



DERBY CITY COUNCIL

## COUNCIL CABINET

2 June 2009

# ITEM 12

Report of the Corporate Director of  
Regeneration and Community

## Proposed Withdrawal of Home to School Transport Services

### SUMMARY

- 1.1 The Council's budget approved on 2 March 2009 included the proposal to withdraw the Council's discretionary transport provision that is provided predominantly for children that live less than 2 or 3 miles from school. The estimated financial saving included in the budget proposals was £280,000 to be made over 2 years.
- 1.2 A wide-ranging consultation exercise was undertaken between 17 March and 11 May 2009 to seek people's views on the proposal. It had been planned that the main contents of this report would be the results and analysis of a public consultation exercise, a scheme impact assessment and a financial assessment of the situation and various options that could be considered by Members.
- 1.3 The situation has now changed significantly as Notts and Derby, a local bus company, have just registered a number of commercial services covering similar routes to the existing Council contracted services to Saint Benedict and Derby Moor secondary schools.
- 1.4 This is significant news as these services will provide access to transport for the majority of secondary school children that would have been affected by the service withdrawal proposals.
- 1.5 However this change in circumstances has lead officers to recommend to Members that a decision on the proposed withdrawal of the Council's services should be delayed until Cabinet on 7 July. This would result in an estimated reduction of £70,000 in the savings that can be achieved in this financial year, but this is considered to be manageable and appropriate in these circumstances.
- 1.6 If approved this would mean that any changes to discretionary transport provision would not be able to take place until September 2010 due to the time it would take to put the appropriate transport provision in place, depending on Cabinet's decision. Therefore the overall current levels of transport provision within the city would remain unchanged during the 2009/10 academic year.

### RECOMMENDATIONS

- 2.1 To delay the decision regarding the proposed withdrawal of home to school transport services until Cabinet on 7 July.

- 2.2 To note that as a result of recommendation 2.1 any changes to discretionary transport provision will not be able to take place until September 2010 and therefore the overall current levels of home to school transport provision available to children within the city will remain unchanged during the 2009/10 academic year.
- 2.3 To note that as a result of recommendations 2.1 and 2.2 the level of financial saving estimated for 2009/10 will reduce by £70,000, from £165,000 to £95,000, due to the cost of maintaining current levels of home to school transport provision in the 2009/10 academic year.

## **REASONS FOR RECOMMENDATIONS**

- 3.1 The recent registration of commercial services has led to a significant change in the situation regarding home to school transport provision within the city. These services will maintain a similar level of transport provision for the majority of the secondary school children affected by the withdrawal proposals.
- 3.2 This has provided an opportunity for the Council to delay the making of a decision on the proposal until the 7 July, which will allow more time for consideration and discussion with the Scrutiny Commissions.
- 3.3 It also means that any approved change would be delayed until September 2010 and parents applying for school places starting in September 2010 would be fully aware of the transport situation prior to making their applications.

## **SUPPORTING INFORMATION**

### **Introduction**

- 4.1 The Council's budget approved on 2 March 2009 included the proposal to withdraw the Council's discretionary transport provision that is provided predominantly to children that live less than 2 or 3 miles from school.
- 4.2 In order to implement the budget proposal, Cabinet need to understand the detailed implications of the proposals and approve any recommendations in the knowledge of this information.
- 4.3 As part of the process of understanding the detailed implications of the proposal, a wide-ranging public consultation exercise was carried out from 17 March to 11 May 2009.
- 4.4 It was envisaged that the main contents of this report would be the results and analysis of this public consultation exercise, a scheme impact assessment and a financial assessment of the situation and various options that could be considered by Members.
- 4.5 However due to a significant change to the situation, this report is being presented to Cabinet as an interim report, recommending a delay to the decision making on the full budget proposal until 7 July Cabinet.

- 4.6 This report does still set out some of the background information around the proposal including the current transport provision, the detailed proposal that is included in the budget, the numbers of children affected and the key financial savings.

### **Current home to school transport provision to mainstream schools**

- 4.7 The Council currently provides transport to school, under a number of different categories of provision, for children living in the city. The provision is split between transport to mainstream schools and transport provided for children with special needs attending various schools. This report is focussed on the transport provision to mainstream schools and the categories below are related to this mainstream provision.

#### **a) Statutory provision to mainstream schools**

- 4.8 This provision is focused over two sub-categories:
- those families on low income who live between 2 and 6 miles to one of their 3 nearest secondary schools or between 2 and 15 miles from a suitable faith school they are attending on faith grounds, specifically where:
    - the family receives the maximum level of Working Tax Credit, or
    - the children are entitled to free school meals
  - those children that live more than the statutory minimum walking distance from their nearest suitable school, specifically where:
    - they are aged 4 to 7 and live 2 miles or more from their nearest suitable school
    - they are aged 8 to 16 and live 3 miles or more from their nearest suitable school

#### **b) Non-Statutory provision to faith schools**

- 4.9 This provision is focused around those children that are aged between 4 – 7 years old and live 2 miles or more from school or for children between 8 and 16 who live 3 miles or more from school and are attending a faith school on faith grounds.
- 4.10 In these circumstances the Council provides either:
- free transport, if they were making this specific home to school journey before September 2008 or
  - subsidised transport with the family paying an advance charge for use of the bus, if they started school in or after September 2008
- 4.11 The introduction of an advance charge payment was approved by Cabinet on 15 January 2008.

### **c) Discretionary provision to a range of mainstream schools**

- 4.12 This provision is focused predominantly on children who live less than 2 or 3 miles, depending on their age, from their nearest suitable school or are attending a faith school on faith grounds and live within the statutory distance. This provision is:
- subsidised transport with the family paying an advance charge for use of the bus if they wish to take advantage of the transport for their children.
- 4.13 Any spare seats are offered to other children attending those schools on parental choice and for greater distances, but this is based on whether there are seats available. This includes children attending faith schools on non faith grounds, i.e. through parental choice.
- 4.14 The schools where transport is provided are St George's, St John Fisher, St Joseph's and St Mary's primary schools and Saint Benedict, Derby Moor and Bemrose secondary schools.
- 4.15 No specific 16+ transport is provided directly by the Council, although b-line cards used on commercial services allow half fare travel which is subsidised by the Council. The recent curriculum changes across the 14-19 age-groups may require us to review our transport provision, but this is uncertain at the present time.

### **Proposals for withdrawal of Home to School bus services**

- 4.16 The proposal is to withdraw the discretionary provision that is provided to a range of schools which is predominantly made available for those children that live less than 2 or 3 miles from their school, depending on their age; scenario c) above.
- 4.17 In the current academic year, 2008/09, this would affect around; 320 children.
- 4 Primary schools
    - St George's; St John Fisher, St Joseph's, St Mary's
    - around 55 children
  - 3 Secondary schools
    - Saint Benedict; around 220 children
    - Derby Moor Community; around 37 children
    - Bemrose Community; around 8 children
- 4.18 The estimated net annual cost to the Council of providing this discretionary transport is around £360,000. The proposed budget saving to be achieved by 2010/11 is £280,000; £165,000 in 2009/10 and a further £115,000 in 2010/11. The difference between the net cost and the savings amount was planned to be retained to allow for any consequential cost increases around the continued provision of the statutory and non-statutory transport and any potential increase in b-line subsidy costs if children then chose to use commercial bus services.
- 4.19 In the current 2008/09 academic year, under statutory provision we are providing transport for around 125 children; the non-statutory provision to faith schools is around 470 children.

- 4.20 Appendix 2 is a table which sets out a detailed breakdown of the services that are currently running and the numbers of children we are transporting by each category of transport provision.

### **Recent developments following budget proposals**

- 4.21 It was envisaged until very recently that the main contents of this report would be the results and analysis of a public consultation exercise, a scheme impact assessment and a financial assessment of the situation and various options that could be considered by Members.
- 4.22 The situation has now changed significantly as a commercial operator approached the Council to suggest that they would register commercial bus services covering the majority of the provision to Saint Benedict school and both of the existing services to Derby Moor school. Following some negotiation of how the services might operate and the offer of support from the Council in terms of promoting the services within the schools, the operator, Notts and Derby, has now registered a number of services covering similar routes to the existing Council contracted services.
- 4.23 This is significant news and will provide access to transport for the majority of secondary school children that would have been affected by the service withdrawal proposals.
- 4.24 This change in circumstances has lead officers to recommend to Members that a decision on Council's service withdrawal proposals should be delayed until Cabinet on 7 July. This means that:
- Any changes to discretionary transport provision will not be able to take place until September 2010 due to the time it would take to put the appropriate transport provision in place, depending on Cabinet's decision. Therefore the overall current levels of home to school transport provision within the city will remain unchanged during the 2009/10 academic year.
  - There will be an estimated reduction of £70,000 in the savings that can be achieved in this financial year, but this is considered to be manageable and appropriate in these circumstances.
- 4.25 There are a number of significant benefits to delaying the decision on this issue, including:
- Additional time for both the Planning and Transportation and Children and Young People's Commissions to consider the results of the consultation, discuss the findings and make any recommendations to Cabinet as part of the decision in July.
  - Additional time for both the Planning and Transportation and Children and Young People's Commissions to consider the scheme impact and financial assessments, discuss the findings and make any recommendations to Cabinet as part of the decision in July.

- Parents of children that will start school in September 2010 who are currently considering which school to apply for will be able to make a decision based on the knowledge of what transport is likely to be available at the time of their child starting school. We know that one of the key concerns raised in the consultation was that for parents with new starters in September 2009 the availability of transport may have affected their application choice.
- With any potential changes delayed until September 2010 this will provide more time to work with the schools and consider improvements to travel and transport provision at the affected schools, including to support and promote walking and cycling.

4.26 If the recommendation to delay a decision is approved then, even though the level of home to school transport provision will remain the same, there are implications on the way that home to school transport provision will be planned for the 2009/10 academic year. These include;

- For the avoidance of doubt, children that fall into categories a) and b) will continue to have home to school transport provision made available to them.
- Children who attend Saint Benedict or Derby Moor schools and who are eligible to receive free transport provision will be provided with a season ticket by the Council to use the newly registered commercial services; this applies to categories a) and part of category b).
- There is one bus service which serves St Mary's and Saint Benedict, service 90, that has not been registered commercially, and we need to consider how the children that currently use this service can best be offered transport to school; this applies to categories a) and b).
- Children in years 7 and 8 in September 2009 who attend Saint Benedict, who live 3 miles or more from the school and who would have had to make an advance payment for their travel will now be able to decide whether they would prefer to pay a daily fare on the bus or make an advance payment; these are part of category b).
- Children who are eligible for discretionary transport who wish to use the newly registered commercial services will be able to either pay a daily fare on the bus or continue to make an advance payment to the Council; category c).
- The Council will continue to provide discretionary transport to St George's; St John Fisher, St Joseph's and St Mary's primary schools and Bemrose secondary school; category c)
- Any discretionary transport that the Council still provides would require an advance payment from parents for their children's travel.
- The transport provision to be organised by the Council may not be by bus as previously, but may be by mini- bus, taxi or the provision of a season ticket for a commercial service. The provision will be procured in the most cost effective manner.

## Next Steps

- 4.27 Subject to the approval of the recommendations it is proposed that the Cabinet report on 7 July will contain all of the necessary information for Cabinet to make a decision on the Council's future commitment to providing discretionary home to school transport. The report will include the results and analysis of the consultation exercise, a scheme impact assessment and a financial assessment of the proposals.
- 4.28 A special meeting of the Planning and Transportation and Children and Young People's Commission has been arranged for the 1 June where a significant amount of this information will be available for discussion with Members of the Commissions. This should allow each Commission sufficient time to put together a detailed report for Cabinet on their views of the proposals.

## OTHER OPTIONS CONSIDERED

- 5.1 It would have been possible to press ahead with the presentation of all information to Cabinet, but with the significant change in circumstances it seemed appropriate to make the recommendation to delay the decision making process.

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<b>List of appendices:</b>	None
	Appendix 1 – Implications
	Appendix 2 – Mainstream Home to School Transport Provision

<b>IMPLICATIONS</b>
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**Financial**

- 1.1 The estimated net cost, in an academic year, to the Council of providing this discretionary transport is around £360,000. The proposed budget saving to be achieved by 2010/11 is £280,000; £165,000 in 2009/10 and a further £115,000 in 2010/11. The difference between the net cost and the saving was planned to be retained to allow for any consequential cost increases around the continued provision of the statutory and non-statutory transport and any potential increase in b-line subsidy costs if children then chose to use commercial bus services.
- 1.2 The estimated net additional cost of continuing to make discretionary home to school transport available in the 2009/10 academic year is estimated to be £70,000.
- 1.3 This will mean that the estimated saving to be achieved in 2009/10 is reduced to £95,000, but this is considered to be manageable within the overall Council budgets.
- 1.4 It is still estimated that, should Cabinet decide to withdraw the Council's support for the discretionary services, then the full saving of £280,000 will be met in 2010/11.

**Legal**

- 2.1 It is only transport provided on a discretionary basis, as set out as category c) in paragraphs 4.12 to 4.14 of the supporting information, that is being considered in this report. Under section 509(3) Education Act 1996 local education authorities such as the Council have discretionary power to pay the whole or part of any part of reasonable travelling expenses of any person receiving education at a school, further education institution or any other institution where the Learning and Skills Council has secured provision. Section 46 (1) Public Passengers Vehicles Act 1981 allows pupils not eligible for free transport to pay for seats on school buses used to provide free transport to other pupils. There are also concessionary fares for young people on public transport under transport legislation.

**Personnel**

- 3.1 None directly arising from this report.

**Equalities Impact**

- 4.1 The rationale for the proposals is based on both budgetary and equality grounds; the current pattern of provision to a limited number of schools could be perceived as inequitable. The proposed removal of services would address this issue.

**Corporate objectives and priorities for change**

- 5.1 This proposal contributes towards the Council's Corporate Priorities of providing excellent services and value for money and helping us all to be healthy, active and independent.



**Mainstream Home to School Transport Provision - Details of services provided and usage statistics (May 2009)**
**APPENDIX 2**

Service	School	(a) Statutory Provision		(b) Non-statutory provision		(c) Discretionary provision		Total seats allocated	Total seats left vacant
		Free – Benefits	Free – Distance	Free – pre-Sept 08	Fare-paying from Sept 08	Fare-paying to nearest school	Fare-paying to choice school		
230	<b>Bemrose</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>1</b>	<b>18</b>	<b>53</b>
235	Derby Moor	7	0	0	0	21	2	30	41
236	Derby Moor	23	0	0	0	11	3	37	34
	<b>Derby Moor sub-total</b>	<b>30</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>5</b>	<b>67</b>	<b>75</b>
245	St George	10	0	12	1	10	18	51	20
246	St George	0	0	1	0	4	3	8	38
	<b>St George sub-total</b>	<b>10</b>	<b>0</b>	<b>13</b>	<b>1</b>	<b>14</b>	<b>21</b>	<b>59</b>	<b>58</b>
401	<b>St John Fisher</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>9</b>	<b>2</b>	<b>15</b>	<b>31</b>
212	<b>St Joseph</b>	<b>2</b>	<b>0</b>	<b>16</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>27</b>	<b>43</b>
90	St Benedict/St Marys	4	0	1	0	6	9	20	26
234	St Benedict	6	0	45	7	0	10	68	3
238	St Benedict	7	0	39	8	0	9	63	8
240	St Benedict	10	0	38	5	0	19	72	-1
244	St Benedict	9	0	23	1	2	22	57	14
251	St Benedict	0	0	29	4	0	1	34	12
253	St Benedict	5	0	37	3	8	16	69	1
255	St Benedict	2	0	38	7	1	2	50	0
257	St Benedict	3	0	8	1	1	14	27	43
258	St Benedict	1	0	37	6	7	7	58	13
260	St Benedict	0	0	14	0	0	2	16	5
261	St Benedict	12	0	21	7	2	28	70	1
403	St Benedict	0	0	24	2	0	4	30	2
433	St Benedict	10	0	19	0	6	27	62	8
434	St Benedict	2	0	10	1	7	12	32	22
	<b>St Benedict sub-total</b>	<b>71</b>	<b>0</b>	<b>383</b>	<b>52</b>	<b>40</b>	<b>182</b>	<b>728</b>	<b>157</b>
<b>Overall Total</b>		<b>125</b>	<b>1</b>	<b>413</b>	<b>54</b>	<b>109</b>	<b>212</b>	<b>914</b>	<b>417</b>
<b>Percentage of total allocated seats</b>		<b>14%</b>	<b>0%</b>	<b>45%</b>	<b>6%</b>	<b>12%</b>	<b>23%</b>		