

Baugh, Ben

From: [REDACTED] >
Sent: 10 January 2014 21:01
To: Baugh, Ben; scrutiny
Subject: Questions for Scrutiny Committee regarding school transport decision

Dear Sirs

I believe it is quite correct that the scrutiny committee is reviewing this decision. It is clear that the action proposed is extremely disproportionate even based upon the projected cost savings. Further, the supposed costs savings are very unclear and the significant negative effects highlighted by the consultation responses and objections have not been given due consideration.

I would like to put the following questions/remarks before the scrutiny committee:

1. Has any consideration been given to, or legal advice taken about, the wording of the Government statutory guidance (Home to School Travel and Transport Guidance) on the meaning of the legal duty to provide free transport to "eligible" children under s508B of the Education Act 1996? There is no evidence in any of the consultation outcome paperwork that this has been considered at all.

s508D of the Act specifically requires local authorities to have regard to this Guidance and it is clear that the Council has not done so. Paragraph 109 of the Guidance clearly states both that the point of assessment of "eligibility" is **when places are allocated**, and also that any changes in policy should be phased in and come into effect as pupils start school. Therefore, pupils are assessed as 'eligible' at the point of the school place being allocated to them. All those pupils who have already been assessed as eligible for school transport, surely must remain 'eligible' if they remain in the same catchment area that gave them the eligibility when the place was allocated (or under the relevant income thresholds if applicable). So if the Council removes the right to free transport for a child who has already been assessed as eligible, that would appear to be a breach of statutory duty. Further, any proposed changes in policy should be phased and come into effect as pupils start school – ie when they are assessed for eligibility.

This is an important point to be considered and appears to have been completely ignored to date. It could leave the Council open to legal challenge which could quickly cost more than any proposed saving.

2. How have the cost savings been modelled, and have the circumstances of the individuals actually affected been considered properly to calculate the supposed savings? Taking the example of Pembridge school which is one of the affected schools, this is currently served by one bus for eligible children. Some of those children live, by a matter of a few hundred metres, closer to a different primary school which currently has no bus service because it has too few eligible children attending. How can preventing a number of children from getting on the Pembridge bus, which will continue to run, save any money? I don't expect the bus company to charge any less because it picks up from 2 or 3 fewer locations. In fact this scenario is much more likely to cost the Council more money, since if all or any of those children transfer to the slightly nearer school, the Council will have to fund transport for them, in addition to continuing to pay for the existing Pembridge bus. This is one very clear example of how the decision is based upon weak financial presumptions, and the savings have not been shown to be achievable, realistic and proportionate.

3. How have the effects on families with more than one child been taken into consideration? If a nearer school can take one sibling but not another, will families be forced the send siblings to different schools in

order to continue to receive school transport? If so, this is another example of the draconian and disproportionate nature of the decision.

Yours faithfully

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