

## **CABINET – 4 FEBRUARY 2014**

### **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. In addition local authorities are under a statutory duty to have regard to the Home to School Transport Guidance issued by the Department for Education. The guidance issued in March 2013 was withdrawn in June 2013 and replaced by the earlier Home to School Travel and Transport Guidance originally issued in 2007. A copy of the guidance has been placed in the Members' Resource Centre.
3. In 2012-13 the Council spent over £15 million on home to school transport, part of which was met from grants resulting in a net cost of £14.7 million.
4. 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.
5. Between 5 June 2013 and 15 July 2013 the Council conducted a consultation on changes to the policy on home to school transport. However, following the withdrawal of the Department for Education's Guidance on Travel and Transport in June 2013, and the response to the consultation, at its meeting on 16 July 2013 the Cabinet decided that it was not appropriate to make a decision on policy changes at that time. The Cabinet further decided that a new consultation on possible changes to the policy on home to school transport would be required in the autumn. The scope of the new consultation was decided at a Cabinet meeting on 16 September 2013.
6. As of October 2013, 11,210 children travel on Council funded home to school transport. The ratio of secondary aged pupils to primary aged is approximately 4:1. Of these, 1,350 occupy a 'concessionary seat' so 9,860 children currently receive free transport. Approximately 3,000 children are transported to other than their nearest school. The overwhelming majority of children in receipt of free transport live in rural areas as most children living within the more urban areas are within the 'statutory walking distance' of their nearest and/or

catchment area school and there are safe walking routes; therefore there is very limited entitlement to free transport.

### **Exempt Information**

7. There is no exempt information within this report.

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

#### **Consultation**

8. Consultations on changes to home to school transport policy have to last for at least 28 working days. The most recent consultation was opened on 4 November and was originally due to end on 20 December 2013 but was extended until 14 January 2014. Therefore the consultation lasted for 71 days of which 42 were school days.
9. 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 publicised online, via press releases, through adverts placed in local newspapers and posters sent to libraries and town and parish councils. In addition two letters were posted to 8,400 families that had one or more children either in receipt of free or concessionary transport to inform them of the consultation.
10. Background materials to support this consultation were also published on the Consultation Portal. This included a series of maps and a set of frequently asked questions, which were periodically updated throughout the consultation period. The Council provided channels through which people could ask questions or request hard copy documents. In addition, the Council hosted ten public meetings between 11 November and 11 December 2013. These meetings provided interested parties with an opportunity to hear a presentation from the Council and to ask questions of Council representatives.
11. There have been 2,543 responses to the consultation. A summary of the results of the consultation can be found in Annex 1. The SCIA (Social and Community Impact Assessment) of the proposed changes is shown at Annex 2 and the estimated savings are shown as Annex 3. Copies of the responses have been placed in the Members' Resource Centre.

#### **Proposals**

##### **Proposal A1:**

**To provide free transport to the nearest available school only**

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12. Those aged 8 to 16 whose catchment/designated area school is their nearest school and who live over 3 miles from it, or 2 miles if they are of school age and under the age of 8 (these distances are known as the “statutory walking distance”) would continue to be eligible for free travel to their catchment/designated area school.
13. This is the statutory minimum that the Council can provide. It is commonly referred to as “statutory entitlement”.
14. If agreed this proposal would take effect for new entrants to schools from the start of term in September 2015.
15. The secondary schools potentially most affected by the phased ending of affected routes would be Matthew Arnold School, Burford School, Warriner School, Wheatley Park School, Icknield School and Marlborough School.
16. The communities most likely to be affected in the Oxford area are Risinghurst, Kennington and Garsington. The community most likely to be affected in the Banbury area is Adderbury. Other areas that might be significantly affected include Farmoor, Southmoor, Stadhampton, Bampton and Alvescot.
17. 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 would 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 2017/18.
18. This new approach would meet statutory requirements and would be likely to lead to savings of between £1 million and £2 million.
19. The maximum savings would be achieved in 2017 or in 2020, depending upon whether the new approach is applied to those already in receipt of free transport on its introduction after 2 years or 5 years.
20. Some savings would be achieved because the Council will be able to end routes to schools when there is a nearer school within statutory walking distance.
21. The level of savings would be influenced by the extent to which parents decide to fully fund replacement routes or use public service bus routes. It is expected that many parents are likely to continue to send their children to the catchment school.
22. Year groups are not equal in number and in 2017 the secondary transfer cohort will significantly increase and these larger numbers will continue to

present themselves for at least another 7 years. Under the existing policy this would create a pressure on vehicle capacity and lead to larger vehicles or more vehicles at additional cost. The proposed policy change would reduce this additional expenditure on home to school transport.

23. This proposal also reduces the financial risk to the Council posed by schools potentially changing or extending their catchment/designated areas, and/or new free schools and university technical colleges establishing new catchment areas. The current position is that the Council's financial commitments can be increased without its consent.
24. Comments received from the Defence Academy at Shrivenham and by Swindon Borough Council highlighted the possible capacity problems that may arise when the nearest school to a community is in an adjacent local authority. In addition comments from parents in Henton and Chinnor highlighted potential difficulties posed to families by being nearer to a secondary modern school in an adjacent local authority, than to the nearest comprehensive school (Lord Williams School, an Oxfordshire school).
25. The comments received suggested it would be more appropriate to use the nearest school in Oxfordshire. In the short to medium term, providing free travel to the nearest school in Oxfordshire would be likely to marginally reduce possible savings. The areas that would most benefit by a change to "nearest Oxfordshire school" rather than "nearest school" are served by Faringdon Community College, particularly the villages of Shrivenham, Watchfield and Ashbury and in the area of Lord Williams's School, Chinnor and Henton.
26. A clear majority of those who commented on this proposal were opposed to it.

**Proposal A2:**

**To provide free transport to the nearest available school but introduce adjustments to the policy to avoid splitting villages**

27. As with Proposal A1 those aged 8 to 16 whose catchment/designated area school is their nearest school and who live over 3 miles from it, or 2 miles if they are of school age and under the age of 8, would continue to be eligible for free travel to their catchment/designated area school. Therefore Proposal A2 would also meet statutory requirements.
28. Children living in a "split village" would have a defined school to which transport could be provided in addition to free transport to the nearest available school, if it is over the "statutory walking distance" (2 or 3 miles depending upon the age of the child).
29. As with Proposal A1 this proposal would also reduce the financial risk to the Council from schools changing or extending their catchment/designated areas, and from new free schools and university technical colleges setting catchment areas.

30. Any definition of a "split village" would have to be lawful and objectively defined. It would need to apply across the whole of Oxfordshire and the more generous the provision, the greater the reduction in the eventual savings.
31. A "split village" entitlement where at least 25% of addresses, but not all, are nearest to the catchment school and the rest are nearest to another school; in such cases free transport is to be provided to the catchment school for all addresses
32. Proposal A2 would provide slightly more than the "statutory minimum".
33. A clear majority of those who commented on this proposal were opposed to it.

**Proposal B1:**

**To introduce the new policy from September 2015 for all children starting primary school or transferring to secondary school and change the entitlement for all other children in September 2017, including those currently in receipt of free travel.**

34. Parents expressing preferences for school places in September 2015 would be able to take account of whether free transport would be provided when making their choices.
35. Children in receipt of free transport to a particular school under the previous transport policy would continue to receive free travel for two years. This means that those in Years 10 and 11 in September 2015 would not be affected by either Proposal A1 or A2. Children at primary school would be unaffected by either Proposal A1 or A2, if they are in Years 2 to 6 in September 2015.
36. Proposal B1 would enable the maximum savings to be made from September 2017.
37. The County Solicitor has advised that adopting Proposal B1 would meet the requirement set out in the 2007 guidance for phasing the implementation of changes to home to school transport policies.
38. A clear majority of those who commented on this proposal were opposed to it.

**Proposal B2:**

**To introduce the new policy from September 2015 for children starting primary school or transferring to secondary school and phase the policy change in year by year as children start schools. Children in receipt of free travel to the school they currently attend would not be affected by the policy change.**

39. As with Proposal B1 parents expressing preferences for school places in September 2015 would be able to take account of whether free transport would be provided when making their choices.

40. Children in receipt of free transport to a particular secondary school, under the previous transport policy, in September 2014 would continue to receive free travel for five years or to the date at which they leave that school, whichever is the earliest. This means that those in Years 7 to 11 in September 2014 would not be affected by either Proposal A1 or A2.
41. Children in receipt of free transport to a particular primary school or primary section of an all age school, under the previous transport policy, in September 2014, would continue to receive free travel up to the date at which they leave that school or move to the secondary phase, whichever is earlier. This means that those in Reception to Year 6 in September 2014 would not be affected by either Proposal A1 or A2.
42. Proposal B2 would enable the maximum savings to be made from transport for secondary aged children in 2019 and from transport for primary aged children in 2021.
43. The County Solicitor has advised that adopting Proposal B2 would meet the requirement set out in the 2007 guidance for phasing the implementation of changes to home to school transport policies.
44. A clear majority of those who commented on this proposal were opposed to it.

**Proposal C1:**

**From September 2014, to introduce a 10% increase in the price of concessionary fares and post16 fares to £290.40 for those who live under three miles from the school attended and to £541.20 for those who live over three miles from the school attended.**

45. The Concessionary Fares Scheme sets out the prices and terms for seats on Home to School Transport routes operated by the Council that can be used by children and young adults not eligible for free travel.
46. The parents of children from low income families do not have to pay the concessionary fare. All other seats for children and young adults using the concessionary fares scheme are heavily subsidised by the Council. Low income families are defined as those in receipt of the maximum of Working Tax Credit or whose children eligible for free school meals.
47. In 2013/14 the typical cost to the Council of a seat on a mainstream Home to School Transport vehicle is £700 per year. The concessionary fares for those aged up to 16 are £264 per year for those who live up to three miles from the school, and £492 for those who live over three miles from the school.
48. The fare for post16 students is currently based on whether or not they attend their catchment/designated area sixth form. The fare is £264 per year for those who live within the catchment/designated area, and £492 for those who live outside the catchment/designated area of the school.

49. The overall cost of the contracts used to run the home to school transport services increases on average at a rate of 2% a year. However, between 2009 and 2012, the Council did not pass on these additional costs to families by increasing fares. The first increase in concessionary fares since 2009 took place in September 2013.
50. Increasing fares charged by 10% would reduce the overall subsidy provided by at least £18,000 in 2014/15.
51. This proposal would end the current practice of charging the lower concessionary fare to post16 travellers who live in a school's catchment/designated area. Post16 travellers would pay a distance related charge. In addition, families that have more than two children using the same home to school transport service would in future have to pay the concessionary fare for every further child they have who uses the same home to school transport service. Currently they would not have to pay the concessionary fare for the third or subsequent child.
52. A clear majority of those who commented on this proposal were opposed to it.

**Proposal C2:**

**From September 2015 to increase concessionary and post-16 fares by 8% per year for the next three years**

53. This proposed on-going increase would reduce the overall subsidy provided by the Council by £14,000 per year from September 2015.
54. If Proposal C1 is accepted, the lower distance related charge would be £290.40 in 2014 and if Proposal C2 is accepted, fares for those living less than 3 miles from the school/college attended would increase to £313.63 in 2015, £338.72 in 2016 and £365.82 in 2017.
55. If Proposal C1 is accepted, the higher distance related charge would be increased to £541.20 in 2014 and if Proposal C2 is accepted, fares for those living over 3 miles from the school/college attended would increase to £584.50 in 2015, £631.26 in 2016 and £681.76 in 2017.
56. A clear majority of those who commented on this proposal were opposed to it.

**Proposal C3:**

**From September 2015, to increase concessionary and post-16 fares by 5% each year for the next five years**

57. This on-going increase would reduce the overall subsidy provided by the Council by £9,000 per year from September 2015.
58. If Proposal C1 is accepted, the lower distance related charge (for those living less than 3 miles from the school/college attended) would be £290.40 in 2014 and would increase to £304.92 in 2015, £320.17 in 2016, £336.18 in 2017, £352.99 in 2018 and £370.64 in 2019.

59. If Proposal C1 is accepted, the higher distance related charge (for those living more than 3 miles from the school/college attended) would be £541.20 in 2014 and would increase to £568.26 in 2015, £596.67 in 2016, £626.51 in 2017, £657.83 in 2018 and £690.72 in 2019.
60. A clear majority of those who commented on this proposal were opposed to it.

**Proposal D:**

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

61. This type of transport was provided because of an initiative of the previous government, which envisaged groups of secondary schools working together in order to provide pupils with access to a broader curriculum, particularly to a range of vocational courses that no one school could provide on its own. The current Government does not support this approach and collaborative learning partnerships have now been discontinued in Oxfordshire. Therefore, removing references to this initiative from the Home to School Transport Policy would reflect the ending of the initiative.
62. There are no savings involved in this proposal and there are no implications for schools, pupils or parents. However, the Council could not remove references to collaborative transport without consulting on the prospective change to the policy on home to school transport.
63. A majority of those who commented on this proposal agreed that references to collaborative learning transport should be removed from the policy on home to school transport.

**Carbon Reduction**

64. 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). However, the withdrawal of free transport to some schools could lead to more parents choosing to convey their children to school by car, leading to a net increase in carbon emissions. Officers will work with willing groups of parents and schools to seek to implement more sustainable alternatives, for instance, helping procure collective transport and seeking to increase the availability of public bus services.

**Financial and Staff Implications**

65. The Council's current home to school transport policy exposes it to a significant financial risk, which arises from the potential of academies increasing catchment areas, therefore increasing the opportunities of entitlement to free transport.



66. If either Proposal A1 or A2 are agreed, after a phased introduction savings will reach between £1 million and £2 million per annum. In addition, adoption of these proposals would reduce the risk that future transport cost pressures will arise from decisions made by schools that are outside the Council's control.
67. The full savings would be made from September 2017 if Proposal B1 is adopted and from September 2020 if Proposal B2 is adopted.
68. Approximately 1.6% to 3.2% of the savings achieved by adopting Proposal A1 or A2 would be offset by the cost of additional staffing.
69. Proposal C1 would reduce the overall subsidy provided by at least £18,000 in 2014/15.
70. Adopting either Proposal C2 or C3 would reduce the overall subsidy provided by an estimated £14,000 per year for 3 years or £9,000 per year for 5 years from 2015.
71. The net annual saving anticipated (allowing for all transitional entitlements to run their course) is therefore estimated to be between £1 million and £2 million.
72. 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 £34,923 per annum (one full time post).
73. 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. Every effort would be made to recruit to this post from the existing Council workforce, rather than by an outside appointment.

## **RECOMMENDATIONS**

74. **The Cabinet is RECOMMENDED to adopt the following proposals:**
  - (a) **to provide free transport to the nearest available school (option A1) and consider, in response to consultation feedback, which, if either or both of the following options, to add to the 'nearest available school':**
    - (i) **Nearest available school in Oxfordshire;**
    - (ii) **A 'split village' entitlement where at least 25% of addresses, but not all, are nearest to the catchment school and the rest are nearest to another school; in such cases free transport to be provided to the catchment school for all addresses;**

- (b) to introduce the new policy from September 2015 for children starting primary school or transferring to secondary school, and to phase the policy change in year by year as children start schools or transfer between phases of education. Those in receipt of free travel under the current policy in September 2014 would continue to receive it on the same terms until they leave that phase of education or move to an alternative school; (proposal B2);
- (c) to increase the charges for concessionary travel and post 16 travel by 10% in September 2014. This would involve increasing concessionary fares 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;
- (d) from September 2015, to increase concessionary and post-16 fares by either:
  - (i) by 8% per year for the following three years (proposal C2) or
  - (ii) by 5% per year for the following five years (proposal C3);
- (e) from 2014 to remove all references to collaborative learning transport from the Home to School Transport Policy (proposal D);
- (f) in order to administer the changes, particularly the determination of the “nearest available school” and the need to process an anticipated increase in the number of Home to School Transport appeals, the Admissions Team to be increased, for two years, by an additional 1 Full Time Equivalent (at a cost of £34,923 per annum).

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Background papers: Nil  
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January 2014