

SURREY COUNTY COUNCIL

CABINET

DATE: 24 May 2011

REPORT OF: Cllr Peter Martin – Cabinet Member for Children and Learning



LEAD OFFICER: Claire Potier, Principal Manager Admissions and Transport (Strategy)

SUBJECT: Home to School/College Transport Policies including the provision of Transport to Denominational Schools

KEY ISSUE/DECISION:

To consider the proposed changes to the Home to School and Post-16 transport policies.

DETAILS:

1. Introduction:

1.1 The law relating to school transport can be summarised as giving the County Council:

- A statutory duty to provide free home to school transport to eligible children (Section 508B of the Education Act 1996)
- A discretion to provide transport (free or otherwise) to any other children (Section 508C of the Education Act 1996)

1.2 The statutory duty covers the pupils who are set out in Section 1 of **ANNEX 1** to this report.

1.3 All other aspects of school transport are discretionary.

1.4 However Local Authorities must also have regard to other guidance, and in particular the Home to School Travel and Transport Guidance (2007) and 2010 Post 16 Transport Guidance (March 2010).

1.5 The overall expenditure on home to School/College transport is approximately £10.6m with approximately £10m of this being spent on home to school transport for children in Reception to Year 11 and £600,000 being spent on Post-16 travel.

1.6 Regulations require that the Home to School transport policy is published at least six weeks before the deadlines for parents to apply for a school place in the following year and also that the composite prospectus on admissions includes information on home to school transport. This means that any policy changes on home to school transport must be determined and published over a year before they are due to take effect. This requirement does not apply to Post 16 transport.

2. Provision of free denominational transport

Background

- 2.1 Pupils who are aged 11 to 16 and who are in receipt of free school meals or whose family receives the maximum level of Working Tax credit and who attend a school on the grounds of their religion or belief which is between 2 and 15 miles from their home are eligible, by law, to receive free transport to school.
- 2.2 However in Surrey, other pupils also receive free transport on a discretionary basis if they attend their nearest denominational school on religious grounds if that school is up to six miles away for a primary school or 10 miles away for a secondary school. Currently approximately 2,200 pupils (25% of pupils in receipt of free transport) receive this discretionary support on denominational grounds to travel to 33 faith schools (11 outside SCC) at a cost of £1.9m a year. This equates to approximately 19% of the total home to school budget for compulsory school age pupils of £10m.
- 2.3 However parents who choose a non-faith school as an alternative to their nearest school do not have the same entitlement as those applying on denominational grounds and they have to make and pay for their own arrangements.
- 2.4 Between 14 February 2011 and 8 April 2011 the County Council consulted on a proposal to withdraw this discretionary element of free denominational transport for new applicants from September 2012. A copy of the consultation document is attached at **ANNEX 1**.
- 2.5 The reasons for the proposed change is to identify savings in an area of discretionary expenditure and to ensure that all children would be treated equally under the Home to School transport policy, regardless of their religion or belief.
- 2.6 The consultation document was sent to all infant, junior, primary and secondary schools in Surrey, neighbouring local authority schools that are within 3 miles of the County Council boundary, local MPs, county Council Members, Parish Councils, neighbouring Local Authorities, Admission Forum members and Diocesan Boards.
- 2.7 In order to reach parents a notice was sent to every Surrey school for them to display on their notice boards as well as a form of wording that they were encouraged to place in their newsletters to parents. A notice was also issued in local newspapers (Staines Informer, Surrey Advertiser, Walton & Weybridge Informer and Woking Informer) during the week beginning 14 February 2011.
- 2.8 The document was also published on Surrey County Council's website with links from three areas – School Admissions, School Transport and the generic Consultations page.

Outcome of consultation

- 2.9 In total, 858 individual responses were received. Of these 19 completed the paper response form, 749 were submitted online and 90 sent in a separate e-mail or letter.

- 2.10 Overall, 61 respondents (7%) supported the proposal and 797 (93%) did not.
- 2.11 In addition to the 858 responses there were 16 other e-mails and letters from respondents who had already submitted an online return and who wished to add further information to their responses.
- 2.12 There were also 184 copies of the same letter that had been sent to a local Councillor which expressed opposition to the proposal. However as names were not included on these letters it is difficult to ascertain if these parents had also submitted individual responses to the consultation and as such these have not been included in the overall number of responses.
- 2.13 Of the 749 responses received online, respondents categorised themselves as follows:

	In Support	Opposed
County Councillor	1	0
Diocese	0	15**
Early Years	2	1
Governor	4	26
Headteacher	1	8
Neighbouring LA	0	3*
Other	10	86
Parent	36	552
Not known	0	4

* No Local Authority name was included and from the response it appears more likely that these were from out of County parents or family members

** Of these 14 respondents only provided a private address and did not include no name of Diocese

- 2.14 Of the 109 who submitted a paper response form or who wrote a separate e-mail or letter, 7 were in support of the proposal and 102 were opposed.
- 2.15 Of the 7 who were in support, 2 were from headteachers, 4 appeared to be from parents or family members and 1 was from the National Secular Society.
- 2.16 Of the 102 who were opposed, 91 appeared to be from parents or family members. The remaining 11 were from faith schools (7), Diocesan Boards (2), a local church (1) and Surrey Secondary Headteachers' Phase Council (1).
- 2.17 In addition to the responses received directly, there was also an e-petition to revoke the proposed cessation of transport to denominational schools on Surrey County Council's website. This had been submitted by a Deputy Headteacher of a Surrey school and as of 20 April 2011 had received 3630 signatures. However the full petition has not been presented to Surrey County Council and as such officers have been unable to apply any validation of addresses.
- 2.18 91.5% of respondents who completed the equalities questionnaire described themselves as being Christian and so overall, the majority of responses to the consultation appear to be from the community that would be most affected by the proposed change.

2.19 The main points raised in the consultation responses were as follows:

From those opposed

- Loss of choice on grounds of cost and practicality
- Discrimination against church schools and contravention of the European Convention of Human Rights
- Catholic parents already fund some of the capital costs of RC schools
- Safety of alternative routes
- Environmental issues caused by more cars on the road
- Parents who can afford to could contribute to maintain services
- The proposal goes against long-standing 'contract' with the church whereby the church supplies the land and buildings and the state subsidises transport
- Assistance with travel costs was enshrined within the 1944 Education Act
- If parents are forced to change preferences this would impact feeder schools and would put pressure on local schools
- The consultation had been hidden
- The affect on younger siblings
- School transport is provided through Revenue Support Grant (RSG) which was protected as part of the Chancellor's announcement about savings

From those in support

- Funding should be used for more needy
- Church schools should not be treated differently
- Why should local families be denied places when other children are bussed in
- The existing arrangements are discriminatory and unjust as the subsidy on journeys to faith schools are on average higher per pupil
- Support should come from the church
- Inappropriate use of local council funds

2.20 Comments on the specific points raised by respondents who objected to the proposal are set out in **ANNEX 2** along with further comments from some of those respondents who supported the proposal.

2.21 Surrey Secondary Headteachers' Phase Council wrote echoing some of the concerns set out above and expressed concern at the limited opportunity for either detailed modelling with schools on projected cost savings or consideration of alternative solutions to phased provision withdrawal. The responses received from the Diocese of Arundel and Brighton, Salesian School and Saint Bede's School also expressed concern at the lack of information on impact and cost saving within the consultation.

2.22 Some of the respondents commented specifically about the loss of coaches that serve Salesian School. Only 9 of the 274 pupils who currently travel to Salesian School on the school coach, travel for free on denominational grounds. The remaining pupils contribute to the cost of the coach and as such they are not directly affected by this proposal to withdraw free denominational transport.

2.23 The provision of the coach to Salesian School is a long-standing arrangement whereby Surrey County Council has subsidised the provision of coaches to enable children to travel to Salesian school. This is despite those families having a nearer Catholic school, which is St Paul's in Sunbury. In 2003 and 2004 a number of other exceptional arrangements ceased leaving the coach provision to Salesian the only such arrangement that continues to be subsidised by the County Council. Separate to the consultation on Denominational

Transport, the provision to Salesian is also under review. However no decision has yet been reached and the County Council is currently exploring options for the future provision of coaches to the school and when any such changes should be introduced.

2.24 A breakdown of the number of pupils who receive free transport on denominational grounds, other than by taxi or petrol reimbursement, is set out by school at **ANNEX 3**, along with the costs for each mode of transport. This table also confirms the number of pupils who on average receive free transport within each year group.

2.25 Where there is no alternative mode of transport a small number of pupils travel by taxi (115) and others receive petrol reimbursement (53) and these costs are approximately £305,000 per annum.

2.26 **ANNEX 3** also sets out, for the 22 in-county schools, the percentage of the statutory school population that currently benefit from free denominational transport and the percentage in receipt of free School Meals. This indicates that:

- 13 schools have less than 10% of their statutory school population in receipt of free denominational transport
- 6 schools have between 10% and 20% of their statutory school population in receipt of free denominational transport
- 1 school (St Augustine's RC Primary) has between 20% and 30% of their statutory school population in receipt of free denominational transport
- 2 schools (St Bede's and St Peter's RC Comprehensive) have between 20% and 30% of their statutory school population in receipt of free denominational transport

2.27 Arguably on the face of it the schools that might face the greatest impact with regard to admissions if free denominational transport was withdrawn are the 3 schools that have more than 20% of their statutory school population in receipt of free denominational transport. These are St Augustine's RC Primary, St Bede's and St Peter's RC Comprehensive.

2.28 The table below confirms the schools which have more children who on average are in receipt of free denominational transport each year than the number of children who were unable to be offered each school within the 2011 admission round i.e. the number each school was oversubscribed by after the allocation of places.

School	Average number in receipt of free transport per year group	Oversubscription for September 2011	Potential undersubscription if preferences change (No of children)
St Augustine's	13	4	9
St Cuthbert Mayne	3	1	2
St Polycarp's	4.6	2	2.6
Bishop Wand	31	0	31
St Bede's	95.8	70	25.8
St Paul's College	15.6	9	6.6

2.29 It is therefore possible that if the average number of pupils in receipt of transport per year group were to change their preferences and not apply for

each of these schools in future, these schools might then face undersubscription. However the low percentage of Free School Meal eligibility for most of these schools might mean that families might be better placed to afford the transport costs if free transport was withdrawn and therefore be less likely to change their preferences. However, if preference patterns did change it would also be likely that, in time, other local parents would change their preferences in favour of these schools.

- 2.30 The fact that the County Council is proposing a phased approach will mean that all schools would be able to assess any impact on admissions over a period of time and could either make alternative arrangements for transport or review their admission arrangements if they felt that admissions to their school had been detrimentally affected.
- 2.31 St Peter's already arranges its own coach transport for 321 entitled pupils and approximately 300 non-entitled pupils. In response to the consultation St Peter's expressed concern at the viability of this arrangement if denominational transport was withdrawn. However there would be no reason for this service to cease as approximately 300 parents have already found it acceptable to pay to travel to school. The impact might however be felt by those who currently travel for free if they are on a low income, although some of these pupils are likely to qualify for free transport under statutory provision for denominational pupils. Paragraph 2.35 confirms that only 2% of the statutory school age population of St Peter's are currently on free school meals.
- 2.32 Other than those who travel by coach, a breakdown of the number of pupils who are in receipt of free denominational travel and who will be expected to leave school each academic year is set out in **ANNEX 4** along with the saving that might be achieved by academic year and by financial year.
- 2.33 Approximately 1,300 pupils travel by coach. The saving on school coaches would be dependent on the number of existing children who would still need transporting, where those children lived, the size of the vehicle that would be needed, whether there were any other children eligible for transport on non-denominational grounds and the bids that were made by the contractors. However it is likely that any savings would be realised only after the first two or three years.
- 2.34 It is likely that if the discretionary element of free denominational transport was withdrawn some of the pupils affected might qualify for free home to school transport under other statutory criteria.
- 2.35 From a check of 926 pupils who currently qualify for free denominational transport only 13 (1.4%) did not have a nearer school. As such, applying this percentage to the total number of pupils who are currently in receipt of discretionary transport on denominational grounds (2283) it is possible that 32 of them will retain their entitlement under the criteria that the school they attend is their nearest school.
- 2.36 Currently only 9 pupils aged 11 to 16 are recorded as being in receipt of statutory denominational transport on the basis of low income, as set out in paragraph 2.1. However there are likely to be more pupils who are eligible whose families have not needed to provide evidence because they have qualified for free transport under the discretionary provision set out in paragraph 2.2.

2.37 The following table sets out the percentage of free school meals for pupils aged 11 to 16 by secondary school and, when applied as a percentage to the number of pupils in receipt of free denominational transport, how many pupils might be otherwise entitled under the statutory provision. This would indicate that approximately 63 of the 1737 pupils currently at secondary school and in receipt of free denominational transport might be entitled under the statutory provision.

Secondary School	No on roll years 7 - 11	% in receipt of FSM	No in receipt of Denominational transport	No. who might be eligible under statutory provision
All Hallows	1340	4%	130	5
Bishop Wand	965	6%	155	9
Christ's College	554	16%	26	4
Salesian School	1252	4%	192	8
St Andrew's RC	768	4%	130	5
St Bede's	1513	2%	479	10
St John The Baptist	1136	4%	152	6
St Paul's	1042	6%	78	5
St Peter's RC	1013	2%	334	7
The Priory	842	7%	61	4
Total			1737	63

2.38 The overall impact of pupils who will otherwise be eligible for free transport is therefore expected to be relatively low and will not greatly impact on anticipated savings.

2.39 Surrey County Council are not alone in seeking to make changes to denominational transport. Of the non-London councils that border Surrey the following changes are being proposed or have been made:

- Kent – consulting on a phased withdrawal from September 2012
- East Sussex – partial withdrawal from September 2011, full withdrawal from September 2012
- West Sussex – consulting on full withdrawal from September 2011
- Hampshire - consulting on full withdrawal from September 2012(phased or from a date)
- Bracknell Forest – already withdrawn
- Windsor and Maidenhead - already withdrawn
- Slough – already withdrawn

Conclusion

2.40 Whilst the County Council has a duty to have regard to the wish of a parent to educate their child at a faith school there is no requirement for it to provide transport to support that preference, other than the requirement set out in paragraph 2.1.

2.41 The fact that the County Council has exercised its discretion in the past does not mean that it must always do so and the Home to School Travel and Transport Guidance confirms that this should only be considered in so far as it is compatible with the avoidance of unreasonable public expenditure.

- 2.42 The Home to School Travel and Transport Guidance also confirms that where transport arrangements are made for pupils travelling to denominational schools on faith grounds that travel arrangements should also be made for pupils travelling to non-denominational schools where attendance at those schools enables the child to be educated in accordance with their parent's philosophical convictions. If denominational transport were to remain then the County Council would need to ensure that its policy did not discriminate any child on the grounds of religion or belief and this would mean amending the policy to ensure that denominational transport was not just targeted to Catholic and CofE schools.
- 2.43 The Council must also act equitably to the parents of all pupils. It is not just pupils with a faith background who travel to faith schools. A number of parents are motivated other than by religion when choosing a faith school. However these parents would not qualify for free travel and as such this can result in one child receiving free transport and another having to pay, even though the children might be travelling from the same area to get to the same school.
- 2.44 Even taking into account the fact that a parent may not feel that they have a choice in choosing a denominational school, as it is part of their faith, it still raises the question as to whether it is right that one parent receives transport based on the reasons for their preference whilst another does not.
- 2.45 St Peter's Catholic School currently arranges its own coaches and many families already pay towards the cost of this transport. This suggests that asking parents to pay for the cost of transport is not necessarily a bar to parents continuing to send their children to denominational schools.
- 2.46 As Surrey County Council does not control the transport providers and as pupils travel by different modes, the amount payable by parents would be variable from £366 for a rail pass up to £875 for a coach pass. However costs could be greater depending on the numbers and the route travelled. If Surrey County Council were to take on this role, the cost of collecting the levy could be onerous and reduce the savings that had been identified. It would also dilute the aim of achieving equity as children attending faith schools would still be having transport arranged for them whilst children attending non-faith schools would not.
- 2.47 Whilst withdrawing free denominational transport may have an impact on admissions to some schools, on balance it is likely that the number of parents that would change their preferences both against and in favour of each school would not have a serious impact on oversubscription.
- 2.48 Surrey County Council are not alone in having to identify savings and other neighbouring Local Authorities are also considering cutting expenditure in this area, if they have not already done so.

Recommendation

- 2.49 It is recommended that Cabinet agrees to the withdrawal of free home to school denominational transport for new pupils from September 2012 but that it supports schools which wish to introduce their own arrangements at full cost recovery.

3. Concessionary seats for mainstream pupils

- 3.1 When there is a spare seat on an existing contracted vehicle that has been provided for children who are eligible for free transport, the Transport Coordination Centre (TCC) sells this seat to a parent of a child who is not otherwise entitled to free transport.
- 3.2 Concessionary seats are limited and if an entitled child needs that seat in the future a child may have their seat withdrawn at short notice.
- 3.3 Parents who are unable to access a concessionary seat must make alternative arrangements to get their child to school.
- 3.4 The price of a concessionary seat for mainstream pupils is currently £1.03 per day (£65 per term/£195 pa) for a child under 8 years old and £1.74 per day (£110 per term/£330 pa) for a child aged 8 years and over. However there are discounts of 50% for children who have an older sibling travelling on the vehicle.
- 3.5 There are currently 928 pupils benefiting from a concessionary seat. Income currently generated from the sale of concessionary seats is approximately £230,000 and this is offset against the home to school transport costs.
- 3.6 Since last year's review of Local Bus School Special services, it has been confirmed by Cabinet Member for Transport's Decision that the average daily fare to be charged on the remaining School Specials would be £2.10 for 2011/12. Following a subsequent review of the impact on patronage of fare increases to that level, the Council would work with bus operators to achieve an average fare of £2.50 on School Specials for the 2012/13 Academic Year.
- 3.7 To ensure that there is some consistency between the fares and that there is equity for parents regardless of their child's mode of transport to school, it is recommended that the concessionary fare is increased to £2.10 a day (£399 pa) for 2011/12 and to £2.50 a day (£475 pa) for 2012/13.
- 3.8 It is also proposed to remove the discount for younger children and siblings as these discounts do not apply on School Specials or Local Bus routes and creates an inequity for families who do not have access to a concessionary seat.
- 3.9 These changes combined could lead to an increase in the income generated during the 2011/12 academic year from selling concessionary seats of £105,162 per annum. The following table provides a breakdown of how that income might be achieved.

Current Fare	No of pupils	Difference between old and new rate	Increase in income - 2011/12 academic year
Full concessionary fare	689	£69	£47,541
Reduced fare for under 8	38	£204	£7,752
Reduced fare for sibling over 8	159	£234	£37,206
Reduced fare for sibling under 8	42	£301.50	12,663
Total	928		£105,162

- 3.10 As the fare for a concessionary seat increases from £2.10 per day to £2.50 per day in 2012/13, additional income will be generated at a rate of £76 per child per annum, which might realise additional income of £70,528 over and above the increase in income during 2011/12.
- 3.11 Currently concessionary seats are sold on a journey basis. However this makes forecasting of uptake and income difficult to assess as demand will vary throughout the year and is onerous on officer time. It is therefore proposed to require parents, who wish to take up a concessionary seat, to purchase a seat on a half-termly basis.

Recommendation

3.12 It is recommended that Cabinet:

- agrees to an increase in the fare for a concessionary seat to £2.10 in 2011/12 and £2.50 in 2012/13 and thereafter to increase in line with inflation (the lower of CPI and RPI)
- agrees to remove the discounts for siblings and younger children on the concessionary seat scheme
- agrees to a change in policy so that concessionary seats are sold on a half-termly basis.

4. Post-16 Transport Entitlement

- 4.1 Following the Government's announcement that the EMA scheme is being closed to new applicants, Surrey County Council has had to review its Home to school/college travel policy for post-16 students. Previously, travel eligibility was based on whether or not a student was in receipt of the maximum EMA.
- 4.2 Expenditure on Post-16 transport is currently approximately £600,000.
- 4.3 The proposed policy for support with post 16 travel costs is set out at **ANNEX 5**.
- 4.4 The criteria set out in paragraph 2.1a) provides protection for continuing students who were previously in receipt of the maximum EMA and will continue to retain their entitlement during 2011/12. These students will retain eligibility for transport support to ensure they can complete the course that they have already commenced.
- 4.5 Paragraph 2.1b) provides for assistance to be provided to those students who will be eligible for the guaranteed bursary as these are recognised as the most vulnerable groups whose participation in post-16 study would otherwise be low.
- 4.6 Paragraph 2.1c) provides support to students whose family is on a low income based on a recognised measure that is used for the extended entitlement to free transport for children of compulsory school age. EMAs were targeted at low income families and the criteria in paragraph 2.1c) will replace the requirement for a student to be in receipt of the maximum EMA. It is hoped that this will minimise the impact on families on a low income and reduce any negative impact that the withdrawal of the EMA will have on stay on rates.
- 4.7 Criteria under 2.1d) and e) is not proposing any change.

- 4.8 Most students are expected to contribute to the costs of their travel and only where the costs exceed the student contribution will support be given.
- 4.9 The student contribution has been increased by the rate of inflation (5%) to £210 a term (£3.31 a day).

Recommendation

- 4.10 It is recommended that Cabinet agree the changes to the eligibility criteria for Post 16 School/College travel, as set out in **ANNEX 5**.

5. Financial and value for money implications

- 5.1 The net cost of providing discretionary home to school transport on denominational grounds is approximately £1.9m. The proposal to withdraw this discretionary benefit is expected to realise a gradual saving from September 2012 onwards.
- 5.2 The changes to the concessionary seat scheme will increase the income generated from the scheme whilst ensuring equity between the different bus and coach provision. The sale of seats on a half-term basis will also offer better value for money.
- 5.3 The proposed change to the criteria for post-16 transport support is anticipated to be cost neutral, as it is expected to provide support to those students who would have otherwise qualified as a maximum EMA recipient.

6. Equalities implications

- 6.1 An Equality Impact Assessment has been completed and is at **ANNEX 6**.
- 6.2 The proposal to withdraw free denominational transport will disproportionately impact Catholic families and a lesser extent CofE families. However it should also be noted that the current discretionary transport policy favours these families as it provides families from a faith background with a financial benefit that is not available to other groups. As such this proposal addresses the inequity within the current policy.
- 6.3 The proposal to change the fare for concessionary seats will, as far as possible, create equity between bus and coach transport and thus remove any disadvantage felt by parents who cannot get a concessionary seat for their child.
- 6.4 The proposed Post-16 transport policy attempts to ensure that finance is not a barrier to students who wish to participate in post-16 education at school or college.
- 6.5 In making a decision on these proposals, Members will need to take account of the public equality duties under s149 Equality Act 2010, which came into force on 6 April 2011. These state that the Council should have due regard to the need to eliminate discrimination, harassment and victimisation, and foster good relationships between persons who share a relevant protected characteristic and those who do not.

- 6.6 The Equalities Impact Assessment which is attached to this report identifies religion and belief as the protected characteristic most likely to be impacted, potentially both positively and negatively.
- 6.7 In reaching any decision on the proposals, Members will need to take account of the recommendations of the EIA and the negative effects identified.

7. Risk management implications

- 7.1 The proposals, if adopted as recommended, seek to increase equity in the provision of free school transport and thus help reduce the risk of challenge.
- 7.2 If all children who would currently receive free denominational transport were to change their preferences in future, there would be potential for some faith schools to be undersubscribed. However the low percentage of Free School Meal eligibility might mean that families might be better placed to afford the transport costs if free transport was withdrawn and therefore be less likely to change their preferences. If preference patterns did change it would be likely that, in time, other local parents would change their preferences in favour of these schools.
- 7.3 The County Council will be able to offer support to any school which wishes to facilitate their own transport, so that they might reduce any impact on admissions.

8. Implications for the Council's priorities or Community Strategy/Local Area Agreement targets

- 8.1 The provision of transport support for post-16 students helps young people stay on in education and to obtain a qualification thus contributing to National Indicators 79 and 117 and Surrey's Local Area Agreement targets.

9. Climate change/carbon emissions implications

- 9.1 The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change.
- 9.2 The Council's policy on sustainable travel aims to ensure that as many people as possible use sustainable school transport rather than private cars. Whilst the proposal to withdraw free denominational transport might encourage some parents to drive their children to school, the County Council will work closely with schools who wish to facilitate their own transport.

10. Legal implications/legislative requirements

- 10.1 In making a decision which involves the reduction of an existing service Members should:

- be satisfied that sufficient consultation has taken place, particularly with those individuals who will be affected by the decision, and take into account the result of the consultation
- take into account all material considerations in reaching their decisions. This means that as well as taking into account the reasons for the proposal as set out in this report, members must give consideration to the impact of the proposal on individuals and how this can be mitigated
- be satisfied that any impact on individuals is justified by the overall benefit to all service users
- take into account the Council's equality duty
- take into account the legal context in which their decision should be made. Members are referred to Section One of this report for details of the statutory duty and power to provide transport
- be aware of the Council's duty to have regard to a parent's wish for their child to be educated in accordance with their religion or belief in the exercise of its travel functions under section 509AD of the Education Act 1996
- be aware of the Council's duty to have regard to the DCSF Home to School Travel and Transport Guidance which has been referred to in this report

10.2 In order to avoid the risk of a legal challenge under Section 509AD Education Act 1996, Members should be mindful of the need for the Council to consider individual cases as an exception to policy where there are "special circumstances", including parental preference based on a religious or philosophical conviction. In such cases the Council would consider in individual cases whether to provide transport to faith schools and balance the question of cost against a parent's religious or philosophical convictions.

11. Corporate Parenting/Looked After Children implications

No corporate parenting or Looked After Children implications.

12. Section 151 Officer commentary

RECOMMENDATIONS:

It is recommended that Cabinet:

- 1 Agrees to the withdrawal of free home to school denominational transport for new pupils from September 2012 but that it supports schools which wish to introduce their own arrangements at full cost recovery.

Reason

- To ensure that all children are treated equally under the Home to School transport policy, regardless of their religion or belief
- To realise savings in an area of discretionary expenditure

- 2 Agrees to an increase in the fare for a concessionary seat to £2.10 in 2011/12 and £2.50 in 2012/13 and thereafter to increase in line with inflation (the lower of CPI and RPI).

Reason

- This brings the fare in line with that charged on other bus provision and ensures consistent charging policies across provision
- Ensures equity for parents so that some are not being charged more than others for the same route
- Whilst still not reflecting the true cost of the seat, the increased fare will generate increased income to help offset the true cost.

3. Agrees to remove the discounts for siblings and younger children in the concessionary fare

Reason

- This brings the fare in line with that charged on other bus provision and ensures consistent charging policies across provision
- Ensures equity for parents so that some are not being charged more than others for the same route
- Whilst still not reflecting the true cost of the seat, the increased fare will generate increased income to help offset the true cost.

4. Agrees to a change in policy so that concessionary seats are sold on a half-termly basis.

Reason

- This ensures concessionary seats can be planned for and income from sales can be forecast more accurately
- This encourages parents to ensure their child utilises a spare seat rather than allowing coaches to run with empty seats

5. Agrees the changes to the eligibility criteria for Post 16 School/College travel, as set out in **ANNEX 5**.

Reason

- An amendment is needed following the withdrawal of the EMA scheme
- It ensures support is targeted to those on the lowest income
- It ensures that travel costs are not a barrier to staying on at school or college post 16 for those who are on a low income and most in need

WHAT HAPPENS NEXT:

1. The primary and secondary admissions booklet and literature will be updated to reflect the new home to school transport policy on denominational transport and this will be available to parents in September 2011.
2. A notice will be displayed on SCC's website notifying residents of the change to denominational transport for new applicants from September 2012.
3. The Post -16 transport policy will be displayed on SCC's website and SCC's Post 16 Transport Statement will be updated.
4. A bulletin will be issued to schools to advise them of the changes.

5. Other key partners and stakeholders will be written to to advise them of the changes, such as the Contact Centre, Diocesan Boards, neighbouring Local Authorities and the Transport Coordination Centre.
6. Schools with pupils currently in receipt of free denominational transport will be invited to work with the Transport Coordination Centre to facilitate their own transport if they wish.

Contact Officer:

Claire Potier, Principal Manager Admissions and Transport (Strategy) 01483 517689

Consulted:

- Nick Wilson, Strategic Director for Children, Schools and Families
- Peter-John Wilkinson, Acting Assistant Director for Children, Schools and Families
- Sarah Baker, Legal and Democratic Services
- Infant, Junior, Primary and Secondary schools in Surrey
- Neighbouring local authority schools that are within 3 miles of the County Council boundary
- Local MPs
- County Council Members
- Parish Councils
- Neighbouring Local Authorities
- Admission Forum members
- Diocesan Boards

Informed:

Sources/background papers:

Home to School Travel and Transport Guidance (2007)
2010 Post 16 Transport Guidance (March 2010)
