

SURREY COUNTY COUNCIL**CABINET****DATE: 22 APRIL 2014****REPORT OF: MRS LINDA KEMENY, CABINET MEMBER FOR SCHOOLS AND LEARNING****LEAD OFFICER: CLAIRE POTIER, PRINCIPAL MANAGER ADMISSIONS AND TRANSPORT****SUBJECT: HOME TO SCHOOL TRANSPORT POLICY 2015****SUMMARY OF ISSUE:**

To consider the outcome of the consultation on Surrey's Home to School Transport policy and to decide if any changes should be made for implementation from September 2015.

RECOMMENDATIONS:

It is recommended that with effect from September 2015, subject to the distance thresholds appropriate to the age of the child being met, Cabinet extends eligibility to free home to school transport for Surrey children to attend their nearest geographical Surrey school (measured by the shortest walking route) if their nearest school is out of County and the distance or safety of route to that school would mean that transport would still need to be provided.

Reason for recommendation

- It would enable parents who would otherwise receive transport to their nearest out of County school, to send their children to their nearest Surrey school and still receive transport, thus potentially increasing their 'choice' of schools
- It would ensure that the cost of transport would not be a barrier for children to attend their nearest Surrey school
- It is a policy change that could be applied consistently across the County
- It would demonstrate support to Surrey schools by offering families an incentive to apply for their nearest Surrey school, even if they have an out of County school which is nearer
- It would help to support the financial viability of undersubscribed Surrey schools and in turn may reduce the likelihood of County Council funding being needed to support the recovery of an undersubscribed school
- In some cases it may cost less to transport a child to a Surrey school than to an out of County school
- It would mean that families living in Dormansland and Lingfield would not have their transport to Oxted withdrawn if their nearest school is outside of Surrey
- It would only apply if a parent applied for and was offered a place at the child's nearest geographical Surrey school
- It was supported by Children and Education Select Committee

DETAILS:

Introduction

1. The legal responsibility for ensuring a child's attendance at school rests with the child's parent. Generally, parents are expected to make their own arrangements for ensuring that their child travels to and from school.
2. However, the local authority has:
 - a statutory duty to provide free home to school transport to eligible children (Section 508B of the Education Act 1996)
 - discretion to provide transport (free or otherwise) to any other children (Section 508C of the Education Act 1996)
3. The statutory duty covers the following children:

Children under the age of 8 years old	Children aged 8 to 11 years old	Children aged 11 to 16 years old
If they attend a school which is their nearest suitable school and which is more than 2 miles from their home	If they attend a school which is their nearest suitable school and which is more than 3 miles from their home	If they attend a school which is their nearest suitable school and which is more than 3 miles from their home
	If they: <ul style="list-style-type: none">• are in receipt of free school meals or their parents receive the maximum amount of Working Tax Credit; and• attend a school which is their nearest suitable school which is more than 2 miles from their home	If they: <ul style="list-style-type: none">• are in receipt of free school meals or their parents receive the maximum amount of Working Tax Credit; and• attend one of their three nearest schools between 2 and 6 miles from their home
		If they: <ul style="list-style-type: none">• are in receipt of free school meals or their parents receive the maximum amount of Working Tax Credit; and• attend a school on the grounds of their religion or belief which is between 2 and 15 miles from their home

4. All other aspects of home to school transport are discretionary.
5. Surrey's home to school transport policy for mainstream children generally only provides for children who meet the statutory eligibility criteria to receive free home to school transport. Surrey's home to school transport policy for 2014 is set out in Annex 1.

6. The only discretionary elements remaining within the policy are as follows:
 - Although the maximum walking distance increases from two miles to three miles when a child turns eight years old, Surrey's policy allows transport to continue until the end of the academic year in which the child turns eight i.e. transport is not withdrawn mid year
 - Although the statutory duty to provide transport only applies to children once they reach statutory school age, Surrey's policy provides for transport entitlement to be assessed for children once they start in Reception at four years old
 - Where a different school is nearest by straight line distance then transport will normally be provided to either school as long as the other conditions of eligibility are met. This is because many of Surrey's schools prioritise applicants based on whether the school is their nearest by straight line distance and it would be perverse for a child to be refused a place at a school on the basis that it was not their nearest by straight line distance, but then be refused home to school transport to another school on the basis that the preferred school was the nearest by shortest walking distance
7. Whilst a parent has the right to apply for a school of their preference, the local authority has no duty to provide transport to that school if there is another school which is nearer which could have offered a place had the parent applied, whether or not that school is inside or outside the County boundary.
8. Families whose children do not meet the statutory eligibility criteria may ask for their specific circumstances to be taken in to account at a Transport Case Review or, subsequently, a Members Review. Any such cases are considered on an individual basis and do not alter overall policy.
9. The overall expenditure on home to school transport for statutory school age pupils who are travelling to school (including children who start school at four years old) is approximately £9m per annum.
10. However this includes approximately £1.2m per annum for discretionary transport to denominational schools on faith grounds. Whilst, on 24 May 2011, Cabinet made the decision to withdraw such discretionary free home to school transport to denominational schools, it was agreed that this withdrawal should be phased in for new pupils from September 2012.
11. Current expenditure also includes approximately £113,000 per annum for approximately 160 children across all year groups to travel from Lingfield and Dormansland in Tandridge to Oxted School, even though they may have a nearer school outside of Surrey which could offer a place. The fact that these children were receiving transport in error came to light in 2012 but at that time it was agreed for free transport to continue exceptionally for the 2013 and 2014 intakes. However it was made clear that there would be a review of Surrey's Home to School Transport policy for 2015 and that from that date, applications would be considered in accordance with the policy.
12. Currently, approximately 6,450 pupils of statutory school age receive free home to school transport.

13. Entitled pupils are generally expected to travel by the cheapest mode of transport and this is assessed by Surrey's Transport Coordination Centre. Currently, based on January projections, the number of mainstream statutory school age children (including children who start school at four years old) travelling by each mode of transport is as follows:

Mode of travel	Number of entitled children travelling	Percentage
Contract coach	3,242	50.3%
Rail Pass	267	4.1%
Bus Pass	1,623	25.2%
School's own coach (2 faith schools)	216	3.3%
Reimbursement	198	3.1%
Taxi/Minibus	904	14%
Total	6,450	

14. Regulations require that the local authority's 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 academic year. The local authority's composite prospectus on admissions must also include information on home to school transport. This means that any policy changes on home to school transport for 2015 must be determined and published by the end of the Summer term 2014.
15. Children who have a statement of special educational needs are not included in the figures above as they are assessed for home to school transport under the SEN Home to School Transport policy which has not been included as part of this review.

Background to review

16. Other than the withdrawal of discretionary transport on faith grounds to denominational schools, Surrey's Home to School Transport policy has not been reviewed since the policy was considered by Surrey's Executive in June 2006.
17. At that time the Executive reviewed 44 exceptional transport routes which it had withdrawn since 2002 and considered whether any should be reinstated. However the Executive agreed to maintain its current Home to School Transport policy, which did not allow for any known exceptional arrangements, so that all residents would be treated fairly and objectively and there would be a consistent application of the policy across the County.
18. It is therefore clear that the intent at that time was to have a policy that could be applied equally to all families, regardless of where they live in Surrey.
19. However, notwithstanding that policy intent, as Surrey's Home to School Transport policy had not been reviewed since 2006 and as a number of queries had been raised by parents and Members in recent years, it seemed timely to assess whether it still delivered a fair and equitable policy or whether any changes needed to be made.

Consultation

20. It was agreed to carry out a public consultation that would enable respondents to contribute their views to the policy review. This would enable Members to better

understand the concerns of parents and schools when they considered whether any changes needed to be made to Surrey’s Home to School Transport policy.

21. As a result, Surrey’s Admissions and Transport team issued a consultation document to stakeholders on 11 November 2013 (Annex 2). The consultation ran for 6 weeks until 20 December 2013.
22. The consultation document was sent directly to all Surrey schools, Diocesan Boards of Education, Surrey County Councillors, Borough and District Councillors, Parish and Town Councillors, members of Surrey’s Admission Forum, Early Years establishments and Surrey MPs.
23. Surrey County Council Members and Borough and District Councillors were asked to draw the consultation to the attention of any local community or resident groups in their area who may have an interest in responding.
24. All schools were sent a suggested form of wording for parents, which they were encouraged to put on websites, notice boards and in newsletters, as appropriate.
25. Notice of the consultation was also published on Surrey County Council’s website from three areas – School Admissions, School Transport and the generic Consultations page.
26. The consultation document made clear that, whilst Surrey County Council was not proposing any changes to its policy, it was interested to hear:
 - the views of Surrey residents and schools on the equity of the existing policy;
 - details of any home to school transport difficulties that Surrey parents might currently face; and
 - details of any suggestions for change (recognising that any additional expenditure on home to school transport would mean that Surrey would need to make savings elsewhere).
27. Whilst the consultation invited comments on some specific matters it also invited respondents to comment freely on any difficulties they may have faced as a result of Surrey’s home to school transport policy and on how the policy might be changed.
28. By the closing date, 170 responses had been submitted online and seven responses had been received by email/letter.
29. A summary of the 170 online responses is set out below in Table A.

Table A - Summary of responses to transport consultation for September 2015			
Question No.	Question	Yes	No
1	Have you read the consultation document on Surrey’s Home to School Transport policy?	164 (96%)	6 (4%)
2	Are you familiar with Surrey’s current policy on home to school transport?	165 (97%)	5 (3%)
3	Do you think that Surrey’s current home to school transport policy delivers an equitable policy that can be applied County wide?	107 (63%)	63 (37%)
4	Do you think that Surrey’s current home to school transport policy enables parents to	125 (73.5%)	45 (26.5%)

Question No.	Question	Yes	No
	clearly understand how decisions are made in individual cases?		
5	Have you ever faced any difficulties as a result of Surrey's current home to school transport policy?	68 (40%)	102 (60%)
6	Do you think that Surrey should provide free home to school transport for a child to attend a Surrey school, even if there is a school outside Surrey which is nearer to the child's home address which the child could be offered?	97 (57%)	73 (43%)
7	Do you think that Surrey should provide free home to school transport for a child to attend a feeder school, even if there is another school which is nearer to the child's home address which the child could be offered?	88 (52%)	82 (48%)
8	Do you think that Surrey should provide free home to school transport for a child to attend the same school as a sibling if the sibling has already qualified for free home to school transport to that school?	148 (87%)	22 (13%)
9	Do you wish to make any suggestions for change to Surrey's current home to school transport policy? (Any suggestions should relate to a policy change and not one that would apply to just one school or in one area.)	94 (55%)	76 (45%)

30. The seven respondents who submitted emails/letters wrote about very specific issues. Further analysis of these responses and those that were submitted online are set out in Annex 3.

31. The outcomes of the consultation were shared with Surrey's Children and Education Select Committee on 27 March 2014.

Consideration of the issues

32. The response rate to the consultation was low with only 177 responses being submitted. Given the fact that there are approximately 124,000 Surrey children of school age and approximately 28,000 applications for school admission from Surrey residents each year, this might demonstrate that, generally, families and schools are satisfied with Surrey's Home to School Transport policy.

33. This conclusion may be further evidenced by the low rate of requests for Transport Case Review and Members Review each year. During the 2013 calendar year 171 requests were considered by officers at Transport Case Review, with 73 cases being agreed exceptionally. Of those which were not agreed, 13 were passed to a Members Review and of those, eight were upheld.

34. The vast majority of comments were received from parents, with representatives from only two mainstream schools contributing their concerns. This seems to demonstrate that in most areas, transport was not an issue or that any issues were managed locally by each school.

- 35. Overall, 107 respondents (63%) felt that Surrey’s Home to School Transport policy was equitable and 125 respondents (73.5%) felt that the policy enabled parents to clearly understand how decisions are made.
- 36. In addition, 102 respondents (60%) indicated that they had faced no difficulties as a result of the policy.
- 37. Given the low response rate and the fact that the nature of this consultation would be more likely to encourage a response from those who were unhappy with the policy, these figures are generally positive.
- 38. Geographically, respondents appeared to be scattered around the County demonstrating that there were few specific issues affecting a number of parents.
- 39. However there was a pocket of 55 respondents with an RH7 postcode who lived around the Lingfield and Dormansland area in Tandridge. Their responses are set out in Table B below:

Table B - Summary of responses to transport consultation from RH7 postcode

Question No.	Question	Yes	No
3	Do you think that Surrey’s current home to school transport policy delivers an equitable policy that can be applied County wide?	30 (55%)	25 (45%)
4	Do you think that Surrey’s current home to school transport policy enables parents to clearly understand how decisions are made in individual cases?	36 (65%)	19 (35%)
5	Have you ever faced any difficulties as a result of Surrey’s current home to school transport policy?	16 (29%)	39 (71%)
6	Do you think that Surrey should provide free home to school transport for a child to attend a Surrey school, even if there is a school outside Surrey which is nearer to the child’s home address which the child could be offered?	54 (98%)	1 (2%)
7	Do you think that Surrey should provide free home to school transport for a child to attend a feeder school, even if there is another school which is nearer to the child’s home address which the child could be offered?	52 (95%)	3 (5%)
8	Do you think that Surrey should provide free home to school transport for a child to attend the same school as a sibling if the sibling has already qualified for free home to school transport to that school?	54 (98%)	1 (2%)

- 40. Many of these respondents raised a particular concern regarding transport to Oxted School, even though their nearest school was out of County. Whilst children in this area are currently receiving free transport to Oxted School on an exceptional basis, they will not continue to be eligible from September 2015 unless a change of policy is agreed. This concern was supported by the senior leadership team and Chair of Governors at Oxted School, a governor at Lingfield School and by the Parish Councils for Lingfield and Dormansland.

41. The consultation posed a series of questions to respondents and, in addition to the specific concern set out above regarding transport to Oxted School, there were a number of recurring themes which shall be covered in this report:
- Surrey's transport policy should be consistent with the admissions policies for Surrey schools
 - Distance should be measured according to the walking or road route
 - Surrey should provide more than the minimum required under the legislation
 - Schools over the County boundary should not be considered in the assessment of nearest school
 - Decisions should take account of existing transport links or cost of transport
 - The policy should take account of individual circumstances
 - There should be support to siblings when an older child receives free transport

Surrey's transport policy should be consistent with the admissions policies for Surrey schools

42. Eligibility to transport is not linked to the admission criteria of a school. Whilst some schools give priority to children who are attending a feeder school or to those who live within a catchment, attending a feeder school or living within catchment does not confer an automatic right to transport.
43. Any such extension of the policy is not part of Surrey's statutory duty and as such would be discretionary. The County Council would need to consider how it would fund such a, potentially, open ended increase in eligibility.
44. Notwithstanding the increase in expenditure, linking transport eligibility to admission criteria would introduce a level of complexity to the policy and there would be a number of challenging factors to consider.
45. In Surrey there are now over 170 schools which act as their own admission authority and as such are responsible for determining their own admission arrangements. These include academies and free schools. As long as the admission arrangements are lawful and comply with the School Admissions Code, these schools have no obligation to be guided by the local authority on what admission arrangements to set.
46. In this way the local authority is slowly starting to see more cases of diverse admission arrangements which no longer follow the local authority's 'standard' criteria. As these criteria are outside the local authority's control, it follows that any policy which links home to school transport to the admission criteria of a school would remove the local authority's control on its home to school transport expenditure.
47. The local authority acknowledges that academies and free schools are still seeking to serve their local communities. However if, in time, they alter their admission arrangements to serve communities further away from the school, any local children who fail to secure a place might become entitled to transport to a school which is further away, thus increasing Surrey's expenditure on home to school transport.
48. In total, 88 respondents (52%) felt that home to school transport should be provided for children who attend a named feeder school, even if there is a nearer school to the child's home address which the child could be offered.

49. Already in Surrey there are 26 junior schools and 11 secondary schools which admit children according to feeder school priority. Across these schools a total of 1,275 junior places and 663 secondary places were offered according to feeder school priority in 2013. These figures discount faith schools which prioritise children who meet faith based criteria attending a feeder school ahead of other children. There are at least three more schools which have introduced feeder links for 2014 entry and others may be considering such proposals for 2015.
50. Whilst some of these children may already qualify for free transport it is likely that a number will not, but much will depend on the location of the feeder school and where that school draws its intake from. An extension of policy to provide transport to children attending a feeder school would therefore be likely to increase significantly the number of children who would be eligible to receive free transport.
51. In addition there are a number of other admission criteria available to schools such as siblings, nearest school, catchment, distance and faith. If home to school transport entitlement was to be linked to admission criteria for a school, in order to be equitable it would stand to reason that any child qualifying for a school place according to the school's admission criteria should qualify for home to school transport.
52. Notwithstanding the equity issue, unless transport was also agreed for pupils who obtain a place under other criteria for a school, committing transport to children who attend a named feeder school would put more schools under pressure to introduce feeder links, which may not always be fair to local children or the appropriate criteria for a school.
53. In the current economic climate Surrey cannot commit to linking transport eligibility to the admission criteria of each school as it would result in open ended eligibility to free home to school transport.

Distance should be measured according to the walking or road route

54. When assessing entitlement to home to school transport, generally the shortest available walking distance is considered between the home and the school. A route will be available if it is a route that a child, accompanied as necessary, can walk with reasonable safety to school.
55. Where a different school is nearest by straight line distance then transport will normally be provided to either school as long as the other conditions of eligibility are met.
56. The only other exceptions apply for the following categories, where the furthest distance is measured by the shortest road route:
- Children who are aged 11 to 16 who are in receipt of free school meals or whose parents receive the maximum amount of Working Tax Credit and who attend one of their three nearest schools between 2 and 6 miles from their home
 - Children who are aged 11 to 16 who are in receipt of free school meals or whose parents receive the maximum amount 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

57. The Home to School Transport policy also makes provision for walking routes to be assessed for their safety by a Community Travel Advisor.
58. As the Home to School Transport policy currently provides for the shortest available walking and road routes to be assessed in this way, there is no requirement to make any change to the policy in this respect.

Surrey should provide more than the minimum required under the legislation

59. A number of comments made throughout the consultation indicated a belief that Surrey should provide more than the minimum required under the legislation. Some respondents went so far as to say that all children should receive free home to school transport regardless of the school being attended.
60. With approximately 124,000 Surrey children of school age and only 6,500 children currently in receipt of free home to school transport, a commitment to provide free home to school transport to all pupils would be financially untenable.
61. The County Council is not adverse to extending the policy to provide support beyond its statutory duty where there is a compelling case for doing so, but only where additional resource can be identified and where such an extension of policy is equitable to all families.

Schools over the County boundary should not be considered in the assessment of nearest school

62. Generally, any out of County schools which would have been able to offer a place had a family applied are taken in to account when assessing entitlement to home to school transport, regardless of whether they are inside or outside the County boundary.
63. Overall, 97 respondents (57%) felt that Surrey should provide transport for a child to attend a Surrey school even if there was another nearer school outside of Surrey which could offer a place. However 43% of respondents felt that transport should not be provided in these circumstances.
64. Respondents in support generally felt that Surrey residents were not provided for in the admission arrangements for schools outside of Surrey and as such they were uncertain of their chances of success.
65. Respondents also felt that communities in Surrey would be more likely to have links with Surrey schools and thereby transition for the children would be easier if Surrey children attended a Surrey school.
66. Families in Lingfield and Dormansland raised this as a specific concern as, in future, they may not be eligible for home to school transport to Oxted School if nearer schools in West Sussex (Sackville and Imberhorne) were able to offer them a place. One of the concerns of parents was that they were not provided for in the admission arrangements for Sackville and Imberhorne and as such there was a reluctance to commit to those schools if younger siblings might not be given a place in future years. However the table below demonstrates that since 2011 a number of parents have applied and been offered a place at Sackville and Imberhorne as a preferred school, despite transport being made available to Oxted:

Number of Surrey children offered places at Sackville and Imberhorne schools		
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	Sackville	Imberhorne
2014	23 (16 as 1 st Preference)	33 (33 as 1 st Preference)
2013	17 (16 as 1 st Preference)	44 (40 as 1 st Preference)
2012	23 (15 as 1 st Preference)	24 (24 as 1 st Preference)
2011	16 (16 as 1 st Preference)	33 (33 as 1 st Preference)

67. The case for Lingfield and Dormansland was supported by Lingfield and Dormansland Parish Councils as well as the senior leadership team and Chair of Governors at Oxted School, who were concerned at the potential for application numbers to decline for Oxted in favour of Sackville and Imberhorne.

68. A similar concern was raised by Tatsfield Parish Council on behalf of residents in Tatsfield who may be refused home to school transport to Oxted School if their nearer Bromley school, Charles Darwin, is able to offer them a place. However in this case, Charles Darwin has recently named Tatsfield Primary School as a feeder school for admissions, thereby ensuring that children attending Tatsfield Primary might be provided with a school place.

69. In some areas, out of County schools are popular and are seen as a natural destination for Surrey children. The table below sets out, by primary and secondary phase, how many Surrey children have been offered a place at an out of County school as a preference since 2012:

Number of Surrey children offered places at out of County schools		
	Primary	Secondary
2014	-	595 (464 as 1 st Preference)
2013	225 (202 as 1 st Preference)	630 (506 as 1 st Preference)
2012	252 (222 as 1 st Preference)	494 (383 as 1 st Preference)

70. Of course it is possible that in some of these cases the out of County school may have been chosen due to Surrey's home to school transport policy. However other parents are likely to choose a Surrey school in preference to a nearer out of County school despite Surrey's policy and in the knowledge that they will have to pay for home to school transport themselves.

71. Extension of the policy to provide home to school transport to a Surrey school where there was a nearer school outside of Surrey would be likely to commit the local authority to discretionary expenditure in the following areas:

- Tatsfield where the nearest secondary school is in Bromley
- Epsom & Ewell where families living on the north and west border with Kingston may have Kingston secondary schools that are nearer
- Elmbridge and Spelthorne where families living on the border with Richmond may have Hampton Academy as nearer

- Several rural areas along the south stretch of Waverley where families may have primary and secondary schools in either Hampshire or West Sussex as nearer
 - In the north of Reigate & Banstead some families may have Oasis Academy in Croydon as nearer
 - In Mole Valley families living to the south of the district may have nearer schools in West Sussex
72. These examples are unlikely to be exhaustive. It is not possible to come up with a definitive list because each transport assessment must be considered individually and subtle differences can apply between different addresses and according to whether or not a child would have got in to another school, which can be different from year to year.
73. However, from the 2013 admission round, 4 primary aged children and 42 secondary aged children from these areas were refused transport to a Surrey school on the basis that they had an out of County school which was nearer. If these numbers were similar each year, there could be at least 24 primary aged children and 210 secondary aged children who might be entitled to transport to a Surrey school each year if Surrey's Home to School Transport policy was extended to make these children eligible.
74. It is therefore estimated that a change of policy could mean that an additional 234 children would be entitled to home to school transport to a Surrey school.
75. As a further indicator, there are currently approximately 138 pupils receiving transport (bus, rail or taxi) to an out of County school (discounting faith schools). Of these, 86 are travelling to either Sackville or Imberhorne schools in West Sussex. These are the children who might choose a Surrey school in preference to an out of County school if the policy was extended. However, the County Council is already committed to the transport costs for these children. Whilst there may be a difference in transport cost if the mode changed, it is likely that on balance the overall difference in cost would be negligible.
76. If the policy was extended to provide transport to the nearest Surrey school, Surrey would commit to paying transport for children where otherwise it would not have done so and may also lose the fare that it charges for concessionary seats where a parent could take advantage of a school coach route.
77. Whilst it would be possible to place conditions on eligibility to the nearest Surrey school, such as if an out of County school was nearest but home to school transport would still need to be paid to that school (because the route was unsafe or because the distance threshold was exceeded), the local authority would still be likely to see an increase in its expenditure. This is because in many of the areas where an out of County school is nearer, these conditions would apply.
78. The local authority has no statutory duty to provide transport where a school is not the child's nearest school and, as well as committing it to additional expenditure and adding a level of complexity to the policy, any extension of policy might pave the way for other elements of discretionary expenditure to be requested.
79. However, such an extension of policy would ensure that the cost of transport would not be a barrier for children to attend their nearest Surrey school and would help to support Surrey schools by removing the disincentive for parents to apply.

80. With that in mind, an extension of policy also has the potential to generate an increase in demand for Surrey schools which would need to be taken in to account in school place planning.

Decisions should take account of existing transport links or cost of transport

81. Eligibility according to Surrey's statutory duty is based on the shortest walking distance to the school from the home address.
82. If a parent prefers a school which is further away but which is easier or cheaper to get to by public transport, the child will not be eligible for free home to school transport if the parent chooses that school over another nearer school.
83. The consideration of transport links and cost in establishing eligibility for home to school transport would not provide for an equitable, consistent or transparent policy across the County as it would provide for different outcomes for different pupils in different areas.
84. The availability and cost of public transport is also a factor outside the local authority's control and can be subject to change, thus introducing a constant element of uncertainty regarding home to school transport eligibility.
85. In addition, the assessment of transport links and costs for each individual child to a number of different schools would take a far greater resource commitment than is currently available within the Admissions and Transport team.
86. One respondent commented that families in Oakwood Hill, Ockley, Walliswood and Forest Green do not receive free transport to attend Dorking schools because Cranleigh schools were closer, despite there being no good transport links from these villages. However this is a policy which is applied consistently across the local authority and it would not be equitable for some families to benefit from free home to school transport just because no transport links currently existed.
87. As public transport is generally demand led, if there was a proven need for a route to serve a particular area then, in time, transport links might improve to other areas of the County if patterns of school preference change.

The policy should take account of individual circumstances

88. As agreed by Surrey's Executive in 2006, Surrey's Home to School Transport policy provides for officers to consider the individual circumstances of a case at Transport Case Review, where a parent either believes that a transport decision is incorrect or where they wish exceptional circumstances to be taken in to account.
89. For cases that are unsuccessful at Transport Case Review, parents are given the opportunity to have their case heard at a Members review Panel.
90. As the Home to School Transport policy currently provides for individual circumstances to be taken in to account, there is no requirement to make any change to the policy in this respect.

There should be support to siblings when an older child receives free transport

91. Overall, 148 respondents (87%) believed that Surrey should provide free transport for a child to attend the same school as a sibling if the sibling had already qualified for free transport to that school.
92. Respondents felt that such a policy would make it easier for families to keep siblings at the same school and would help reduce unnecessary home to school journeys.
93. Generally, where an older sibling has already qualified for home to school transport a younger child would also be eligible. However different decisions may be made if the older sibling had been offered a school further away due to oversubscription at nearer schools and, by the time the younger child applied, there were places available at nearer schools. In this scenario, if the parent wanted to keep the children together they would have to either pay for their younger child to travel to the school which was further away or transport them themselves whilst the older sibling travelled on the free transport. Alternatively, if money or time did not allow this, the parent would have to accept that their children would have to attend different schools.
94. From the concessionary seat requests for school coaches it is estimated that there are approximately 150 children who are not eligible for free transport but who attend the same school as a sibling who is eligible for free transport. Of these, 135 are currently paying for a concessionary seat at a subsidy to Surrey County Council, providing Surrey with an approximate income of £65,664 per annum.
95. If transport needed to be provided for the remaining 15 children on the waiting lists, this would incur additional vehicle costs which would be subject to the routes, the size of the existing vehicle and the increase required and the quotes to be provided by the transport supplier.
96. No data is available on how many children who travel to school by bus, train or taxi are not eligible for free transport but attend the same school as a sibling who is eligible. However, if the same percentage is applied to that which applies to those travelling by school coach (4.63%) there may be 75 children who might have siblings travelling by bus, 12 children who might have siblings travelling by train and 42 children who might have siblings travelling by taxi.
97. In total therefore there may be approximately 279 siblings who are not eligible for free transport to the same school as a sibling.
98. However any change in policy may influence a parent's school preferences and so if children automatically qualified for transport to attend the same school as a sibling this could increase this number.
99. On 27 March 2014, Children and Education Select Committee put forward a recommendation for Cabinet to provide for a child to receive concessionary home to school transport, or free home to school transport if from a low income, to attend the same school as a sibling where the sibling had already been assessed as entitled to free home to school transport and where the child was eligible for a place at the same school. However on consideration of the issues, it is considered that this would be too complex and resource heavy to implement.

100. As set out in paragraph 3, the statutory eligibility criteria for home to school transport is based on the age of the child, the income of the parent and in the final criterion, the type of school being applied for.
101. Any extension of policy to make children entitled to transport to the same school as a sibling, albeit on a concessionary basis, would potentially lead to some children receiving home to school transport even though they might live less than the statutory walking distance to the school, as appropriate to the age of the child.
102. Other children will have siblings who have been assessed as entitled to transport on exceptional grounds, which may not apply to a sibling, and others will have been offered home to school transport because of a statement of special educational needs. If transport was automatically extended to their sibling, transport might again be paid where the distance thresholds are not met.
103. Any extension of policy to children of siblings could also not apply to children whose older sibling was assessed as being entitled to transport on faith grounds to a denominational school, because this element of discretionary entitlement was withdrawn for new applicants from 2012.
104. The distance thresholds which apply according to age also mean that, if an all through school was established in Surrey, there would be an even greater likelihood of children receiving transport where their age appropriate distance threshold was not met. Whilst Surrey does not yet have any all through schools, there is the potential for Cobham Free School to add a senior department to their primary school from September 2014.
105. Whilst it would be possible to add caveats to any extension of policy to provide for children to only be so entitled if the age appropriate distance threshold was met, if the child was applying for the same phase of education and if the sibling had been assessed as entitled according to statutory criteria, this would add a further layer of complexity which would not be helpful and would be confusing and resource heavy to apply.
106. Such an extension of policy could also mean that, once one child had been admitted to a school and been assessed as entitled to transport, Surrey would be committed to paying transport for siblings to attend the same school, even once the older child had left.
107. Notwithstanding these entitlement complexities, if a concessionary charge was to be levied other than for applicants on a low income, this would require additional resource for assessing eligibility within the Admissions and Transport team and for recording, invoicing and collecting the revenue within the Transport Co-ordination Centre.
108. Children who are allocated a concessionary seat on a coach or taxi/minibus are currently required to pay £2.56 a day/£486 per annum (rising each year at the rate of inflation). This concessionary charge does not cover the true cost of a seat on a school coach.
109. The current cost of a bus pass to Surrey County Council is £816 per annum and the current cost of a train pass is £393 per annum. If the same concessionary rate was applied to children travelling on these modes of transport it would more than cover the cost of a train pass but would not cover the complete cost of a bus pass. It would not be equitable to charge different concessionary rates for

different modes of transport and as such, for children travelling by bus, Surrey would have to cover the shortfall of £330 per annum per child.

110. The cost of a taxi/minibus varies widely depending on the route, the number of pickups and the distance, but in most cases it would be likely that the cost of a taxi/minibus would exceed the concessionary fare to be charged to the parent, thus leaving Surrey to subsidise the cost.
111. There may also be contractual issues on levying a charge against bus and rail passes where Surrey has negotiated rates with passenger transport companies for statutory pupils only.
112. In addition, bus and rail passes are paid for by Surrey up front at the start of the year, meaning that Surrey would seek to recuperate full costs from parents at the start of the year. However concessionary seats on school coaches, which are commissioned by Surrey, are invoiced for termly. Refunds for these different modes of travel would also be dealt with differently if a child withdrew during a term. These have the potential for creating a two tier system.
113. The local authority has no statutory duty to provide transport for siblings and, as well as committing the authority to additional expenditure, any extension of eligibility would add complexity to the policy and might pave the way for other elements of discretionary expenditure to be requested. In addition, if a charge was levied for eligible children, this would result in additional administration and resource to process applications and to invoice parents.
114. There is already provision within the policy for exceptional circumstances to be considered and as such families already have the opportunity to have their case heard where transport to different schools would present a difficulty.

Other specific matters of concern

115. The Chair of Governors at Surrey Hills CofE Primary School (and district councillor for Mole Valley) also raised an issue whereby children were not eligible to receive transport to the Westcott site of Surrey Hills for the junior phase of education because they had another nearer school, despite the Abinger Common site being their nearest school site. He indicated that Surrey had committed that transport would be provided for pupils who lived more than the statutory distance, including children for whom Abinger Common was their nearest school who, as juniors, would attend the Westcott Site.
116. The policy has been applied at Surrey Hills as it has at other split site schools. If children had been entitled to transport to the infant site then children would continue to be entitled to transport to the junior site if the distance threshold was met.
117. However if children were not entitled to transport to the infant site because another infant or primary school had been nearer, than children would only be entitled to transport to the junior site if it was the nearest junior site to the home address and it exceeded the distance threshold. In assessing distance in this respect, only the site that provided the junior phase of education would be considered.
118. Other schools which have transport assessed in this way are North Downs Primary School, Riverbridge Primary School, South Camberley Primary School

and South Farnham School. Any change of policy for Surrey Hills would need to be applied consistently to these other schools and would therefore have cost implications to Surrey's Home to School Transport budget.

Risk management and implications:

119. If Surrey's Home to School Transport policy was extended to only provide exceptions for certain areas, there would be a risk that the local authority may open itself up to challenge on the basis that the policy was not equitable.

Financial and value for money implications

120. Surrey's current Home to School Transport policy provides for children who have a statutory entitlement to free home to school transport to receive it.
121. Other than the provision of transport on faith grounds to denominational schools, which since September 2012 is being phased out, there is no element of discretionary expenditure which in Surrey's view, could be argued to be unreasonable.
122. The current policy therefore ensures that Surrey is not committed to provide transport support beyond that which it has a statutory duty to provide.
123. If the current policy is to be extended as per the recommendation the costs will increase. There is a planning assumption that the increase in numbers of children being transported will be around 234.
124. The current cost of the different modes of transport and the estimated cost for transporting these 234 pupils, based on the percentage rate that applies to the total number of children currently travelling by each mode, is set out in the following table:

Mode of transport	Cost per annum	Estimated number of pupils who might travel by each mode	Estimated cost of transporting pupils with a nearest school to a Surrey school
Contract coach	£820 on average	117	£95,940
Rail pass	£393	10	£3,930
Bus pass	£816	59	£48,144
School's own coach	£719 on average	8	£5,752
Reimbursement	£153 on average	7	£1,071
Taxi/Minibus	£3,502 on average	33	£115,566
Total		234	£270,403

125. If numbers decreased or increased by 10%, the estimated range of expenditure could be between £240,000 to £300,000.

126. The decision to withdraw home to school transport on faith grounds to denominational schools is estimated to save over £1m by 2020 (£0.5m by 2015).
127. If the recommendation is accepted, the savings available from the withdrawal of the denominational transport could be used to off-set the expected increased costs. This would mean that part of these savings would not be available for any future savings required by the Directorate as part of business planning, or available to be used to off-set overspends on SEN transport (almost £2m in 2013/14).

Section 151 Officer Commentary

128. The service have considered the additional potential costs of this policy change and have identified how they could be funded including the financial implications of doing so.

Legal implications – Monitoring Officer

129. Surrey's Home to School Transport Policy meets the local authority's statutory requirements under the Education Act 1996. The authority also has a power to provide additional support which goes beyond what is required by the Act and the policy provides a process for the exercise of this power in exceptional circumstances.
130. Under the Equality Act 2010 (Specific Duties) Regulations 2011, the local authority has a 'public sector equality duty' to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation
 - Advance equality of opportunity between different groups sharing a protected characteristic and those who do not
 - Foster good relations between different groups sharing a protected characteristic and those who do not

Members need to be satisfied that the proposals comply with this duty and should take into account the Equality Impact Assessment attached at Appendix 4.

131. The policy promotes consistency across the County for all Surrey residents regardless of whether or not they share one of the protected characteristics defined by the Equality Act 2010 and any changes would need to adhere to this principle.
132. The extension of the policy to provide transport to the nearest Surrey school where a child's nearest school was out of County but would still require transport support would support those families who feel their school preferences are restricted due to their inability to pay transport costs to their preferred Surrey school, and would enhance parental choice.

Equalities and Diversity

133. The Equalities Impact Assessment has been completed and is attached in Annex 4.
134. Surrey's current Home to School Transport policy is written so that it can be applied equally and objectively across Surrey and in this way it is fair and equitable to all families.

135. If the transport policy were to be extended in any way consideration would need to be given to whether such financial benefit would favour certain groups above any other and whether this would be fair and equitable.

WHAT HAPPENS NEXT:

Surrey's Home to School Transport policy for 2015 will be published online by the end of the Summer term and summarised in Surrey's School Admissions booklet for parents applying for a school place for September 2015.

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Early Years establishments in Surrey
Diocesan Boards of Education
Surrey County Councillors, Parish Councils, Local MPs,
Parents
Children and Education Select Committee

Annexes:

Annex 1 – Surrey's Home to School Transport policy for 2014
Annex 2 - Consultation on Surrey's Home to School Transport Policy
Annex 3 – Outcome of consultation
Annex 4 - Equalities Impact Assessment

Sources/background papers:

- DfE Home to School Travel and Transport Guidance (2007)
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