. Three of these applications were for Wallingford School. On 1 March 2016 none of these children were offered Wallingford School and all 17 children were initially offered a place at Icknield Community College.
18. All the 17 children living at RAF Benson who are due to transfer to secondary school in September were eligible for free transport to Icknield Community College. This was the case both because of the special arrangement whereby free travel is provided from RAF Benson but also because it was the nearest school to their address with an available place. There have been a number of changes since the initial allocation and currently 14 children living at RAF Benson, and who are due to transfer to secondary school in September, are eligible for free transport to Icknield Community College.
19. In 2016, as in 2015, both Icknield Community College and Wallingford School filled all available places at initial allocation. Icknield Community College agreed to admit a further 21 children given demand for the school and to avoid children having unreasonably long journeys to alternative schools.
20. It is proposed that the need for free travel from RAF Benson to Icknield Community College should continue to be reviewed on an annual basis. The reasons for this annual review are:

Wallingford School is an academy and therefore the County Council is not responsible for the school's admission arrangements and these arrangements could be changed. If the admission arrangements for Wallingford School were altered so that children from RAF Benson could reasonably be expected to obtain places at Wallingford School there would be no need for free travel from RAF Benson to Icknield Community College. However, unless there is an increase in the school's capacity this could be expected to lead to a number of children within the school's current designated area being placed in an alternative school. This in turn would have potential implications for

expenditure on home to school transport. In these circumstances it would not be equitable to continue to provide free travel for “new starters” from RAF Benson to Icknield Community College.

If the admission arrangements remain unchanged, but the capacity of Wallingford School is increased to the point that the children from RAF Benson could reasonably be expected to obtain places at that school there would be no need for free travel from RAF Benson to Icknield Community College. In these circumstances it would not be equitable to continue to provide free travel for “new starters” from RAF Benson to Icknield Community College.

21. The responses received from Icknield Community College and RAF Benson School were in favour of the proposal and no objection has been raised by the Governors of Wallingford school.
22. It is not anticipated that there would be any increase in the number of children receiving free travel to school given the capacity issue at Wallingford School.
23. The position of families who live at RAF Benson, and which is described in paragraphs 12 to 22, is unique in Oxfordshire. Therefore in legal terms this justifies considering an annually reviewable departure from the current home to school transport policy.

Carbon Reduction

24. The proposal should not lead to an increase in the Council's carbon footprint.
25. There are no likely cost implications given that it is not anticipated that there will be any increase in the number of children receiving free travel to school given the capacity issue at Wallingford School.

RECOMMENDATIONS

26. **The Cabinet is RECOMMENDED to adopt the following proposals:**
 - (a) **to provide free travel for those of statutory school age from RAF Benson to Icknield Community College;**
 - (b) **to review the need for this provision on an annual basis since it concerns capacity and likely demand.**

JIM LEIVERS

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Background papers: Home to School Transport and Travel Guidance July 2014,
Department for Education

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