

Subject:	Transport Arrangements to Voluntary Aided Church Schools in Brighton & Hove		
Date of Meeting:	19 January 2012		
Report of:	Strategic Director,		
Lead Cabinet Member:	Sue Shanks		
Contact Officer:	Name:	Gil Sweetenham	Tel: 29-3433
	Email:		
Key Decision:	Yes	Forward Plan No: 26908	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Brighton & Hove City Council provides transport support in the form of a bus pass to a number of children who attend the nearest voluntary aided school of a religious character (also known as a denominational school) of their own faith. This assistance has been provided where that school has been beyond the statutory home to school distance (3 miles for secondary schools and 2 miles for primary age children under 8 years old or 3 miles if over 8). In cases where the school has no religious affiliation transport assistance is only provided where the nearest school to the pupil's home address or the catchment area school is above the statutory distance. In Brighton & Hove that is extremely rare and in practice only denominational school pupils and some pupils with special needs are given a bus pass. In most cases this is for pupils attending Cardinal Newman Roman Catholic Secondary School, and currently 7 pupils attending Our Lady of Lourdes Roman Catholic Primary School. Many other Councils have had similar schemes for denominational transport. Given the pressure on budgets some have removed the subsidy and others are planning to do so. The total cost of denominational transport in Brighton & Hove is currently £74,209 pa.

2. RECOMMENDATIONS:

- 2.1 That the Council withdraw denominational transport as defined in paragraph 5.2 from 1st September 2013.
- 2.2 That the Council provides protection for older pupils at Cardinal Newman School who have bus passes and who have already started an examination course, until completion of that course.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council has a responsibility under Section 508B of the Education Act 1996 (as amended by the Education and Inspections Act 2006) to provide free transport to “eligible” children to the nearest “qualifying” school.

Eligible means:

- Those pupils with special needs sufficient to require travel assistance,
- To those where the route is unsafe,
- the child lives beyond the statutory distance (see above) or
- those on a low income (defined in terms of qualification for certain benefits, mainly free school meals) living more than 2 miles from a qualifying school. Secondary pupils on a low income can claim support for transport to any of the three nearest schools or the nearest denominational school on the grounds of religion or belief beyond 2 and less than 15 miles away.

A qualifying school is:

- a community, foundation or voluntary aided school
- a community or foundation special school
- a non-maintained special school
- a pupil referral unit
- an academy or free school.

- 3.2 Section 508C gives councils discretion to make transport arrangements for others who are not eligible as the council considers necessary. This is the section under which denominational transport has been provided in Brighton & Hove. Any arrangements under this section do not have to be free of charge. Those under Section 508B must be free of charge. Section 509A requires councils to have regard to parental wishes for their child to be educated at a particular school on the grounds of religion or belief. “Have regard to” does not mean that assistance must be provided, simply that their wishes are considered. A parent’s wish for their child not to be educated at a church school would have the same weight. If Brighton & Hove removes support for denominational transport it would be as provided under Section 508C, discretionary transport. Transport would not be removed from any category of legally eligible pupil.

- 3.3 The savings to Brighton & Hove of withdrawing the scheme would be less than the total shown above as a proportion of those currently receiving assistance to attend a denominational school would be eligible pupils on a low income. This is currently 24 pupils at a cost of £ 6,271.20pa. At current costs in a full year and not including any special protections that might be agreed that makes the saving £67,937.80 pa.

- 3.4 As mentioned at 1.1 above the majority of pupils qualifying for transport assistance to a denominational school attend Cardinal Newman Roman Catholic Secondary School. The financial breakdown above is based upon the numbers of pupils who qualified for assistance in the 2010/11 school year. The breakdown by year group is as follows:

- Year 11- 59

- Year 10 - 54
- Year 9 - 53
- Year 8 – 53
- Year 7 – 58

3.5 One key reason for considering the removal of denominational transport is the perception of inequality. Whilst faith based schools are legally allowed to prioritise admissions on religious criteria, the additional benefit to pupils of a bus pass, even where there is a non-denominational school closer to their home, can be seen as unfair. Children without that same faith commitment are not entitled to help except where the nearest school is more than 3 miles away, or 2 miles for those with a low income. It therefore seems reasonable that those who wish to attend a faith based school should be entitled to do so, but should not be given assistance with transport beyond that available to children attending other schools. Some Councils have already taken the view that they saw special support for denominational travel as inherently unfair, as it supports one group of children more than others. Whilst we would recognise and support faith schools as providers of good quality education, this should be balanced against the cost to the taxpayer of denominational transport and the perception of inequality.

3.6 The Council has consulted with all schools (faith based and other), diocesan authorities and parents, and has undertaken an equalities impact assessment.

Some protection for older pupils at Cardinal Newman School who have bus passes and who have already started an examination course would seem reasonable, as their families would not have anticipated the withdrawal of bus passes when they started at the school. It would be difficult for pupils to transfer to an alternative closer school at that stage in their school career.

3.7 A number of scheduled bus services to schools are supported by the Council's Public Transport Team including services, the 95, 95A and 91 (morning only) service run to Cardinal Newman School. The Council also financially supports routes to some other schools in the City. These services can be used by pupils with an entitlement to a bus pass, but they also transport many who are paying passengers. The effect of withdrawing denominational transport support would mean that the supported services routes, which are on revenue guarantee contracts, would become more cost effective for the Council as they would have more paying customers. The Council is currently consulting on supported bus services as the current contracts expire in a year's time. Brighton & Hove has a good public transport infrastructure and whilst in future they might have to pay, current denominational travellers should not have difficulty in accessing scheduled services, including the supported services mentioned above. Should any of the supported services be changed or withdrawn then travel to Cardinal Newman and to non-denominational schools might become more difficult for some pupils.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 A full consultation took place with all interested parties between 9 December 2011 and 30 March 2012. This included all schools, parents whose children are of school age, and the Church of England and Roman Catholic diocesan authorities.
- 4.2 As the provision of denominational transport is not statutory any consultation regarding the proposal is also non statutory, however it was felt appropriate to garner the views of those potentially affected by this proposed change. To that end VA schools were contacted in September with a copy of the September cabinet paper to prepare them for the forthcoming consultation.
- 4.3 An analysis of the consultation responses showed there were 497 responses, 15 supporting the proposal and 482 against the proposal.
- 4.4 Of those against the proposal only 22 were individually written, the remaining 460 were duplicated form letters. A hard copy of all responses was provided in the members rooms.
- 4.5 In summary the consultation highlighted the following concerns:
1. Poorer families will be unable to meet new travel costs.
 2. Existing parents made their choice expecting travel to be provided
 3. Cardinal Newman saves the council 10% on its building costs
 4. The proposal undermines Cardinal Newman Catholic School
 5. If parents change from bus to car this will increase carbon admissions
- 4.6 Regarding (1) above the removal of denominational transport would not be removed from any category of legally eligible pupil. Hence, as with other children in the city, those families qualifying for financial support will continue to receive it.
- 4.7 The concern in (2) is valid but the recommendations of this report include that the Council provides protection for older pupils at Cardinal Newman School who have bus passes and who have already started an examination course, until completion of that course.
- 4.8 The third concern (3) is the position regarding funding faith schools through LCVAP and is not a contribution to city finances, hence cannot be seen to have saved the council money.
- 4.9 Cardinal Newman is an outstanding school and this is fully endorsed by the council. Changes in funding to schools occurs on an annual basis driven either by national or local change and cannot be seen as undermining those schools in any way.
- 4.10 The council cannot dictate how parents transport their children to school but would encourage parents to continue to use bus transport which is better for the city and far cheaper for individual families.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 A saving of £68k was identified as part of the budget process for 2012/13 & 2013/14 for the removal of the subsidy from September 2012. The removal of the subsidy from September 2013, savings of £40k in 2012/13 have already been identified from other areas within the Home to School Transport budget. The saving of £28k for 2013/14 will also need to be found, however given the identified savings in 2012/13 this is highly likely given the overall Home to School Transport budget of £3m.

Finance Officer Consulted: Andy Moore

Date: 23/03/12

Legal Implications:

- 5.2 The council has responsibilities under section 508B of the Education Act 1996 to provide free transport to “eligible” children to the nearest “qualifying” school. It also currently provides support to some pupils at denominational schools under section 508C of the same Act, but that is a discretionary arrangement for pupils who are not eligible under section 508B, and can be withdrawn without contravening the requirements of the Act. Before any changes to the current scheme are made the consultation and equalities impact assessment provided for in the report will be needed.

Lawyer Consulted: Natasha Watson

Date: 27/03/12

Equalities Implications:

- 5.3 It could be taken that the provision of denominational transport gives an unfair advantage to one group of pupils in gaining transport access to a preferred school. At the same time pupils who do not have a religious affiliation to the denominations of the church voluntary aided schools in the City could be seen as disadvantaged as they have no right to transport beyond the statutory requirements under section 508B of the Education Act 1996. The rights of those on a low income to receive transport assistance to attend a denominational school would be preserved. An impact assessment would identify whether the effect of a change in policy would be disproportionate or unfair in its affect on any group, and whether the current policy was inherently fair or unfair.

Sustainability Implications:

- 5.4 It is not currently proposed that the supported bus services to schools should be withdrawn, so the means of access to schools by public transport will be sustained, albeit that pupils previously supported under the denominational transport policy would have to pay. Any changes to supported services should take into account the whole range of pupil travel needs. Schools will be consulted about future supported bus services.

Crime & Disorder Implications:

- 5.5 There are no direct implications for crime and disorder.

Risk and Opportunity Management Implications:

- 5.6 An equality impact assessment will identify any undue impact on of a change in policy on any part of the population and any resultant risk to the Council.

Corporate / Citywide Implications:

- 5.7 It is possible that school attendance patterns in the City could change if the denominational transport support is withdrawn. However, this is unlikely to be a major change as the policy only applies to those living beyond the statutory walking distance.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The Council could decide to retain the current transport policy for denominational transport at a cost of £74,209.20 pa. This should be balanced against the financial pressures facing the Council and the perceived inequality arising from the current policy.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The City Council must review its policies, in this case an aspect of home to school transport policy, with regard to cost effectiveness and equalities matters. The financial pressures facing the Council and the need to make long term savings in the home to school transport budget suggest that it is appropriate to determine whether to withdraw denominational transport or not.

SUPPORTING DOCUMENTATION

Appendices

1. None

Documents in the Members Room

1. Hard copy of all responses to the consultation

Background Documents

1. Cabinet Paper 12 September 2011 - Transport Arrangements to Voluntary Aided Church Schools in Brighton & Hove