

HERTFORDSHIRE COUNTY COUNCIL

**COUNTY COUNCIL
TUESDAY 18 JULY 2006 AT 10.30 a.m.**

**CABINET
MONDAY 24 JULY 2006 AT 2.00 p.m.**

Agenda item

County Council

2

Cabinet

2

FUTURE PROVISION FOR HOME TO SCHOOL TRANSPORT TO FAITH SCHOOLS

Report of the Director of Children, Schools and Families

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1. Purpose of report

Following the recent consultation by the Director of Children, Schools and Families (CSF) on '**The provision of transport by Hertfordshire County Council to faith schools**' the purpose, of this report is to:

- summarise the feedback from the consultation,
- set out the key issues arising from the consultation,
- outline options available to the County Council, with financial implications, should a revised policy be implemented from September 2007,

in order that the Cabinet at its meeting on 24 July 2006 can make a decision on the future funding of transport to faith schools. The County Council on 18 July has the opportunity to debate the issue and make recommendations to Cabinet.

2. Summary

- 2.1 This report sets out the results of the consultation on the proposal by the County Council to cease to provide discretionary free home to school transport to faith schools by Hertfordshire County Council (HCC) from September 2007. It highlights the key issues of principle arising from the consultation and summarises the options available to manage the potential impact, should any proposal to withdraw free denominational school transport be implemented.
- 2.2 Three main issues of principle were raised during the consultation process:
- The impact the proposal could have on the longstanding partnership which has existed between the local authority (LA) and faith communities for many years. The pattern of faith schools now established across the county has developed within the current transport policy.
 - It was argued that the religious obligation on faith communities to seek faith education for their children, goes much further than parental preference. Given the wide geographical spread of schools, it was argued that free transport helped create equal access to faith schools.
 - The extent to which these proposals meet the Local Authority's statutory obligations was challenged.
- 2.3 The report outlines a range of options for implementation. If a change of policy were taken forward these take into account feedback received during the consultation. For example, the concern associated with those on low incomes accessing faith education and the needs of siblings and the potential impact on the environment and congestion.
- 2.4 Irrespective of the decision taken on the provision of discretionary free transport to faith schools, it is likely that a wider review will be required to take account of the Education and Inspections Bill and other transport related issues as set out in paragraph 7.2 of this report.
- 2.5 A large majority of those responding to the consultation do not wish the County Council to make changes to its current policy. However, approximately one third of those responding to the questionnaire do not believe the current arrangements of providing free transport to faith schools should continue.

3. Conclusion

The Council on 18 July will debate the issue and make recommendations to Cabinet to enable it to take a decision at its meeting on 24 July 2006.

4. Background

4.1 Policy Context and Legal Framework

County Council Policy

- 4.1.1 Hertfordshire County Council's current policy includes the provision of free home to school transport for all children attending their nearest maintained faith school, if they have a place there in line with their parents' beliefs and it is over the statutory walking distance. The policy provides an entitlement to transport to any school where a child lives over the statutory walking distance from the school allocated and there is no nearer school where the pupil could have qualified for a place.

Additionally, under the current policy, children receive an entitlement to transport where:

- they are attending their nearest suitable school which is less than the statutory walking distance but where there is not a safe route to walk, or
- where the Statement of Special Educational Need identifies the need for free transport.

- 4.1.2 All parents have a right to express a preference for the school they want their child to attend. However, if they choose to send their child to a school which is not their nearest suitable school or educational placement where the distance from home to school is over the "statutory walking distance", they are normally responsible for all transport arrangements and costs. The exception at the moment is where the allocation of a school place is on faith grounds, as detailed above.

Statutory Framework

The statutory framework relating to home to school transport arises from the interrelationship of sections 509 and 444 of the Education Act 1966. The relevant sections are set out below for reference purposes.

- 4.1.3 Section 509 provides:

- "(1) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct for the purpose of facilitating the attendance of person receiving education-
- a) at schools,

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- “(2) Any transport provided in pursuance of arrangements under subsection (1) shall be provided free of charge,
- “(3) A local education authority may pay the whole or any part, as they see fit, of the reasonable travelling expenses of any person [not of sixth form age] receiving education
- a) at a school
-
- “(4) In considering whether or not they are required by subsection (1) to make arrangements in relation to a particular person, a local education authority shall have regard (amongst other things) -
- a) to the age of the person and the nature of the route, or alternative routes, which he could reasonably be expected to take; and
- b) to any wish of his parent for him to be provided with education at a school or institution in which the religious education provided is that of the religion or denomination to which his parent adheres”

4.1.4 Section 444 provides:

“(1) If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence.

....

“(2) Subsections (3) to (6) below apply in proceedings for an offence under this section in respect of a child who is not a boarder at the school at which he is a registered pupil

....

“(4) The child shall not be taken to have failed to attend regularly at the school if the parent proves-

- (a) that the school at which the child is a registered pupil is not within walking distance of the child’s home, and
- (b) that no suitable arrangements have been made by the local education authority...for any of the following -
- i) his transport to and from school,
- iii) enabling him to become a registered pupil at a school nearer his home.

“(5) In subsection (4) “walking distance-

(a) in relation to a child who is under the age of eight, means 3.218688 kilometres (two miles), and

(b) in relation to a child who has attained the age of eight, means 4.828032 kilometres (three miles),

In each case measured by the nearest available route”

4.1.5 Legal advice is that the County Council has discretion whether to provide school transport to children attending faith schools. On this basis other local authorities have ceased to provide free home to school transport to faith schools, or are in the process of consulting on such proposals as illustrated below:

- The number of local authorities already decided to cease the provision of free home to school transport to faith schools. 10
- Of these (above), the number of local authorities with safeguards for families on low incomes. 9
- The number of local authorities currently consulting on free home to school transport to faith schools 3

4.2 Budgetary Context

4.2.1 HCC like all local authorities has a requirement to meet efficiency targets. The new grant system introduced in 2006/7 has resulted in Hertfordshire becoming a “floor” authority with minimum annual increases in the level of government grants.

4.2.2 Consequently, HCC reviewed its home to school transport policies as part of a wider review of the provision of transport and costs across all HCC services. The review set as a target annual revenue saving of at least £1m. However, HCC’s medium term financial forecast suggests the need for a higher level of savings to meet a more stringent financial context. Savings in areas of discretionary expenditure need to be considered in order to meet the level of savings required.

4.2.3 The review identified a range of policy issues, including ceasing to provide transport to faith schools. In the light of this, the Director of Children, Schools and Families was authorised to consult on a proposal to cease to provide free home to school transport to faith schools, with a view to securing equity and consistency in the provision of home to school transport.

4.2.4 Table 1 below provides an analysis of the number of children currently receiving free home to school transport, both in numbers and as a percentage of the school population.

Table 1: Children in receipt of free home to school transport in the 2005-6 academic year

	Primary Statutory age		Secondary (years 7-11)		Total	
	No.	%	No.	%	No.	%
Total size of the school population (all schools)	86,134	-	64,386	-	150,520	-
Total size of the school population (Faith schools)	16,781	19.5	8,289	12.9	25,070	16.7
Pupils receiving free home to school transport (all schools)	1,172	1.4	7,369	11.4	8,541	5.7
Pupils receiving free denominational home to school transport as a percentage of faith school population	800	4.8	2,800	33.8	3,600	14.3

4.2.5 In 2004-5 the denominational transport expenditure was £3.45m, which was 35% of the total mainstream home to school transport budget (£9.8m). Faith transport constitutes 4.87% of the non schools expenditure on education and as the numbers traveling have increased, so too has the proportion of non school costs relating to transport. Savings generated by implementing this proposal would be available to accrue to savings overall and therefore avoid making savings in other service areas. These savings would also contribute towards future potential costs associated with duties placed upon local authorities as a result of the Education and Inspections Bill, should it be enacted. Appendix 1 outlines the scope of estimated savings.

5. The Consultation

5.1 Proposals for Consultation

The Director of CSF consulted on a proposal to cease free home to school transport to a child's nearest faith school from September 2007, but with pupils already in receipt of free transport continuing to receive it until they move school. The consultation document can be found at Appendix 2.

5.2 The Consultation Process

- 5.2.1 The consultation commenced on 25 April 2006 and ran until 9 June. Shortly before commencement of the consultation, there was advance discussion with representatives of the Roman Catholic and Church of England Dioceses and with leaders of the Jewish communities. Headteachers and Chairs of Governors of all Hertfordshire schools received briefing letters in the week leading up to the launch of the consultation.
- 5.2.2 The widest possible consultation was undertaken. This included the widespread distribution of ninety five thousand consultation documents, frequently asked questions available on the website, opportunities to attend eleven public meetings and the scope to respond electronically or in paper format to the proposal. Public meetings were led by an independent facilitator from a specialist company appointed for the purpose. The independent facilitator subsequently produced a summary of the issues raised at the public meetings (Appendix 3). The meetings were also taped and transcripts were made available on the hertsdirect website.
- 5.2.3 Originally seven public meetings were planned but, responding to demand, a further four were held resulting in almost 900 people attending. (See table 2 below)

Table 2: Participation in the public meetings

Date	School Venue	Pre booked places	Signed in
2 May	Marlborough	27	18
8 May	Hertswood	99	99
10 May	Rickmansworth	18	23
11 May	Hemel Hempstead	101	102
15 May	Bishop Stortford	32	30
16 May	Broxbourne	100	84
17 May	John Henry Newman RC	100	106
25 May	John Henry Newman RC	100	145
5 June	John Henry Newman RC	102	75
6 June	Nicholas Breakspear RC	100	208
7 June	Broxbourne	11	4
Total		790	894

- 5.2.4 Officers also attended meetings with Nicholas Breakspear RC School and with the Headteacher of John Henry Newman School and local representatives. Questionnaires were distributed to parents of pupils from year 5 downwards in primary schools (including children attending nursery

schools) and a small supply was sent to each secondary school. Questionnaires were also distributed to statutory consultees. Copies were distributed to those out of county faith schools to which Hertfordshire children travel.

- 5.2.5 In response to issues raised during the consultation, residents living near the faith schools most affected by potential increased traffic were sent questionnaires for their response.

5.3 Analysis of the response to the Consultation

- 5.3.1 The level of responses received by the end of the consultation period (set out in table 3 below) indicates a high level of community awareness of the consultation:

Table 3: Analysis of the response to the consultation

Response type	For ending free faith transport	Against ending free faith transport	Not answered/ Don't know	Total
Questionnaire	2,376	3,976	915	7,267
E mails	15	519	0	534
Letters	11	1,019	0	1,030
Preprinted slips	0	10,153	0	10,153
Total	2,402	15,667	915	18,984

- 5.3.2 Respondents to the consultation were, in the main, against the County Council's proposal. In addition to the parents, teachers and governors who responded, the County Council also received expressions of concern from those living near popular faith schools about the parking problems that may arise if coaches are withdrawn. Those employed in running education coach or taxi contracts have expressed concern over the potential impact on their commercial viability.

- 5.3.3 At the eleven public meetings held across the County the vast majority of speakers opposed the proposal to end free transport to faith schools.

Many speakers identified themselves as Heads, teachers or governors of faith schools or parents of pupils linked to a particular faith school.

5.3.4 Of those responding to the questionnaire, 32% were in support of the proposal, 13% were undecided or not stated and 55% were against. Further analysis of these returns indicates that approximately half the questionnaire responses came from parents/carers and within this category the largest response group was from Church of England parents who were roughly equally divided between supporting and opposing the proposal. However, the Roman Catholic and Jewish parents were strongly opposed. Details of this analysis are set out in table 4 below.

Table 4: Parent/carers – do you support the proposal to end faith school transport?

	Total	Yes	Yes %	No	No %	Don't know	Don't know %
Roman Catholic	1377	91	6.61%	1279	92.88%	7	0.51%
Church of England	1416	628	44.35%	755	53.32%	33	2.33%
Jewish	133	17	12.78%	114	85.72%	2	1.5%
Other faiths	225	114	50.67%	105	46.67%	6	2.66%
None	650	532	81.85%	109	16.77%	9	1.38%
Total	3801	1382	36.36%	2362	62.14%	57	1.5%

5.3.5 In the response from those who identified themselves as school staff there was strong opposition from staff in Roman Catholic schools. Some staff in Church of England schools supported the change and a majority of those categorized as of no faith supported the proposal. Details of this analysis are set out in table 5 below.

Table 5: School Staff – do you support the proposal to end faith school transport?

	Total	Yes	Yes%	No	No%	Don't know	Don't know%
Roman Catholic	125	5	4%	118	94.4%	2	1.6%
Church of England	96	29	30.21%	64	66.67%	3	3.13%
Jewish	5	0	0%	4	80%	1	20%
Other faith	10	7	70%	3	30%	0	0%
None	104	54	51.925	48	46.16%	2	1.92%
Total	340	95	27.94%	237	69.71%	8	2.35%

5.3.6 The pattern in table 5 above is similar to the response to this question from those who identified themselves as governors. Details of this analysis are set out in table 6 below.

Table 6: Governors – do you support the proposal to end faith school transport?

	Total	Yes	Yes%	No	No%	Don't know	Don't know%
Roman Catholic	85	1	1.18%	84	98.92%	0	0%
Church of England	125	38	30.4%	85	68%	2	1.6%
Jewish	9	1	11.11%	7	77.78%	1	11.11%
Other faith	12	11	91.67%	1	8.33%	0	0%
None	103	57	55.34%	43	41.75%	3	2.91%
Total	334	108	32.34%	220	65.87%	6	1.79%

5.3.7 A significant number of those supporting the proposal to end free transport to faith schools indicated in their response that until they received the consultation document they had been unaware of the current policy on free transport to faith schools. They regarded the policy as inequitable, given that other parents had to pay if they wanted their children to attend a school other than the nearest to their home.

5.3.8 The Roman Catholic community had advised parents and parishioners to respond by letter or email rather than on the County questionnaire, and this is reflected in the number of petitions and letters received. Many of these responses drew on the key issues set out in a letter circulated to parishes by the Archdiocese of Westminster.

5.3.9 Letters opposing the proposal were received from senior political figures in Hertfordshire.

5.3.10 The County Council has received positive support for its proposal from the National Secular Society which argues that the County Council has a duty under the Human Rights Act to act even handedly between those of faith and those of no faith. Harpenden Town Council and Ickleford Parish Council in their response to the consultation echoed this sentiment and support equality of provision subject to the safeguarding of those with a statutory entitlement and pupils already traveling.

5.3.11 In addition to the questionnaires received from parents, staff, governors and pupils who supported the proposal, there have been letters and emails of support from Hertfordshire residents who were unaware of the current faith transport provision. They expressed the view that the current

practice is inequitable when they had to incur considerable costs in transporting their own children to the school of their preference. Whilst those attending the public meetings were predominantly against the proposal, there were a minority who expressed support for the proposal which they believed would be more equitable.

Issues raised by respondents

5.3.12 The emails, letters and printed response forms were logged and the issues raised coded so that the main themes of the response could be identified. The themes raised were consistent with those highlighted at the eleven public meetings. Many letters or emails covered several issues in their response and all these were logged. The issues identified through the written submissions are summarised in table 7 below.

Table 7: A summary of the issues raised through the written responses

ISSUES	Emails	Letters	Questionnaire	Total
<ul style="list-style-type: none"> • Keep free transport • Freedom of choice • Wider catchment areas 	488	877	1302	2667
Hardship for low income families	226	561	249	1036
Environmental concerns	175	381	361	917
<ul style="list-style-type: none"> • Viability of faith schools • Church contributes to building fund • Adverse impact on standards and intake 	185	352	368	905
Biased consultation	96	160	464	720
<ul style="list-style-type: none"> • School bus network to be developed • Safety issues 	31	66	233	330
All parents should pay for transport to personal choice of school	13	10	276	299
Miscellaneous	18	19	256	293
Faith schools provide higher standards and academic results	44	105	89	238
Phase out free transport It should never have been in place	5	1	229	235
General opposition to faith schools	2	1	120	123
Free transport for SEN, disabilities	2	0	34	36
Total	1285	2533	3981	7799

(Copies of the responses received to the consultation are available in the Members Secretariat.)

6. Feedback from the consultation

The analysis of the feedback from the consultation can be broken down into:

- issues of principle; and
- issues associated with implementation.

6.1 The issues of principle can be summarised into three key areas:

- The religious obligation on faith communities to seek faith education for their children is much more significant than other reasons for preference for a school place. There was concern that the distinctive ethos and character of faith schools would be fundamentally undermined. It was argued during the consultation that in terms of equality, because there are fewer faith schools spread over the county, that transport provides equality of access for these families.
- The longstanding partnership which has existed between the Local Authority and the faith communities, based on a long tradition of working together.
- The legality of withdrawing this discretionary part of the home to school transport policy.

6.2 The key issues expressed concerning the implementation of a change in policy relate to:

- The potential impact on viability and ethos of Faith Schools.
- Adverse impact on low income families, siblings and travellers from any change.
- Congestion and environmental, health and safety issues

6.3 During the consultation period, feedback was received which indicated that some stakeholders felt the process was flawed.

Analysis of and commentary on the issues raised

6.4 Statutory obligations and partnership working

- 6.4.1 The principle of whether there is a statutory right to free transport to access appropriate faith education, and the argument that this proposal undermines the partnership between the faith groups and the County Council, were raised throughout the consultation.
- 6.4.2 The leaders of the Roman Catholic, Anglican and Jewish communities in Hertfordshire submitted a joint objection to the proposal as well submitting their individual comments. In their joint submission the leaders of the faith groups recognise that the provision of transport on faith grounds by the County Council is discretionary but argue that in view of the financial contribution from the faith groups to the running of their schools the proposal to remove free transport undermines the well established relationship between them and the County Council.
- 6.4.3 A number of respondents also urged the County Council to honour arrangements made after earlier reorganisations of Roman Catholic education in the 1970s and 1980s when schools such as Mater Dei and Holy Trinity in Welwyn Garden City and Cardinal Bourne in Broxbourne were closed and transport provided to alternative Roman Catholic schools in Stevenage, St Albans or Bishops Stortford.
- 6.4.4 A group of those committed to fighting this proposal set up the South Herts Faith Defence Movement in Borehamwood. This group not only opposes the proposal to end free transport on faith grounds but also propose that the current policy be amended to provide funding for those in attendance at non faith based schools and a review of the current distance criteria because of the dangers within society.

Commentary

- 6.4.5 The relationship between the Local Authority (LA) and all of the county's schools is based upon agreed arrangements to monitor, challenge and support schools in their work to offer high quality educational provision and to achieve high standards. The overriding aim of this well established partnership is to deliver the 5 key outcomes of the Every Child Matters agenda. The LA values its particular partnership with the faith schools in Hertfordshire. It recognises that this has been a positive partnership in terms of raising educational standards, and supporting the wider personal development of young people. Faith schools form part of the diversity of schools in Hertfordshire. To this end the County Council has recently

supported the establishment of new voluntary aided primary and secondary provision for the Jewish community.

- 6.4.6 However, the Education Act of 1944, which established the status of voluntary aided and voluntary controlled schools, did not establish a legal entitlement to free transport to faith schools. However, LAs have in the past supported free transport to pupils attending faith schools although in more recent years this has generally (as in Hertfordshire) been limited to the nearest appropriate faith school. Given the pressure on LAs to review all non statutory expenditure a number of them have reviewed their provision of free transport to faith schools (see section 4.1.5)
- 6.4.7 Under the 1944 Act the governors of all Voluntary Aided (VA) schools, whether or not their pupils receive free transport, are liable to contribute 10% towards the cost of capital projects. The government expects contributions to be made by all VA schools to invest in their own buildings which, belong to the governing body not the County Council. Their investment, therefore, is in their own property and asset. It is worth noting, nevertheless, that there have been instances where, because of particular circumstances, the County Council has made the 10% contribution because the governing body was unable to do so. The school's revenue costs which pay for staff salaries and teaching resources are met in full by the County Council on the same funding formula as community and foundation schools.
- 6.4.8 In relation to previous Catholic school reorganisations in Welwyn Garden City and Broxbourne, these involved schools with falling rolls where there were concerns about educational standards. Previously, it had been standard practice when a school was closed to make transport provision for existing pupils so they were not disadvantaged by the requirement to change school. However, as with other reorganisations or site transfers of community schools there was no on going commitment to pupils who had not yet entered the school.

6.5 Threat to viability and ethos in certain denominational schools

- 6.5.1 The view has been expressed that high travel costs or poor public transport access will mean that fewer Roman Catholic, Church of England or Jewish pupils will be able to travel to faith schools and the viability of these faith schools as faith schools will be at risk. There was concern that reduced access to faith schools could adversely affect their ethos and religious character.
- 6.5.2 Some parents queried whether there were sufficient places in local areas to accommodate pupils who could not afford to travel to faith schools

whereas others felt the proposal was aimed at filling up local failing schools.

Commentary - Primary Phase

6.5.3 Analysis suggests that the impact on primary schools would be relatively low in the majority of cases. The exceptions are listed below:

- Clore Shalom Primary School , Shenley
- Hertsmere Jewish Primary School, Radlett
- St Thomas of Canterbury Primary , Puckeridge
- Michael Sobell Sinaei Jewish Primary School, Brent
- St Thomas More RC Primary, Berkhamsted

The Jewish community has already indicated that they would want to work with the County Council in providing dedicated routes for payment if the County Council ends free transport to faith schools.

6.5.4 The admissions teams have identified that other primary age pupils currently awarded free transport to faith schools include a number of pupils in rural locations who have moved mid year into the county and can not be accommodated at their nearest faith school.

Commentary - Secondary Phase

6.5.5 Overall the number of pupils receiving free transport to Hertfordshire secondary faith schools has been increasing year on year to over **30%** of the number on roll at these schools. The number of pupils entitled under this proposal would be greatly reduced to approximately 3% of those attending faith secondary schools as the majority would have alternative school places available within three miles. This coincides with a decline overall in the County Council's school population which means more community school places are available, although there are several exceptions as, for example, in the Harpenden and Bishop's Stortford areas. The potential savings on the removal of faith transport relating to secondary provision have been adjusted by 10% to reflect such displacement.

6.5.6 Currently the four faith schools with over forty per cent of the pupils on roll (years 7-11) deemed eligible for free transport on faith grounds are John Henry Newman, Nicholas Breakspear, St Mary's RC in Bishop's Stortford and Townsend CE in St Albans. These schools believe that their pattern of recruitment could be affected by a major reduction in transport support.

6.5.7 The issue of transport is of particular concern to the viability of the Jewish schools and RC Secondary schools, such as John Henry Newman in

Stevenage, as these schools are not based in central locations with easy public access routes. A number of rural counties such as Devon and Norfolk stopped free transport provision in 1999 when they introduced a charging system and other counties have made changes more recently. The consultancy report published by Nottinghamshire in 2005 which canvassed those authorities which had introduced charges, reported no problems with the viability of their faith schools either in recruiting pupils of the faith or in their performance.

- 6.5.8 In response to the concern over access to alternative school places, there are currently 10.7% surplus places within Hertfordshire in the primary sector, and 5.6% within the secondary sector. Given this level of surplus capacity, the County Council has an established school organisation review programme which seeks to match school provision to the changing needs of the County area by area. These reviews have been on going for a number of years as the pupil population has started to decline and are quite separate from this consultation. Under the current faith transport policy many parents already have to pay for transport as they live under three miles from the school or have a closer appropriate faith school.

6.6 Adverse Impact on Low Income Families

- 6.6.1 Many respondents expressed concern that because access to faith schools can involve travel over some distance, families on low incomes would not be able to afford alternative methods of transport. A significant number of respondents also referred to the proposals in the current Education and Inspections Bill to widen choice for low income families.

Commentary

- 6.6.2 The County Council recognises the issue of cost for low income families in its current assisted places scheme. This scheme makes spare places on educational routes available to pupils at a current cost of between £100 and £184 per term, depending on distance. Under the existing scheme all pupils on income support or family credit are offered places free of charge. However, children whose families receive such benefits are given fourth priority within the criteria under which such places are allocated. The options available to HCC are set out in Section 7.1 of this report.

6.7 Siblings

- 6.7.1 Parents have raised concerns over the difficulties they would encounter through children of the same family being treated differently in terms of an entitlement to free transport. In particular, a family may be placed in the position of having one child in receipt of free transport whilst other siblings are not.

Commentary

6.7.2 Several authorities have introduced family schemes to cover those parents who have more than one child in attendance at a faith school. The current assisted places scheme operated by the County Council also recognises the impact on a family of several siblings travelling. If more than two siblings from the same family attend the same school, they only pay for the first two siblings. The options available to HCC are set out in Section 7.1 of this report.

6.8 Congestion and Environmental issues

6.8.1 Many parents expressed concern that if the dedicated school transport routes were removed for future entrants there would be a major increase in the number of parents on the “school run”, which would create traffic congestion in and around schools. They argued that the geographic siting of faith schools across the County meant that parents would need to use private transport, as there were inadequate public transport links, for example, from the Hoddesdon area to Bishop’s Stortford.

6.8.2 The wider problem of accessing education from isolated village communities was flagged by Markyate and Hunsdon Parish Councils, who expressed concern about the needs of village children and argued that transport should be provided to all schools where there is no public transport available. This concern for isolated communities was echoed by Tring Town Council.

Commentary

6.8.3 The following assessment has been made to consider the potential impact of this policy on transport and the environment at those secondary and primary schools which would be most affected. The change, should it proceed, will take place on an incremental basis over 5 or 7 years (for secondary and primary schools respectively). It is difficult accurately to predict how people will respond to the changes, particularly as a number of mitigating strategies could be deployed. The assessment seeks to define the ‘envelope’ of the impact, i.e. the best to worst case. The worst case assumes that each pupil that ‘loses’ their entitlement is individually transported to and from school by car on the basis of one pupil to one car.

The achievable best case assumes the effective deployment of the following:

- The development and application of school travel plans
- Car sharing (Siblings or neighbours)

- Provision and take up of assisted travel places
- Provision of extra bus services by the schools
- Provision of extra bus services by the County Council
- Impact of the review of subsidised passenger transport

It should be noted that currently two out of the nine faith secondary schools has an approved Travel Plan and a third is developing its plan. The provision of extra bus services by the County Council would limit the environmental impact for schools where there is a high priority to do so. This would require additional funding and could be a priority for any reinvestment of the savings achieved by the change in policy.

- 6.8.4 It is estimated that these strategies could reduce the traffic and environmental impacts by up to 80%. In some exceptional circumstances, the reduction could be even greater. For example, a combination of local parking in the vicinity of the school being very limited and existing bus/coach capacity being retained for assisted places, may lead to a 90 - 95% reduction. It is recognized that this would be exceptional and therefore for the purpose of analysis the realistic best case of 80% is assumed.
- 6.8.5 On a countywide basis, the impact of the changes range from a worst case of 480 extra journeys in the morning and in the evening in the first year, rising to 3,350 at the end of the 7 year implementation, to a best case estimate of 96 in the first year to 670 at the end of the 7 years. Whilst this contributes to traffic growth, at a countywide level this is not considered to be significant in the context of a daily number of countywide vehicle movements estimated to be 4,500,000.
- 6.8.6 The local impacts in the vicinity of particular schools may be more significant and are assessed in Appendices 4 and 5. The development of school travel plans has, from previous experience, the potential to reduce car journeys by up to 15%. Appendix 6 sets out the relevant congestion 'hot spots' and provides data on the number of cars, car occupancy and modal split in these areas.

6.9 Extending provision of free home to school transport

As a result of the consultation there has been significant public interest generated in the current provision of free transport to schools for those who do not currently receive any assistance. If for example, the County Council was to offer discretionary free transport to all secondary pupils traveling over three miles to their preferred school and who do not qualify under the current policy, the cost to the County Council would be an additional £5.591m per year. The cost of the equivalent provision for primary pupils is likely to be less than it would be for secondary pupils.

6.10 Concern about consultation process

6.10.1 There has been concern over the way in which the consultation was conducted. In particular, concern was expressed over the wording of the first question on the response form, and over the extent to which Members would receive an accurate report on the issues raised.

Commentary

6.10.2 Considerable care was taken over the wording of the questionnaire and of the total questionnaires returned, 6,577 (over 90%) responded the first question. As set out in section 5 of this report, many of those who indicated support for ending free transport to faith schools argued that it was unfair that this group had been given financial support from their council taxes and that other parents who wanted to pursue a preference for single sex education or a specialist school had no such support

6.10.3 The consultation questions sought responses on the key issues. There was scope for respondents to provide more detailed comments on the proposals. The consultation document listed details of public meetings, with an independent facilitator, which allowed for the proposals to be explained and debated. In offering public meetings the County Council went further than most LAs in widening the consultation opportunities for interested parties. The level of responses received indicates the high level of awareness of the proposals within the community. A list of frequently asked questions was published on the web site and press coverage was extensive, so that people other than parents in schools were aware of the consultation and could contribute accordingly.

6.10.4 In testing the adequacy and suitability of the consultation, officers are confident are confident that it met the following key tests:

- The proposals on which the consultation was based were clearly understood.
- The consultation was held at a formative stage so that it could inform the decision making process.
- Adequate time was given to the consultation process.
- There was opportunity for discussion, debate, and informed response.
- The key issues arising from the consultation process have been fully and accurately reported to the County Council.

7. Options

- 7.1 This section of the report seeks to summarise a variety of options which could be taken up to ameliorate the impact of these proposals on low income families Appendix 1 provides the detailed financial profile relating to each option.

<p><u>Option 1:</u></p> <p>Proceed with phased withdrawal of provision of free transport to denominational schools, as set out in the consultation document and continue to offer seats through the assisted places scheme, where available.</p>	<p>Financial consequences:</p> <p>This option maximizes the amount of savings.</p> <p>In the first year the savings amount to £92,000 and by year eight amount to £2.9m.</p>
<p><u>Option 2:</u></p> <p>Proceed with the phased withdrawal of provision of free transport to faith schools, save that the provision would continue for low income families:</p>	<p>Financial consequences:</p> <p>As options 2.1 and 2.2 would provide an additional benefit to those on low incomes, there could be a greater take up than that assumed for the purposes of modelling, which would reduce savings.</p>
<p><u>Sub option 2.1</u></p> <p>Transport to be provided for those with FSM entitlement. This would capture families on income support, income based job seekers allowance and families on Child Tax Credit (but not Working Tax Credit), with a gross annual income of less than £14,155 (2006/7), asylum seekers and guarantee credit of pension credit.</p>	<p>Financial consequences:</p> <p>In the first year the savings amount to £71,000 and by year eight amount to £2.7m.</p>
<p><u>Sub-Option 2.2</u></p> <p>Free transport to be provided if a parent receives: income support or income -based jobseekers' allowance, housing benefit or council tax benefit (excluding the second adult rebate),</p>	<p>Financial consequences:</p> <p>In the first year the savings amount to £54,000 and by year eight amount to £2.6m.</p>

<p>working and/or child tax credit. The family income for tax credit purposes is £25,521 or less (2006/7 figures).</p>	
<p><u>Option 3:</u></p> <p>Proceed with the phased withdrawal of free transport to faith schools, save that there would be a commitment to honour sibling connections.</p>	<p>Financial consequences:</p> <p>Either sub-option would enforce a very protracted phasing out period which would impact on savings.</p>
<p><u>Sub option 3.1</u></p> <p>Free transport would continue where:</p> <p>there was a sibling at the same faith school at the time of joining, who was in receipt of free transport through the current policy and in statutory education at the time of admission.</p>	<p>Financial consequences:</p> <p>Would enforce a very protracted phasing out period which would impact on savings.</p>
<p><u>Sub Option 3.2</u></p> <p>Where there was a sibling at the same faith school at the time of joining, who is in receipt of free transport through the current policy and in statutory education at the time of admission, subsequent siblings would be administered in the following way:</p> <p>(i) the next sibling joining the same faith school would not receive free transport</p> <p>(ii) but any subsequent sibling joining would travel free of charge.</p>	<p>Financial consequences:</p> <p>Would enforce a very protracted phasing out period which would impact on savings.</p>
<p><u>Option 4.1</u></p> <p>Low income and siblings: this option combines 2.1 with 3.1</p>	<p>Financial consequences:</p> <p>In the first year the savings would amount to £45,000 and would take 12 years to reach maximum saving of £2.3 million.</p>

<p><u>Option 4.2</u></p> <p>Low income and siblings; this option combines 2.1 with 3.2</p>	<p>Financial consequences:</p> <p>In the first year the savings would amount to £67,000 and would take 12 years to reach maximum saving of £2.6 million</p>
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7.2 The County Secretary's advice on the proposed options for change is that they appear lawful. If any of them are adopted then any exceptional circumstances would also need to be considered on a case by case basis.

8. Monitoring and review of implementation

Whatever decision is taken on free transport to faith schools, members will need to monitor the effect of that decision and the transport provisions of the Education and Inspections Bill.

Appendices:

1. Financial evaluation of options
2. Consultation document issued in April 2006
3. Independent Facilitator's Report
4. Environmental Impact at Faith Secondary Schools
5. Environmental Impact at most affected Primary Faith Schools
6. Relevant Congestion Hot Spots