

READING BOROUGH COUNCIL

REPORT OF DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP

TO:	ADULT SOCIAL CARE, CHILDREN SERVICES AND EDUCATION COMMITTEE		
DATE:	13 DECEMBER 2016	AGENDA ITEM:	12
TITLE:	HOME TO SCHOOL TRANSPORT		
LEAD COUNCILLOR:	CLLR T JONES	PORTFOLIO:	EDUCATION
SERVICE:	EDUCATION	WARDS:	BOROUGHWIDE
LEAD OFFICER:	RICHARD BLACKMORE	TEL:	0118 937 4666
JOB TITLE:	HEAD OF EDUCATION	E-MAIL:	richard.blackmore@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The background to the proposals is to streamline the procedures, to ensure greater efficiency of the process and reduce overall cost of home to school transport arrangements. The timescale of the consultation extended from 16th June 2016 to the 16th August 2016. The purpose is to report on the outcomes of the transport consultation now concluded.
- 1.2 There are three proposed changes that views were sort on:
- 1) Withdrawal of free transport on denominational grounds
 - 2) Changes to the Transport Appeal process
 - 3) Changes to the payment of Transport arrangements for young people over 16 and children under 5 who have Education, Health and Care Plans or Statements of Special Educational Needs.

2. RECOMMENDED ACTION

- 2.1 To note the responses (see appendix 1) to the consultation and agree the proposals for future action.
- 2.2 To remove the provision of free transport to children whose parents or carers wish their child to attend a school on denominational grounds where that school is not their nearest school, or the Local Authority determines that suitable education can be provided at a nearer school.
- 2.3 To simplify the current appeals process for families or carers who wish to challenge a decision made about home to school transport.
- 2.4 To seek contributions from parents or carers to contribute towards the cost of the transport arrangements for children over the age of 16 and under 5.

3. POLICY CONTEXT

3.1 **Proposal 1** - There is no legal duty for Local Authorities to provide free transport to children whose parents or carers wish their child to attend a school on denomination grounds where:

- that school is not their nearest school, or
- the Local Authority determines that suitable education can be provided at a nearer school.

There are discretionary powers under which the Local Authority may provide transport assistance having considered all the circumstances. Parents have the right to express a preference for a place at a particular school, and admission authorities must comply with that expression wherever possible. However, the allocation of a school place does not carry with it an entitlement to transport.

All those who make new requests for free transport from September 17, 2017 will be informed that the Council no longer offers free transport on Denominational grounds.

From September 2017, those requesting free transport on denominational grounds because they have a sibling in the school will be told that the Local Authority no longer offers free transport to siblings.

3.2 **Proposal 2** - The Department for Education (DfE) has issued guidance to Local Authorities which is intended to improve the current appeals process for families or carers who wish to challenge a decision made about home to school transport.

The new guidance is also intended to achieve greater consistency across Local Authorities and allow for increased opportunities to consider the needs of a child.

3.3 **Proposal 3** - There are changes to the funding of school transport for certain children and young people who have either an Education, Health and Care needs plan or Statement of Special Educational Needs.

These changes apply to young people over the age of 16 and under the age of 5 (pre-school).

The changes mean that there is now no legal duty for the Local Authority to provide such children with free transport to and from home to their educational setting. The recommendation is for Local Authorities to request contributions from parents or carers to contribute towards the cost of the transport arrangements for children over the age of 16 and under 5.

4. CURRENT POSITION AND PROPOSALS

4.1 Proposal 1

As it is not a legal duty to provide free transport, the Council is proposing that the current arrangements will cease from July 2017. This will generate savings of £20k per annum.

All children who currently receive free transport will continue to do so until either the end of year 6 for primary pupils or the end of year 11 for secondary pupils.

4.2 Proposal 2

The adoption of the new DfE guidance which will mean the following changes (by April 2017 if agreed):

It is a three stage process (see Appendix 1 at end of this document).

- Stage 1: Parents/carers will be asked to submit their concerns in writing to the Local Authority Officer.
- Stage 2: The challenge process allows for a second stage where further consideration of the challenge can be made by an officer who was not involved in the transport decision and the Lead Member for Education.
At both the first and second stage every effort will be made to discuss the concerns directly with the family.
- Stage 3: Appeal to the Ombudsman. The Local Authority is encouraged to explain to a family how they can make a representation to the Ombudsman if they wish to do this.

4.3 Proposal 3

Reading Borough Council is proposing to seek contributions towards the cost of travel to and from home to school, for all children older than 16 and younger than 5 from September 2017 who have an Education, Health and Care Plan.

This will not apply to students going to college, but it will apply to all students who are over 16 on 1st September 2017 who need to travel to a school destination.

An annual parental contribution of £456 towards the transport costs will be requested from 1st September 2017. The average total cost to the Council is approximately £3,800 for the average current transport costs for an individual child or young person.

The Council is committed to ensuring that all travel arrangements are considered on an individual and child by child basis, which takes into account specific needs. Any proposed changes to transport arrangements will only be made after consultation with families and schools. In coming to this proposal, the Council has looked at the charges made by similar sized Local Authorities. The average contribution is £500 per year.

Before making the charges, the family will be contacted by the Transport Service who will explain the costs and the arrangements for paying. We will also wish to hear about any family circumstances that would hinder the collection of this payment.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The proposals aim to ensure that the council provides the best life through education, early help and healthy living. It also helps to ensure that Reading Borough Council remains financially sustainable to deliver the service priorities.

6. EQUALITY IMPACT ASSESSMENT

- 6.1 All stakeholders and partners will be treated in a fair and equitable manner as the process is clear and transparent.

7. LEGAL IMPLICATIONS

7.1 There is the potential for challenge to:

- when the removing of denominational transport would take place

- the decision to the outcome of an appeals process through the new arrangements

- require for contributions as per proposal 3.

8. FINANCIAL IMPLICATIONS

- 8.1** Proposal 1 - saving of £20,000, Proposal 2 and 3 - Reduction in cost but specific savings unknown at this stage.

Proposed Draft for Revised appeals process

“If an application is turned down, a challenge can be made either on-line at:
www.reading.gov.uk/schooltransportappeal

or by submitting a written challenge to:

School Transport Manager
Reading Borough Council, Bridge Street, Reading RG1 2LU

GROUNDINGS FOR CHALLENGE

You can challenge on one of the following grounds:

- That the policy has been incorrectly applied
- That the policy has been properly applied but there are exceptional circumstances

STAGE ONE

A challenge should be submitted within 20 working days from the receipt of the Authority’s written decision. The Statement should include any personal circumstances you feel should be considered, accompanied by any additional supporting evidence from professionals.

The decision will be reviewed by a Reviewing Officer within 20 working days of receipt of the request and parents/carers will be notified in writing.

STAGE TWO

If you wish to challenge the Stage One decision by the Reviewing Officer, you have 20 working days from receipt of the Stage One decision to submit your intention to progress your case to Stage Two, where your case will be reviewed by an Officer Panel headed by a Manager and the Lead Member for Education.

You will get the opportunity to submit additional information.

The Stage Two review will take place within 40 working days of receipt of our request. Prior to the case being heard, a full copy of all correspondence will be sent to you.

A letter will then be sent outlining the Panel’s decision. Transport assistance, if awarded, will normally take the form of a bus pass. If other provision is being sought, the request should form part of your submission.

LOCAL GOVERNMENT OMBUDSMAN

If the challenge is unsuccessful, representation can be made to the Local Government Ombudsman:

PO Box 4771, Coventry CV4 0EH (Tel 0845 602 1983) www.lgo.org.uk