

<b>MEETING:</b>	<b>CABINET</b>
<b>MEETING DATE:</b>	<b>23 JANUARY 2014</b>
<b>TITLE OF REPORT:</b>	<b>RESPONSE TO CALL-IN: CHANGES TO HEREFORDSHIRE SCHOOL AND POST 16 SEN TRANSPORT POLICY</b>
<b>REPORT BY:</b>	<b>DIRECTOR FOR CHILDREN'S WELLBEING</b>

## **Classification**

Open

## **Key Decision**

This is a Key Decision because it is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates.

And

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the County.

NOTICE has been served in accordance with Part 3, Section 9 (Publicity in connection with key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

## **Wards Affected**

County-wide

## **Purpose**

To consider and respond to the recommendations of the General Overview and Scrutiny Committee made on 15 January 2014, following the call-in of Cabinet's decision made on 19 December 2013.

## **Recommendation(s)**

**THAT: the proposed responses to the recommendations of the General Overview and Scrutiny Committee as set out at Appendix 1 are agreed.**

## Alternative Options

- 1 The alternative options are for Cabinet to accept the recommendations of the General Overview and Scrutiny Committee, to reject them or decide on some alternative course.

## Reasons for Recommendations

- 2 Following the call-in of Cabinet's decision on 19 December 2013, the General Overview and Scrutiny Committee meeting on 15 January 2014 agreed to recommend Cabinet to reconsider its decision, making the following recommendations:
  1. That the Executive puts in place measures to ensure that all parents are given guidance and support by the council, working with colleges and schools to maximise access to new funding and bursaries to offset the impact of this decision.
  2. That General Overview and Scrutiny Committee establishes a task and finish group to look into whether the council, schools and colleges need to review the use of bursaries and the provision of information for applicants to those bursaries.
  3. That Cabinet strongly reconsiders amending the policy decision to include the choice of "nearest school in county" as per the Durham Council model
  4. That the Cabinet Member reviews and reconsiders the potential full cost impact of this decision.
  5. That officers hold urgent meetings with the schools which may be the most impacted, their local transport providers, community transport providers and local ward cluster Members to determine the potential full impact of this decision and, through working together, identify mitigation measures to minimise these effects.
  6. In the light of this Administration's prioritisation of vulnerable people, we recommend that paragraph (e) of the Cabinet decision be deleted and replaced by a requirement to introduce a suitable formula to provide free or primarily subsidised transport according to both need and means for post 16-year pupils with special educational needs.
  7. That linkage is clearly communicated between the Local Transport Plan and a Sustainable Modes of Transport Strategy for Schools to ensure compliance with the council's statutory duties.
  8. In the event that Cabinet decides to proceed with the original decision, that its implementation shall be changed to be September 2015 and not September 2014 to give appropriate notice to patents undertaking high school transfer.
  9. The time provided by Recommendation 8 shall be used to demonstrate the improvements that can be made with a more integrated approach to transport commissioning and management.

## Key Considerations

- 3 Cabinet on 19 December approved the following recommendations: **"to amend or remove the discretionary transport policies with effect from 1 September 2014**

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Further information on the subject of this report is available from  
Andy Hough, Head of Education Development on Tel (01432) 260920

as detailed in the report to it, as follows:

- (a) To withdraw the Herefordshire free home to school transport policy eligibility based upon nearest and catchment school and replace with eligibility based upon:
  - i) nearest suitable school with places,
  - ii) in England;
- (b) Continue to provide the Herefordshire free home to school transport policy eligibility based upon nearest and catchment school only for those pupils entering Y10 or in Y11 at their current school on 1 September 2014 so they may complete their study programmes;
- (c) To continue to charge parents for a seat on a school bus (because the child is not eligible for free transport) but reduce the Council's subsidy by increasing annual charge by £60 (£1.58 a week) from £660 to £720 (£17.36 - £ 18.95) in September 2014 and to annually review the subsidy each September thereafter to take account of operating costs;
- (d) To continue to charge post 16 transport but to reduce the Council's subsidy by increasing the annual charge by £60 (from £660 to £720) in September 2014 and to annually review the subsidy each September thereafter to take account of operating costs;
- (e) To withdraw free transport for Herefordshire post 16 years with SEN and replace with the requirement to meet the annual charge of £720 from September 2014. This to be annually reviewed each September thereafter to take account of operating costs; and
- (f) The implications of these policy changes be reviewed annually or sooner in the event that the impact of the proposed changes was materially worse than anticipated."

4 The decision was called-in in accordance with the Scrutiny Committee Rules. The stated reasons for the call-in were:

"This call-in qualifies under 4.5.16.5 part a and c for the following reasons:

Part a: This decision does not appear to have followed the decision-making principles set out in para 2.11.1 of the constitution - in particular points a, b, c & e:

- (a) make sure the action is proportionate to what the Council wants to happen;
- (b) consult properly and have regard to the professional advice from its Officers;
- (c) consider equality, diversity and respect for human rights;
- (e) be clear about what the Council wants to happen and how it will be achieved;

It is not clear that the cost modelling has taken the full cost impact of the decision into account across all areas of the council's operation, and therefore assurance is sought that the total anticipated net financial effect is achievable, realistic and proportionate.

It is not clear that the significant and negative effects of the changes highlighted in the consultations have been given proper weight and due consideration in the decision-making process.

No reasons have been given for dismissing the approaches taken in other authorities, e.g. Durham provision of 'nearest school in-county' option to parents.

Post-16 SEN proposals go against the Council's first principle of protecting the vulnerable.

The decision has a disproportionate effect on families with more than one child if a sibling is forced to attend school out of county where holidays may not be taken at similar times.

Families unable to afford this additional cost have not been given the notice they need to amend their school choices for Sept 2014 intake in the light of this decision. Other counties are not allowing such changes to now be made.

Part c: The total effects of the decision in exporting the county's young people to schools in other counties, in not demonstrating adherence to the principles of our transport plan, in not evidencing alignment with our Sustainable Modes of Transport Strategy for schools\*, and in not demonstrating that net savings at council level exist when loss of pupil grants are taken into account, raise concerns that aspects of this decision fall outside of the council's current Budget Monitoring and Policy Framework.

All authorities are required to publish annually their county level Sustainable Modes of Transport Strategy according to the Education (School Information) (England) Regulations 2002, amended 2007.

<http://media.education.gov.uk/assets/files/pdf/g/2007%20h%20to%20s%20travel%20and%20transport%20guidance.pdf> ”

5 General Overview and Scrutiny (GOSC) held an extensive debate and made the recommendations contained in paragraph 2.

6 The cabinet member for Children's Wellbeing has considered:

- the debate at GOSC, the recommendations from the committee and further representation from councillors and members of the public.
- the council's overall financial position, the potential impact on schools budgets should there be no mitigating actions, the general requirement to move to a statutory minimum and the council's charging policy, and the potential impact on delaying for 12 months and
- all available information, including the modelling and assumptions. It is clear that a range of factors affect school numbers including parental preference and also for secondary schools in particular the declining overall pupil numbers in the cohort for admissions in Herefordshire for September 2014.

The cabinet member has worked with officers to provide the response for Cabinet's consideration. This is set out in Appendix 1

## **Community Impact**

As set out in the report to Cabinet on 19 December 2013.

## **Equality and Human Rights**

As set out in the report to Cabinet on 19 December 2013.

## **Financial Implications**

As set out in the report to Cabinet on 19 December 2013, with a reduction in savings for the 2014/15 financial year of £26,400 due to the change in implementation date for recommendation (e). Further information on potential implications is contained in the response in Appendix 1.

## **Legal Implications**

As set out in the report to Cabinet on 19 December 2013.

## **Risk Management**

As set out in the report to Cabinet on 19 December 2013.

## **Consultees**

As set out in the report to Cabinet on 19 December 2013.

## **Appendices**

Appendix 1 – Proposed response to the recommendations of the General Overview and Scrutiny Committee

Appendix 2 – Report to Cabinet on 19 December 2013 (and appendices to that report.)

## **Background Papers**

- None identified.

**Appendix 1 Proposed response to the recommendations of the General Overview and Scrutiny Committee**

Overview and Scrutiny Recommendation	Response
<p>1. That the Executive puts in place measures to ensure that all parents are given guidance and support by the council, working with colleges and schools to maximise access to new funding and bursaries to offset the impact of this decision.</p>	<p>An action plan has been developed that includes a detailed communication schedule for nearest school changes to all parents, schools and contractors. It also contains a meeting schedule for all secondary schools and primary schools where they are significantly affected. The purpose is to consider alternative cost effective and efficient local transport arrangements, and how to involve parents and understand their choices for September.</p> <p>It is intended to meet with the schools before the end of February 2014.</p> <p>We will then communicate with parents and request that they indicate their decision about transport preferences and/or school for Sept 2014</p> <p>The decision for parents of Sept 2014 Year 7 pupils will run alongside the admissions round and national offer day, when parents find out whether their school preference has been met. The usual appeals process would apply to any parents not satisfied with their allocated school. This includes any parent who in the light of this decision expresses alternative preferences.</p> <p>Bursaries and funding opportunities will be communicated through briefings and meetings with colleges and special school headteachers. Some of the bursary information will come directly through colleges and schools as they are responsible for administering the schemes.</p> <p>Additional material will be made available on the internet.</p>
<p>2. That General Overview and Scrutiny Committee establishes a task and finish group to look into whether the council,</p>	<p>This is a matter for General Overview and Scrutiny to determine. The executive would welcome such activity and further</p>

<p>schools and colleges need to review the use of bursaries and the provision of information for applicants to those bursaries.</p>	<p>recommend that the remit of this review be extended to look at the broader costs of education for parents in relation to school/college attendance such as uniforms, equipment, trips and meals to determine whether bursaries are being effectively communicated and used and whether there are good practice examples in schools and colleges of other measures to minimise the cost of education to parents and pupils. The task and finish group could also helpfully look at scenarios where the claiming of one source of funding may adversely affect eligibility to another.</p>
<p>3. That Cabinet strongly reconsiders amending the policy decision to include the choice of “nearest school in county” as per the Durham Council model</p>	<p>The Cabinet Member recommends that this is not accepted. This policy decision will mean that the council is funding transport for a smaller number of eligible pupils for a shorter distance than currently. As proposed with no modifications the policy change would affect 850 pupils whose parents would now become responsible for arranging and funding transport. Should all those parents decide to buy into the council’s offered transport the maximum possible impact on the council is a saving of £680k (850X£800).</p> <p>However, it is assumed that some parents will not respond in this way. The modelling has therefore assumed that if current parental preference patterns continue then the more realistic assumption of approximately 40% of the savings will be achieved.</p> <p>Cabinet agreed to a policy that enabled transport to the nearest English school, taking into account the Welsh curriculum issues. This was estimated to affect 160 young people and would therefore reduce the potential savings by a maximum of £128k.</p> <p>If the policy was revised to offer transport to nearest Herefordshire School where there is a nearer school in another local authority. (as</p>

	<p>per the Durham model) as well this could affect 180 pupils. This would reduce the potential saving by a maximum of £144k.</p> <p>For ease of understanding these are all full year savings. The Cabinet has already made the decision to phase in the savings in years one and two by the exemption of Years 10 and 11.</p>
<p>4. That the Cabinet Member reviews and reconsiders the potential full cost impact of this decision.</p>	<p>The Cabinet Member reviewed the cost implications of the decision, having reflected upon the representations through the consultation and the scrutiny call-in which highlighted some individual circumstances and the potential cost to families.</p> <p>The cost implication relates to two different budgets for the public purse. For the council budget, the potential savings depend upon the number of parents who may decide to pay to use council transport where vacant seats exist. This has been set out in the Cabinet report and scrutiny papers.</p> <p>For the Dedicated Schools grant, if all 340 students went to schools in Wales or other local authority schools, the reduction would be approximately £1,462,000.</p> <p>However, under the current transport policy children already get transport to their nearest school in Wales and other Local Authorities. The pattern of parental preference is that 43% parents choose not to send their children to their catchment school. As was rehearsed at GOSC call in, parents choose schools for their children based on a variety of factors. The cost of transporting children is only one consideration. It is considered highly unlikely that all children would go to other schools outside of Herefordshire.</p> <p>Some Herefordshire schools already make their own arrangements to bring pupils to their schools from outside their catchment areas. As part of the implementation it is</p>



	<p>reasonable to expect that further arrangements are possible and helpful to families. As set out in response to recommendation 1 the council will work with schools and contractors to make best use of all the resources available including parental contributions, council funding, school arrangements, the public network and contractors. By taking this action it is considered that the potential scenario of all 340 children going to other schools in other local authorities is highly unlikely.</p> <p>Currently Herefordshire schools benefit from parents from other local authorities choosing to educate their children at Herefordshire schools. There has been no sign, notwithstanding the demographic reduction, of Herefordshire schools becoming less popular with parents from outside of Herefordshire.</p>
<p>5. That officers hold urgent meetings with the schools which may be the most impacted, their local transport providers, community transport providers and local ward cluster Members to determine the potential full impact of this decision and, through working together, identify mitigation measures to minimise these effects.</p>	<p>A plan with a schedule of meetings has been established and will be put into effect, dependent upon Cabinet's decision regarding the outcome of the call-in. See answers to recommendation 1.</p>
<p>6. In the light of this Administration's prioritisation of vulnerable people, we recommend that paragraph (e) of the Cabinet decision be deleted and replaced by a requirement to introduce a suitable formula to provide free or primarily subsidised transport according to both need and means for post 16-year pupils with special educational needs.</p>	<p>The Cabinet member does not recommend that this be done as it would be a complex and bureaucratic process increasing costs. There are opportunities for some families to access funding, including the extended rights scheme for pupils up to the age of 16. The bursary schemes contain discretionary fund elements as well as the bursary itself which is distributed though on an eligibility criteria.</p> <p>The decision was taken following careful consideration of the various factors, including the equalities impact assessment which paid particular attention to vulnerable groups. Within the current policy there is the ability</p>

	for exceptional circumstances to be taken into account.
7. That linkage is clearly communicated between the Local Transport Plan and a Sustainable Modes of Transport Strategy for Schools to ensure compliance with the council's statutory duties.	Agreed. This will be taken forward by the Integrated Transport Unit Manager.
8. In the event that Cabinet decides to proceed with the original decision, that its implementation shall be changed to be September 2015 and not September 2014 to give appropriate notice to parents undertaking high school transfer.	<p>The Cabinet Member does not recommend that this be done. The Cabinet Member is mindful of the different factors that have been presented, including the potential impact on parents and schools. To delay for a year would put the savings back for 12months. It would also mean that this area of the Council's business would not be compliant with the Council's own charging policy. By implementing this now, clarity and certainty is provided to families and schools. The lead in time does allow for planning and suitable arrangements to be made for September 2014. There will always be a cohort of pupils affected whenever the policy change is introduced.</p> <p>There has been significant interest and communication regarding these policy changes. Appropriate notice has therefore been given and the council will work constructively with groups and individuals on the implementation.</p> <p>In relation to high school transfer and reception class admission rounds, information was available on the council's admissions web pages, where all parents are directed to, to advise them of the pending consultation around school transport. A notice has now been placed on that web site to continue to highlight the issue to all parents. Schools were also communicated with to raise this issue with parents. The proposals received widespread press coverage and officers responded to queries as a result of this.</p>
9. The time provided by Recommendation 8 shall be used to demonstrate the improvements that can be made with a more integrated approach to transport commissioning and management.	<p>If the Cabinet decide not to act on recommendation 8 then there is no need to provide an action for recommendation 9.</p> <p>However, the Cabinet Member will require regular update reports on implementation.</p>

	These will be available for GOSC if requested.
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