

WRITTEN STATEMENT OF A KEY DECISION CABINET

ITEM:	REVIEW OF DENOMINATIONAL TRANSPORT
Members Present:	Councillors: RJ Phillips (Leader), GV Hyde, PJ Edwards, Mrs JP French, JC Mayson, DW Rule MBE, RV Stockton, DB Wilcox, RM Wilson, ACR Chappell (ex-officio), Mrs PA Andrews (ex-officio), RI Matthews (ex-officio).
Date of Decision:	23rd Jun 2005
This is a key decision because It is significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards	
The item was included in the Forward Plan	
Purpose:	To receive a report on the outcome of the consultations on the future of denominational transport, to advise on policy options, and to recommend a policy to adopt in the future.
Decision:	<p>THAT:</p> <p>(a) the Council adopts a policy which provides transport for pupils occupying genuine denominational places on the basis that parents contribute;</p> <p>(b) the new policy should be effective from September, 2006;</p> <p>(c) pupils currently benefiting from free transport will retain that benefit for the duration of their attendance at their current school, i.e. if pupils currently benefiting from free transport then change their school for whatever reason, that entitlement is to cease;</p> <p>(d) the Director of Children's Services be authorised, in consultation with the Cabinet Member (Children's Services), to introduce a process to ensure fair and effective implementation of the new policy especially in relation to low income families; and</p> <p>(e) the Cabinet Member (Children's Services) and the Director to report back to a future meeting of Cabinet to update them on progress.</p>
Reasons for the Decision:	The Cabinet Member (Children's Services) explained that following a legal challenge last autumn after the withdrawal of school transport from the Ross-on-Wye area, it became apparent that the Council was treating families differently in relation to denominational transport and that there was potential

for discrimination. It was therefore essential to review the policy.

Cabinet were advised of the legal position that the Council had a duty to provide free home/school transport to children who did not live within walking distance of their nearest suitable school. "Walking distance" is 2 miles for a child under 8 and 3 miles for a child over 8. Apart from this legal duty, the Council has a discretion to arrange free or subsidised transport for other children, including the child of a parent who wishes their child to attend a school which provides a religious education which is the same as the denomination of the parent. There is no duty to make these arrangements, but there is a clear discretion. As with any discretionary policy, the Council must ensure that its home/school transport policy is reasonable, non-discriminatory, complies with the provisions of the Human Rights Act 1998 and pays regard to any Government guidance.

Before changing this discretionary policy, the Council was advised that it needed to consult with the parents of the schools affected.

There had been a six week county-wide consultation ending on 5 June 2005 and 776 responses had been received. The Cabinet Member thanked everyone who had contributed to the review and confirmed that Cabinet had listened to all the points made during the consultation period and carefully read the responses to the proposal.

Before considering changing the discretionary policy the Council consulted with parents of children who benefited under the existing policy; the parents of all children in primary school; all schools in Herefordshire; Diocesan offices and all Councillors.

These considerations included:

- The important historic role played by the church in providing schools in Herefordshire. This is a partnership which has been valued and will continue to be valued. There are 25 aided schools in the county and also 20 voluntary controlled schools and the Church of England Schools also have a catchment area.
- The investment the Council has made in those schools since 1998 and the sums raised by the governors of aided schools.
- The commitment to maintain the balance between places in aided schools and in voluntary controlled and community schools as embedded in the School Organisational Plan.
- The need to adopt a discretionary transport policy that was not discriminatory.
- The review was not instigated for financial reasons but this did not preclude financial matters being considered.
- Any change to the policy could only become effective from September 2006, as parents had already expressed their preferences for school places for September 2005 on the basis of information given to them in the autumn of 2004.
- The need to complete the review to inform parents in September 2005 to allow them to express preferences for

	<p>the following year.</p> <ul style="list-style-type: none"> • The policy of other councils. • Environmental implications and the need to encourage more use of public and group transport. • The need to seek to achieve fairness in relation to secular families who did not want their children to attend Church schools. • The need to seek to achieve fairness in relation to parents who choose to send their children to non-catchment schools for reasons other than denominational transport. • The legal position.
<p>Options Considered:</p>	<p>The maintenance of the status quo is not an option as the current policy is potentially discriminatory. The options set out below are offered for consideration. Whatever option is preferred, it is recommended that existing beneficiaries retain that benefit and changed arrangements apply only to pupils entering school in September, 2006 in Years R and 7.</p> <p>Alternative Option 1</p> <p>The continuation of free transport for those children occupying a denominational place in an aided school as a result of parental preference based on genuine denominational belief.</p> <p>Alternative Option 2</p> <p>The extension of free transport to all who have a place at an aided school, and qualify on distance criteria.</p> <p>Alternative Option 3</p> <p>As Option 1 except that most parents will make a contribution as to cost.</p> <p>Alternative Option 4</p> <p>Ceasing to provide free denominational transport for pupils admitted to Yr R and Yr 7 in schools in September 2006 onwards.</p> <p>These options are described in more detail in the appendix with an assessment of the associated advantages and disadvantages.</p>
<p>Declaration of Interest:</p>	<p>Councillor RM Wilson</p>
<p>Date the key decision is due to take effect:</p>	<p>30th Jun 2005</p>

RJ PHILLIPS..... Date:.....
LEADER OF THE COUNCIL

To be completed by officer:	
Date consent received from Chairman of Scrutiny Committee:	28 June 2005
Subject to Call-in:	Yes
If yes was the decision modified?	
If yes Cabinet Member (.....) decision reference:	
Date original decision took effect:	