



DERBY CITY COUNCIL

COUNCIL CABINET
17 MARCH 2009

Report of the Planning and Transportation Commission

Public consultation proposals seeking views on the proposed reduction in discretionary home to school transport services

SUMMARY

Under the Scheme of Delegation approval of consultation arrangements are reserved to individual members of the Council Cabinet. At a meeting yesterday the Councillor Care, the portfolio holder for Planning and Transportation considered and approved the consultation arrangements for the proposed removal of discretionary home to school transport. Councillor Poulter had attended as Chair of the Planning and Transportation Commission and voiced the Commission's views at paragraph 2.2. A further meeting of the Commission was held last night and Members resolved to make further representations.

RECOMMENDATIONS

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| 1.1 | To note and respond to the Commission's concerns about the openness and transparency of the consultation process. |
| 1.2 | To agree that the analysis should clearly sub-divide the responses by category of consultee so that the views of those who would be most affected are distinguishable and not diluted or lost in a single overall total of respondents. |
| 1.3 | To note that there is a risk that some existing pupils may have to change school if parents i) cannot afford service bus fares especially where two buses are needed to cross the city, or ii) cannot make other arrangements |
| 1.4 | To investigate alternative ways to get children to and from school economically and viably. |
| 1.5 | To phase the removal of discretionary transport (if proceeded with) to retain an entitlement for those year groups who made choices before the possibility of withdrawal was flagged in literature to parents. |

REASONS FOR RECOMMENDATIONS

2.1 Recommendation 1.1

Although there has been significant movement in the stated scope of the consultation, there were concerns voiced at the Commission about whether this was really matched by open mindedness on the part of the Council Cabinet. The Planning and Transportation Commission has now discussed this issue three times and has avoided pre-determination on the policy desirability. What the Commission seeks is a reassurance that the Council Cabinet has an open mind about *whether* (rather than *how*) to proceed with the proposals in light of the outcome of the consultation

2.2 Recommendation 1.2

The report states that consultees are to include:

- parents of all pupils attending schools in Derby
- parents of children who live in Derby but who attend faith schools outside the city
- governors and headteachers of all Derby schools and neighbouring faith schools
- the Catholic diocesan education authority for Derby
- neighbouring local authorities
- the Confederation of Passenger Transport
- any interested members of the general public, who become aware of the consultation process and wish to provide their views

This is much broader than envisaged in the Cabinet's original response to the Commission's concerns, as set out to Council on 2 March. The Commission support the wider range of consultees as all residents have an interest as Council Taxpayers. However concerns were expressed that the effect of this might be to dilute the voices of those who will be most affected. If the proposals were implemented those actually affected would be current pupils (and parents) and those potentially affected would be parents (and pupils) making future choices about both primary and secondary. The school most affected would be St Benedict's. Clearly recording and analysing by category would, for example, prevent governors and current parents at St Benedicts to be identified. To be thorough the questions also need to distinguish, for example, potential pupils whose parents may make different choices dependent on whether discretionary travel continues.

2.3 Recommendation 1.3

This recommendation identifies that the potentially worst affected would be low income families who live too close to school to qualify for free travel. If unaffordable and/or unwalkable the only answer may be to change school with a disruption to the child's education. There would be a disproportionate impact on St Benedict's School which draws from a large catchment area. The school's location on Duffield Road, Darley, means many children living less than three miles away would be affected, because the radial transport network would require two bus journeys, involving a

	change in the city centre
2.4	<p>Recommendation 1.4</p> <p>The Commission is asking the Council Cabinet to be creative about identifying alternative ways to get children to and from school economically and viably. This would be of potential benefit to all current and future pupils affected by the current proposals – but be of immediate benefit to those identified at Recommendation 1.3</p>
2.5	<p>Recommendation 1.5</p> <p>It seems unfair to withdraw services for children already attending a school, if parental choice was exercised on the basis that the services are provided – this is reminiscent of the original proposal to backdate faith school charging to the 2007 intake, which was withdrawn in light of scrutiny commission comments. Councillor Allen commented yesterday that the possibility of withdrawal of discretionary travel is now flagged in literature to parents. If the current proposals are proceeded with an entitlement should be retained for those year groups who made choices before such wording was introduced. If this is accepted one option would be to gradually scale down the current services (by route amalgamation/use of smaller vehicles) as the entitled cohorts move.</p>

SUPPORTING INFORMATION

2.1	On 2 March the Council approved the revenue budget for 2009/10. Amongst the Council Cabinet's approved proposals to achieve a balanced budget was 'S94 - Removing remaining supported home-to-school transport'. On 19 January had made a recommendation to Council Cabinet on this proposal.
2.2	<p>On 10 March the Planning and Transportation Commission received feedback about the Cabinet's responses to its budget related recommendations. The Commission resolved 'to <i>reiterate</i> recommendation 1 of the Commission's recommendations on the General Fund Revenue Budget and Council Tax 2009/10 that:</p> <ul style="list-style-type: none"> • The Commission has major concerns about the consequences of the proposed removal of discretionary home to school transport and • Will not be agreeable to the proposal without a full impact assessment being provided and unless proper consultation is undertaken with those potentially affected' <p>and this be relayed to the Individual Council Cabinet Member to be held on 16 March 2009.</p>
2.3	Councillor Poulter attended the meeting yesterday when Councillor Care, the portfolio holder for Planning and Transportation considered and approved the consultation arrangements for the proposed removal of discretionary home to school

2.4	<p>transport. Councillor Poulter voiced the Commission's views at paragraph 2.2. He acknowledged that the scope of the proposed consultation would be significantly wider than originally envisaged. Importantly the outcome report to Council Cabinet on 2 June would now include 'whether to progress' the proposal.</p> <p>A further meeting of the Commission was held last night and feedback given about the Cabinet Member meeting earlier in the day. The Commission resolved to make further representations to full Cabinet. It is understood that the Children and Young People Commission were making a Late Report and is hoped that both Commission's views can be considered in a single discussion.</p>
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Background papers: Appendix 1 – Implications
List of appendices:

Appendix 1

IMPLICATIONS

Please note that the following implications are exactly replicated from the report to the Cabinet Member meeting on 16 March 2009

Financial

- 1.1 If implemented in their current form, the proposals will result in an overall saving of £280,000 per annum.
- 1.2 It is envisaged that a proposed service saving of £165,000pa would be realised in 2009/10, with an additional £85,000pa in 2010/11; in addition, with effect from 2010/11 the loss of a post would result in a further saving of £30,000 pa.

Legal

- 2.1 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. All this is in addition to the duty on a local education authority to provide free

transport where it decides that such transport is necessary, which is not being considered in this report.

- 2.2 DfES Guidance 373/2007 of May 2007 on Home to School Travel and Transport says that “Local authorities should consult widely on any changes to their local policies on school travel arrangements, with all interested parties included in the consultations. Consultations should last for at least 28 working days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation ... Good practice suggests that any such changes should be phased in and come into effect as pupils start school.” There is a statutory duty on the Council to have regard to this guidance.
- 2.3 The consultation papers must give sufficient reasons for the proposals to allow intelligent consideration and response. All responses should be conscientiously taken into account when the proposals are finalised.

Personnel

- 3.1 Removal of subsidised supported mainstream school bus services as proposed is likely to result in the eventual loss of between one and two posts currently located in the Procurement & Operations Team of the Council’s Integrated Passenger Transport Group.
- 3.2 However the group is still developing its role in terms of taking on transport procurement and management of services across the council and any decisions on changes to posts will need to be taken in the light of any additional responsibilities that the Group takes on from other areas of the Council. Work on revising the Group staffing structure will be carried out during 2009/10 and staff will be kept fully informed.

Equalities impact

4. 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 will address this issue.

Corporate Objectives

5. This proposal contributes towards the Council’s Corporate Priority of providing excellent services and value for money.