

A G E N D A

Children's Services Scrutiny Committee

Date: **Wednesday, 13th July, 2005**

Time: **9.30 a.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of
the meeting.

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Children's Services Scrutiny Committee

To:	Councillor	B.F. Ashton (Chairman)
	Councillor	J.P. Thomas (Vice-Chairman)
	Councillors	N.J.J. Davies, G. Lucas, R.M. Manning, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, D.C. Taylor, Ms. A.M. Toon and W.J. Walling
	Church Members	J.D. Griffin (Roman Catholic Church) and Revd. I. Terry (Church of England)
	Parent Governor Members	Ms K. Fitch (Primary School Parent Governor Member)
	Teacher Representatives	M. Carter (Special Education Sector Teachers) and J.D. Pritchard (Primary sector teachers)
	Headteacher Representatives	A Marson (Secondary Headteachers) and Miss S. Peate (Primary Sector Headteachers)

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES	
To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	1 - 8
To approve and sign the Minutes of the former Education Scrutiny Committee meeting held on 14th March, 2005.	
5. CALL-IN OF CABINET DECISION ON THE REVIEW OF DENOMINATIONAL TRANSPORT	9 - 38
To consider the decision on the Review of Denominational Transport, which has been called in by three Members of the Committee.	
Supplementary Report	
Report issued after the agenda was published but before the meeting.	

PUBLIC INFORMATION

HEREFORDSHIRE COUNCIL'S SCRUTINY COMMITTEES

The Council has established Scrutiny Committees for Adult Social Care and Strategic Housing; Children's Services; Community Services; Environment, and Health. A Strategic Monitoring Committee scrutinises corporate matters and co-ordinates the work of these Committees.

The purpose of the Committees is to ensure the accountability and transparency of the Council's decision making process.

The principal roles of Scrutiny Committees are to

- Help in developing Council policy
- Probe, investigate, test the options and ask the difficult questions before and after decisions are taken
- Look in more detail at areas of concern which may have been raised by the Cabinet itself, by other Councillors or by members of the public
- "call in" decisions - this is a statutory power which gives Scrutiny Committees the right to place a decision on hold pending further scrutiny.
- Review performance of the Council
- Conduct Best Value reviews
- Undertake external scrutiny work engaging partners and the public

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Education Scrutiny Committee held at Council Chamber, Brockington, Hafod Road, Hereford on Monday, 14th March, 2005 at 10.30 a.m.

Present:	Councillor	B.F. Ashton (Chairman)
	Councillor	J.P. Thomas (Vice Chairman)
	Councillors	N.J.J. Davies, G. Lucas, R. Mills, Mrs. S.J. Robertson, J. Stone, D.C. Taylor, Ms. A.M. Toon and W.J. Walling
	Church Members	J.D. Griffin (Roman Catholic) and Revd. I. Terry (Church of England)
	Teacher Representatives	M. Carter (Special Teachers), C. Lewandowski (Secondary Teachers) and J.D. Pritchard (Primary Teachers)
	Headteacher Representatives	Miss S. Peate (Primary Sector Headteachers)

In attendance: Councillors R.J. Phillips and D.W. Rule MBE (Cabinet Member – Children’s Services).

47. APOLOGIES FOR ABSENCE

Apologies were received from Ms K. Fitch, and Councillors H. Bramer, R.M. Manning, and Mrs J.E. Pemberton.

Apologies were also received from Mr S. Boka who, due to work commitments had tendered his resignation from the Committee. The Committee Officer (Scrutiny) reported that arrangements were underway to find a replacement Secondary Sector Parent Governor member.

48. NAMED SUBSTITUTES

Councillor G. Lucas substituted for Councillor Mrs J.E. Pemberton, Councillor R. Mills substituted for Councillor R.M. Manning and Councillor J. Stone substituted for Councillor H. Bramer.

49. DECLARATIONS OF INTEREST

There were no declarations of interest.

50. MINUTES

RESOLVED: That the minutes of the meeting held on 14th December, 2004, be approved as a correct record and signed by the Chairman.

51. TEACHERS' WORKLOAD AGREEMENT - MONITORING OF PROGRESS

The Committee were informed of progress, both locally and nationally, in implementing the National School Workforce Remodelling Programme.

The Head of School Effectiveness reported that the costs to schools of the programme had to be met from the budgets to schools under LMS arrangements. Extracts from a statement by the previous Minister of State for School Standards on school funding in 2005/6 in relation to workforce reform were appended to the report at Appendix 1. He also reported upon the use of the 100% grant to help the LEA develop capacity to support schools in remodelling their workforce; to enable training programmes and conferences and financially support schools through the programme. A significant number of schools had now established a "School Challenge Team", as expected by the NRT (National Remodelling Team), to look at how they may re-model to achieve the contractual changes by September 2005. Six tranches of schools had been launched with a further tranche being launched on 18th March 2005.

The Committee noted that nationally a number of issues had arisen, particularly over the planning, preparation and assessment time (PPA) with the Trade Unions being involved in negotiations. However, on the whole, there seemed to be a good degree of co-operation locally.

The Committee debated the subject and the following principal points were raised:

- In response to questions concerning invigilating at examinations, the Committee were informed that teachers should not routinely be required to invigilate at external examinations. The Headteacher was responsible for employing, on a temporary basis, suitably experienced personnel to keep order during invigilation, as some local schools had started to do. This did not preclude teachers from occasionally undertaking the duty.
- Headteachers may adjust the school timetable to make better use of teachers not involved in invigilating exams.
- In response to concerns over whether teachers would be on the premises during their PPA time the Committee were informed that the decision was up to the Headteacher. While there were issues, particularly at small primary schools, over accommodation for teachers while on PPA time, the current expectation was that they would be on hand.
- While schools received extra grant payment to help implement the PPA, including an increased budget from the Council, this was still thought to be insufficient to employ supply cover.
- While teachers were on PPA time pupils were expected to continue to receive quality curriculum teaching. Concern was expressed that teaching assistants may be expected to assume the role of teacher while the teacher was on PPA time. A suggestion was made that graduate teachers could be employed to gain experience while covering PPA time.
- The Committee greatly appreciated the time and effort school staff voluntarily put into providing after school clubs and activities.
- Concern was expressed that some pupils viewed study or activity time as a free period and had been seen outside school premises, an issue that should be closely monitored by the Truancy Team.
- It was suggested that, in view of the wide range of issues affected by the implementation of the Workload Agreement, a Members' seminar be arranged on the subject.
- The Committee noted that schools were still developing the PPA and it was already evident that some schools were finding some innovative individual solutions.
- The Head of School Effectiveness reported that, while the subject raised a number of complex issues, training sessions had been held for Headteachers and Governors and he was cautiously optimistic that Herefordshire would meet the September 2005 implementation target.

RESOLVED: That subject to the concerns raised above the report on the Teachers' Workload Agreement be noted and a Members' seminar on the issue be arranged.

52. BANDING INTO SECONDARY SCHOOLS AND THE MONITORING ARRANGEMENTS

The Committee considered progress in expanding banded funding, available in primary schools since September 2003, into secondary schools and considered the proposed development of monitoring arrangements.

The Head of Children's and Students' Services reported that, in response to increased pressure from Government agencies to reduce reliance on the statutory assessment process as a mechanism for delegating SEN funding to schools, Herefordshire had adopted a banded funding model to reduce bureaucracy and give schools more flexibility in the way they used their funds. Following trials the banding arrangements had been introduced into primary schools in the autumn term of 2003. No banded funding had been allocated to Year 6 pupils in the summer of 2003 as no mechanism existed for them to take this funding into Year 7. Following consultation a mechanism had been found and from summer term 2005 secondary schools would be able to bid for funds for children then in Year 6 who would transfer in September 2005. She also reported that a mechanism had been implemented to monitor the arrangements, which included the appointment of a Monitoring Officer. This would ensure that the process was robust; that improvements to the monitoring process were identified, including the development of an SEN database, and that work with advisory teachers for SEN on future training needs could be identified.

The Committee noted that, where appropriate, statutory assessment of a pupil's need would continue, especially when entry to a special school was considered. However, following the introduction of the more streamlined banding arrangements there had been a reduction in the number of statutory assessments.

The Committee also noted that pupils attending private schools, particularly those pupils from other authorities who brought with them their own funding arrangements, were not eligible for banded funding.

RESOLVED: That the report be noted and the development of a mechanism for monitoring the arrangements as set out in the report be supported.

53. BEST VALUE REVIEW OF SPECIAL EDUCATIONAL NEEDS PROVISION AND SUPPORT SERVICES STAGE 4 IMPROVEMENT PLAN

The Committee considered the Stage 4 Improvement Plan arising from the Best Value Review of the Special Educational Needs Provision and Support Services.

The Head of Children's and Students' Services reported that arising from the Best Value Review, the Stage 4 Improvement Plan, attached to the report at Appendix 1, had been produced to achieve the improvements identified from the review.

On questioning the Service's ability to reduce the levels of statutory assessment (Best Value report paragraphs 5.1 & 9.4) the Committee was informed that, as reported in the previous agenda item, where appropriate, statutory assessment of a pupil's need would continue, especially when entry to a special school was considered. However, the introduction of the mechanism for delegating SEN funding to schools (banded funding) had already resulted in a reduction in the number of

statutory assessments.

RESOLVED: That the Best Value Stage 4 Improvement Plan for the Special Educational Needs Provision and Support Services be accepted and referred back to the Cabinet Member (Children's Services) for implementation.

54. SUPPORT FOR "GIFTED AND TALENTED PUPILS"

The Committee were informed of the current provision made in Herefordshire for "Gifted and Talented" pupils.

The Head of School Effectiveness reported that schools had a duty to provide for the needs of all pupils, including pupils in the "Gifted and Talented" category. This was a cross-phase activity and the report highlighted the support actions or programmes that were in place within the various local education sectors to promote this provision.

The Committee noted that specialist high schools (currently 8 out of 14 High Schools in Herefordshire) were required to have "Gifted and Talented" identification programmes for their specialisms. While all high schools were expected to comply, it was further noted that the criteria for specialist status were likely to change in the near future.

In response to concerns that high performing pupils should not be singled out in case they were subject to bullying the Committee was informed that schools were very mindful of this potential situation.

Questioned about the potential additional cost to parents of supporting a high performing pupil e.g. in music, where instruments had to be provided, the Head of School Effectiveness reported that schools decided their budget priorities. However, the services provided by the County Music Service provided good value for money.

RESOLVED: That the report be noted.

55. EDUCATION REVENUE BUDGET MONITORING REPORT 2004/05

The Committee considered a report on the education revenue expenditure for 2004/05.

The Head of Policy and Resources reported a forecast net underspend of approximately £480,000. The main variations were set out in Appendix 1 to the report. School balances, which were difficult to forecast, were indicated in the report. Headteachers, together with governing bodies, had been asked to review their level of balances when setting their 2005/06 budgets particularly taking into consideration potential budget pressures arising from job evaluation, workforce reform and falling pupil numbers. He further reported that the presentation of the report was being revised to reconcile the report to the cost centre structure used by the Council's 'Cedar' accounting system and to comply with the expected auditing arrangements for the Dedicated Schools Grant 2006.

The Committee noted that the consultancy fees for setting up the PFI project had been increased by £600,000. This had been due to changes to the national legal framework governing the Whitecross PFI agreement and the inclusion of ICT services in the agreement. The Head of Policy and Resources explained the reasoning behind the inclusion of ICT in the contract and the procurement and maintenance safeguards that had been put in place.

In response to a question concerning the computerised accountancy systems operated by schools the Committee was informed that schools had a free choice as to what systems they used. Many primary schools used the PFP system, which supported the small budget systems. High schools used the SIMS system, which was supported by the Council's ICT services. One high school had successfully piloted using the Council's Cedar system and a further pilot would be run with a number of primary schools.

While welcoming the savings on transport (£606,000) the Committee were concerned that new school transport routes should not adversely affect parents getting their children to school. The Committee wished to be kept apprised of the results of the pilot project into the further co-ordination of education/social services transportation requirements.

On questioning the use of this year's anticipated £480,000 underspend the Committee was informed that it had been allocated to school budgets on a one-off basis to support the implementation of Job Evaluation in 2005/6. A note of concern was raised over the degree of support that may be possible in subsequent years.

The Committee requested that details of next year's education budget (2005/6) and further details of the DFES proposals for the 3 year budgeting for schools be presented for consideration.

RESOLVED: That the report be noted and the 2005/6 education budget and the DFES proposals for 3 year budgeting for schools be presented to the next meeting for consideration.

56. PROGRESS OF MAJOR CAPITAL SCHEMES (AND TARGETED CAPITAL FUND)

The Committee considered progress on the education capital programme in the current financial year, implications for the service and the recently announced DfES allocations for the future.

The Head of Policy and Resources reported that capital resources allocated for education had risen by £1,442,294 to a total of £7,220,425 as indicated in Appendix 1 to the report. The total anticipated budget expenditure for 2004/5 would be £5,314,628. Although considerably lower than resources available, £5,134,401 needed to be spent to avoid any risk of losing resources. The County Treasurer had indicated that remaining funds would be carried forward to 2005/2006.

It was also reported that the DfES had invited bids under the Targeted Capital Funding Stream. The Authority was permitted to make bids to the total value of £12m, but could bid for no more than two projects for community schools and two projects in voluntary aided schools. He reported that schemes for merging Hunderton Junior and Infants school; a major re-development of The Minster College, Leominster, or the relocation of Barrs Court Special School, Hereford, to the Hereford College Campus were being considered for submission. In the redevelopment of The Minster College it is proposed to relocate Westfield Special School, Leominster, to that site. Discussions were to take place with both Diocesan Authorities concerning the voluntary aided sector.

The Committee appreciated that while smaller funding bids for improvements could be made e.g. for The Minster College, the authority didn't want to prejudice any potential major funding bid for the total re-development or a new school, which was what was really heeded at The Minster.

The Committee noted that the proposed new school at Credenhill was now on hold pending the new Unitary Development Plan and that site acquisition problems were delaying a project to provide a playing field at Fairfield.

RESOLVED That the report be noted.

57. YEAR 2004 RESULTS FOR HEREFORDSHIRE SCHOOLS

The Committee considered the Summer 2004 final results at Key Stages 1, 2, 3, 4 and 5 for Herefordshire schools.

The Head of School Effectiveness reported that, overall, the results indicated an encouraging position, however, the results for Key Stage 3 were still provisional. Due to the range of providers, difficulty had been experienced in obtaining a fair assessment of pupils entered for advanced level GCE and VCE exams. While the points score measure, indicated in the report, gave an indication of relative performance, he highlighted a range of factors that affected this method of comparison, the score for The Minster College, Leominster, being a prime example.

In debating the report the Committee questioned the drop in the results for KS2 and KS3 in science. It was commented that, while this seemed to be a national trend, in the local context, the retirement or vacancy in a teaching post of a specific subject was a contributory factor.

The Committee requested that they be supplied with copies of the 'Key Stage Results for Herefordshire 2004' publication.

RESOLVED: That the report be noted and the 'Key Stage Results for Herefordshire 2004' publication be supplied to Committee Members.

58. SCHOOLS INSPECTED BY OFSTED SINCE SEPTEMBER 2004

The Committee considered the outcomes of schools inspected by Ofsted since the start of the new academic year beginning September 2004.

The Head of School Effectiveness reported that since the last report 10 schools had either completed their inspection or had been notified that an inspection was imminent. Summary paragraphs from the Ofsted reports for those schools where inspection reports had been published were contained in Appendix 1 to the report. Weobley High School, which was currently in special measures, had been judged to be making 'reasonable' progress when last visited by the HMI in the autumn term.

He further reported that the 2004-2005 academic year would be the last in which the current Ofsted school inspection schedule would be used. From September 2005 all schools would be inspected every three years. The inspections would be shorter, sharper and make more use of the school's own evaluation of its performance. Marlbrook Primary School had been invited to pilot the new inspection arrangements.

The Committee noted the summaries contained in Appendix 1, particularly the excellent inspection results for Pencombe CE Primary School.

The Committee further noted that the Standing Advisory Council for Religious Education (SACRE) had debated the weaknesses in religious education identified at The John Masefield High School and Wigmore High School.

RESOLVED: That the report be noted and the Chairman write to Pencombe CE Primary School to congratulate the school on their excellent inspection results.

59. DRUG EDUCATION IN SCHOOLS

The Committee considered the current situation regarding drug education in schools.

The Head of Children's and Students' Services reported that drug education was not, in itself, a National Curriculum subject although the science element of the curriculum did cover aspects. The report described how other aspects of drug education was being incorporated into other existing curriculum teaching at each Key Stage. She reported how, in addition to providing training to teachers, the Children's Services Directorate and its partners had developed a range of resource packs, which could be adapted by schools, for use in other curriculum areas. Drug education and drug incidents procedures had been published by the DfES earlier in the year.

The Committee appreciated the work being undertaken to educate pupils in the danger of drugs. In relation to further co-ordination, a suggestion was made that there should be a national campaign highlighting the issue. However, it was noted that a previous drug campaign and the anti-smoking campaigns had not been particularly successful.

The Committee requested further information, in general terms, on the interrelationship between the Council's policy towards drugs in schools; schools own policies, such as zero tolerance policies, and the practical consequential effect on the exclusion of pupils from school for drug related matters.

RESOLVED: That the report be noted and a report on the interrelationship between the Council's policy towards drugs in schools; schools own policies and the practical consequential effect on the exclusion of pupils for drug related matters, be presented to a future meeting.

60. EDUCATION SCRUTINY COMMITTEE WORK PROGRAMME

The Committee were informed of the current position concerning the Education Scrutiny Committee work programme.

The Head of School Effectiveness reported that a review was currently underway concerning the remit of the Committee in light of the Children Act 2004 and establishment of a Children's Directorate and Cabinet Member portfolio for Children's Services. Following the review, and in consultation with the Chairman and Vice-Chairman, a draft work programme would be compiled for consideration by the Committee.

In response to a question, the Committee noted that Denominational Transport was currently a matter of national debate. A report would be presented at an appropriate time, when the national picture was clearer.

The Committee suggested that the following issues be considered for scrutiny:

- A further up-date on pupil numbers and the implication for schools of falling numbers on roll.
- Banded Funding – monitoring progress on its implementation.

- The position of Education Systems Support (ESS) in the wider Council's corporate structure.

RESOLVED: That the report be noted and the suggested items be considered for inclusion in the work programme and recommendation to the Strategic Monitoring Committee.

The meeting ended at 12.47 p.m.

CHAIRMAN

**CALL-IN OF CABINET DECISION ON THE REVIEW OF
DENOMINATIONAL TRANSPORT****Report By: County Secretary & Solicitor****Wards Affected**

County-wide.

Purpose

1. To consider the decision on the Review of Denominational Transport, which has been called in by three Members of the Committee (Mrs S.J. Robertson, J. P. Thomas and Ms. A.M Toon).

Reason For Call-in

2. In accordance with Standing Order 7.3.1 and the Scrutiny Committee Rules set out at Appendix 2 of the Constitution, the decision of Cabinet on 23rd June, 2005, in relation to the Review of Denominational Transport has been called in for consideration by this Committee.
3. The stated reason for this call-in is:
“Establishing the criteria for low income families”.
4. The draft decision notice (Ref No. 2005 CAB.057) together with the report by the Director of Children's Services are appended to the report.
5. It is for the Committee to decide whether it wishes to accept the decision of Cabinet or to refer the decision back to Cabinet for further consideration and if so what recommendations to Cabinet it wishes to make.

BACKGROUND PAPERS

- None identified.

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:	30th June 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 provide an update on progress.</p>
Reasons for the Decision:	<p>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.</p> <p>Cabinet were advised of the legal position that the Council had a</p>

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 the following year.
- The policy of other councils.

	<ul style="list-style-type: none"> • 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.
Options Considered:	<p>The maintenance of the status quo is not an option as the current policy is potentially discriminatory. The options set out below were considered. Whatever option was preferred, it was recommended and agreed that existing beneficiaries retain that benefit and any 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>
Declaration of Interest:	Councillor M Wilson
Date the key decision is due to take effect:	30th June 2005

<p>COUNCILLOR RJ PHILLIPS.....</p> <p>LEADER OF THE COUNCIL</p>	<p>Date:.....</p>
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<p>To be completed by officer:</p>	
<p>Date consent received from Chairman of Scrutiny Committee:</p>	
<p>Subject to Call-in:</p>	
<p>If yes was the decision modified?</p>	
<p>If yes Cabinet Member (.....) decision reference:</p>	
<p>Date original decision took effect:</p>	

REVIEW OF DENOMINATIONAL TRANSPORT

REPORT BY DIRECTOR OF CHILDREN'S SERVICES

CABINET

23RD JUNE, 2005

Wards Affected

County-wide

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.

Key Decision

This is a Key Decision because it is significant in terms of its effect on communities living or working in an area comprising one or more wards. It was included in the forward plan published on 1st May, 2005.

Recommendation

THAT:

- (a) the Council adopts a policy which provides transport for pupils occupying genuine denominational places on the basis that parents contribute;**
- (b) the new policy should be effective from September, 2006; and**
- (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.**

Reasons

The status quo is not an option, and needs to be replaced with a policy that is fair to all and is not discriminatory. Four options are discussed each with advantages and disadvantages, and a recommendation is made on the option which maximises the advantages and minimises the disadvantages.

Considerations

1. Since its inception in 1998 this council has adopted a policy of offering free transport to those pupils in all the 25 aided schools who 'occupy a genuine denominational place' and who live further than the statutory walking distance from school.

Further information on the subject of this report is available from
George Salmon, Head Of Policy And Resources on 01432 260802

2. A concern was raised that the Council's transport policy could be applied unfairly as it depends on the admission policies of the 25 aided schools to define 'denominational place' which then determines who should be offered free transport. The DfES prospectus for the school transport bill which is likely to be incorporated in the Education Bill published in June 2005 emphasises the need to consider the religious, philosophical and linguistic preference parents express. An extract from this is as follows:

'Some parents choose to send their children to schools with a particular ethos because they adhere to a particular faith or philosophy, or as a result of a linguistic preference. In many cases these schools may not be the nearest school, and parents may incur substantial transport costs in sending their children to these schools. LEAs should pay careful attention to the impact of any charges on low income families whose parents adhere to a particular faith or philosophy, and who have expressed a preference for a particular school as a result of their religious or their philosophical beliefs (or in Wales because of the language of instruction). In our view, it is possible that these categories of pupils may be discriminated against if they are treated differently from other pupils from low income families, unless the different treatment can be objectively justified, for example on grounds of excessive journey length, or having a detrimental impact on the child's education. The obligation not to discriminate in Article 14 ECHR requires that where transport provision is made for pupils travelling to denominational schools it must be made for pupils travelling to non-denominational schools to be educated in accordance with their parents' secular convictions, and vice versa. We think that wherever possible, LEAs should ensure that transport arrangements support the religious, philosophical or linguistic preference parents express'.

3. The legal position is that the Council has a duty to provide free home/school transport to children who do not live within walking distance of their nearest suitable school. 'Walking distance' is two miles for a child under eight and three miles for a child over eight. 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 a child to attend a school which provides a religious education which is the same as the religion or 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-discretionary, complies with the provisions of the Human Rights Act 1998 and pays regard to any Government Guidance. Before changing its discretionary policy the Council must consult with the parents and schools affected.
4. The consultation document, included in Appendix 1, was issued to parents of children in the 83 primary schools in the county (13,000) and to 750 parents who benefit from the free entitlement. These parents were selected as they were seen to be the ones who could be most affected by any change. In addition responses were invited from all schools, the two dioceses, the Learning and Skills Council, Council members, Dyson Perrins High School in Malvern and surrounding LEAs.
5. By the end of the consultation period 776 responses had been received. Of these 753 wished the current arrangements to be maintained arguing:
 - the importance of maintaining access to a Christian based education for all pupils wherever they live in the County;
 - the potential of the two high schools losing their comprehensive nature, with only parents able to afford transport being able to access these two schools;
 - Herefordshire Council is unique in reviewing this discretionary policy;

- the risk in encouraging more parents to use their own vehicles with the associated road traffic congestion and environmental problems;
- the fear that children currently attending the two schools would be forced to find places in schools nearer their homes, disrupting their education and involving the authority in alternative transport costs;
- a review of transport arrangements should be done in the context of an overall review of high schools in light of falling rolls;
- That the saving to the Council would not equal the gross expenditure as children may require transport to other schools, and the Council would still be obliged to transport children who qualify to the nearest appropriate school.

More details of the responses are given in the Appendix to this report. Similar points were also made in a meeting in the Town Hall attended by 250 people.

There were 23 responses arguing that a change should be made.

Those in favour of change argue that the current provision is not fair and it is unreasonable for Council taxpayers to pay the costs of travel for some pupils. Some note that the system is open to abuse. A number suggest that, rather than abandon the system completely, parents should be invited to contribute in part or in full.

6. The consultation period in the main highlighted the issues that were identified by the 2004 review of all discretionary transport policies. That review culminated in a view taken by the Education Scrutiny Committee (June, 2004) and subsequently a decision by the Cabinet (September, 2004) that there should be no change.
7. Since that decision, criticism of the current transport policy being potentially discriminatory instigated the need for a further review. In this, other developments since September 2004 also need to be taken into account, i.e.:
 - the DfES approval that the Steiner School should proceed to feasibility stage as a City Academy;
 - the Government's intention expressed in the Queen's speech of more diverse education provision;
 - the outcome of the Autumn consultation over the budget.

8. **Alternative Options**

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.

Alternative Option 1

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.

Alternative Option 2

The extension of free transport to all who have a place at an aided school, and qualify on distance criteria.

Alternative Option 3

As Option 1 except that most parents will make a contribution as to cost.

Alternative Option 4

Ceasing to provide free denominational transport for pupils admitted to Yr R and Yr 7 in schools in September 2006 onwards.

These options are described in more detail in the appendix with an assessment of the associated advantages and disadvantages.

Recommendation

The conflicting arguments presented during the consultation period have been considered. There is no option which will satisfy all the points. However, it is felt that Option 3 is the best way forward in that:

- it overcomes the risk of discrimination;
- the payment of a contribution by those who can afford to is fairer to the whole community;
- low income families who express a preference for denominational education will not be disadvantaged;
- Council's support for denominational education is maintained and the DfES guidance that parental preferences on religious grounds should be considered is met;
- there is no reason for the character of the schools to change;
- the contribution would be in line with the charge made for vacant seats and therefore there is parity in cost (where there is transport) with parents expressing other preferences;
- the maintenance of denominational transport should not affect adversely road congestion and the environment.

This option has also been 'rural proofed'. The combination of maintaining denominational transport and having a standard charge should ensure that pupils, wherever they live in the County, continue to have access to denominational education.

Risk Management

The purpose of the review is to reduce the risk of a challenge to the current transport policy. Because the meaning of “suitable school” in the relevant legislation and case law is still unresolved, it is not possible to eliminate this risk entirely. A judgement has been made on the options to balance the need to have a fair transport policy, the desire to maintain the comprehensive nature of all schools, and to minimise any impact on the road system around schools.

Consultees

All existing parents of children receiving denominational transport, all parents of children in primary schools, all Herefordshire schools, all surrounding LEAs, Diocesan Education Authorities, all Members of Herefordshire Council, and both Members of Parliament have been informed of the review and invited to send comments.

Background Papers

1. Proposed Change to Home to School Transport from school year 2006/7: Consultation Document.

REVIEW OF DENOMINATIONAL TRANSPORT

This appendix contains:

- A. The consultation document.
- B. A summary of the responses received. All those responses, which were received by the closing date of 3rd June, are available in the Members' Room.
- C. The notes of a public meeting held in the Town Hall on 24th May.
- D. An appraisal of options.

Section A

Consultation Document

The following document was sent to:

- i. parents of pupils who currently benefit from the free denominational transport (750)
- ii. parents of children in 83 primary schools in the County (approximately 13,000)
- iii. all schools in the county, and to the Church of England Aided High School, Dyson Perrins in Malvern
- iv. the Hereford Diocese and Archdiocese of Cardiff
- v. the Hereford and Worcester Learning and Skills Council
- vi. surrounding LEAs
- vii. all county councillors.

PROPOSED CHANGE TO HOME TO SCHOOL TRANSPORT FROM SCHOOL YEAR 2006/7

1. Introduction.

Herefordshire Council has a policy on home to school transport that sets out the circumstances in which it will provide free or subsidised transport to help pupils get to school.

The Council has decided that it would like to review its policy. The purpose of this consultation document is to seek your views regarding any changes.

The Council has a legal duty to provide transport free of charge to children who live beyond "walking" distance to their nearest suitable school (2 miles in the case of children under 8, 3 miles for others). There is no question of withdrawing this provision.

2. The current position.

The Council has a number of discretionary policies in relation to Home to School Transport and these were reviewed in 2002 and again by the Education Scrutiny Committee in 2004. The Council and its predecessors have been committed to the provision of transport to denominational schools since the Education Act 1944. This discretionary policy currently provides free transport to 800 pupils at an annual cost of £465,000. This figure can be compared with the £2,650,000 costs involved in transporting the 4000 mainstream pupils whose homes are beyond the "walking" distance of their schools. The overall transport budget, which also covers Special Educational Needs pupils and post 16 students amounts to over £5 million. Denominational transport provision represents approximately 15% of the total home to mainstream school transport expenditure. It is the discretionary policy on denominational transport that is the subject of this review.

3. Why review the policy?

The Council must be reasonable in its policy and must not unlawfully disadvantage any group of parents or pupils. At present the entitlement to free transport to denominational schools is determined by the admission policies of those schools. As these differ, there is potential for inequality in relation to transport entitlement. The Council wishes to act fairly in relation to all parents and pupils.

4. What are the options?

The Council's current policy needs to be reviewed in order to ensure that it is fair. There are a number of options that could be considered.

For example:

- (1) The Council could provide free transport to all pupils who attend a Voluntary aided school on genuine denominational grounds and live beyond the "walking" distance;

Or

- (2) The Council could cease to provide all denominational transport, whilst maintaining statutory provision, from September 2006 or some later date.

The options are not limited to the above and the Council will listen to any representation and consider all suggested options.

5. Will the Council continue to support families who experience financial hardship, or pupils with Special Educational Needs, or in other exceptional circumstances?

Yes, discontinuance of assistance in these circumstances is not being considered.

1. What happens next?

This document has been circulated as follows:

- To all existing parents of children receiving denominational transport
- To all parents of children in primary schools
- To all Herefordshire schools
- To surrounding LEAs
- Diocesan Education Authorities.
- To all members of Herefordshire Council
- To both Members of Parliament

This consultation will now allow all individuals or bodies to express any alternative proposals, objection or comment, in writing to the Council by 27th May 2005. These comments/objections will be submitted to the Council's Cabinet in June 2005 for a final decision. Details will then be submitted to the Local Admissions Forum in July, 2005 when the 'Information for Parents Booklet' is considered which sets out the Council's policy on pupil admissions for the period commencing September, 2006.

Written comments should be sent to:

**School Transport Consultation
Children's Services Directorate
PO Box 185**

Hereford HR4 9ZR

Or

Email to: Schooltransportconsultation@herefordshire.gov.uk

Section B

Summary of Responses

By the end of the consultation period 776 responses had been received. 570 of these were in the form of a standard letter, and to all intents and purposes act as a petition favouring the maintenance of free transport. There were a further 183 responses in favour of free denominational transport.

There were 23 responses suggesting change.

The arguments put forward to maintain free transport are as follows:

1. The importance of maintaining access to a Christian based education for all pupils seeking such education wherever they live in the County, given the state/church partnership in providing schools in the County.

There is no doubt that there has been a long standing partnership between Church and State in providing schools in Herefordshire. There are 25 aided schools in the county, 23 in the primary sector and 2 in the secondary sector. In the primary sector the 20 Church of England schools act as the provided school for defined catchment areas, and this is reflected in their admission policies. Some offer an additional role of providing denominational education for those who seek it from ecclesiastical parishes, which are more extensive than the immediate catchment area. The three R.C. primary schools offer places to baptised Catholics across the County.

In the secondary sector, St. Mary's R.C. High School offers places to baptised Catholics across the county. The Bishop of Hereford's Bluecoat High School is the provided high school for a defined area including part of Hereford City, and an area extending out to Mordiford and Fownhope. Approximately 150 places are offered to those in this catchment area, and as second priority approximately 80 places are offered to those seeking a denominational place and who have an allegiance to a church, which recognises The Trinity.

As a measure of this state/church partnership, the 25 aided schools have invested over £10 million in improving their buildings since 1998. Prior to 2001 the Governors found 15% of these costs. Since 2001 Governors have been responsible for 10% of the costs. It is estimated that Governors of aided schools in the county have contributed at least £1M to the maintenance and improvement of these schools. The DfES fund the other 85% and 90% of costs. It is a recurrent theme in the consultation that without the Church's involvement in the provision of schools the state would have had to find the full cost.

As part of these arrangements, the Council has used discretionary powers to transport children to these schools if they live beyond the statutory walking distance. The partnership has worked well with the aided schools in Hereford performing well and being popular, and no school applying for Grant Maintained Status in the past. Consideration needs to be given to how critical free transport is to this partnership, and on this issue the experience in other authorities and the issue on the risk to the comprehensive nature of the schools, discussed below, needs to be taken into account.

From the parent's and pupil's perspective there is no doubt that free transport does offer those parents, whose children qualify for a denominational place, more choice, and is an attractive proposition. There is also no doubt that Government is encouraging the development of opportunity for the expression of parental preference, and also more diverse education provision. Some parents are claiming both denominational education and free transport as a human right. This is not the case, and in the context of the rights of parents to express a preference, the availability of free denominational transport does favour some parents more than others. Indeed it is estimated that there are over 2000 pupils not entitled to free transport who are attending the school preferred by their parent which is not the provided school. With the approval of a feasibility study for the Steiner School at Much Birch to become a City Academy, the DfES have been asked to clarify transport responsibilities for those pupils who might attend that Academy in the future.

An analysis of the home addresses of high school pupils currently benefiting from free transport does reveal that the number of pupils attending the two aided high schools is in inverse proportion to the performance of their provided high school, i.e. where the performance of the provided high school is lower than average there is a greater likelihood of a denominational place being sought.

2. The potential of the two High Schools losing their comprehensive nature, with only those parents able to afford transport costs being able to access these two schools.

This point has been made by both high schools and parents. Although the nature of the intake of all 14 high schools does vary, reflecting the area they serve and degree to which parental preference works, it is not in the interest of education in the County for some schools to become significantly less comprehensive than at present. The intake of both St. Mary's and Bishop of Hereford High Schools, when measured in Key Stage 2 results, is above the County average. The suggestion that some parents will send their children to the provided high school in the future instead of St. Mary's or Bishop's could benefit the provided high schools. If this is a significant number, the question arises would those places in the 2 aided high schools then be filled by students from more affluent families.

Two assessments have been made on this. Firstly, a comparison has been made of the intake of pupils currently at the two high schools between those in receipt of free transport and those paying for transport. There is some evidence that the pupils currently paying for transport did have better Key Stage 2 results.

Secondly, the experience of Worcestershire has been sought, where parental contributions for denominational transport were introduced in 2000. Worcestershire report no discernible difference in the five aided high schools, comparing the schools prior to the introduction to charging and the period since.

The Council does have a duty to give consideration to the denominational preferences in its transport policy, and it would be in keeping with this duty, if in the event of free transport being abandoned, a system of support for hardship cases could be introduced. In the consultations, any future reliance on eligibility for free school meals was criticised as being too limited. However, eligibility for free school meals would be an objective criterion that could be effectively applied. Consideration could also be given to reduced rates for siblings.

In conclusion, there is a risk in the two high schools becoming less comprehensive. It is difficult to measure that risk, other than to observe it would vary according to the degree of change proposed and any policies put in place to support hardship cases.

3. Herefordshire is unique in considering change to the discretionary transport policy.

There are 150 LEA's in England. Almost 50% of these are urban authorities, where the majority of students live within walking distance of schools or the public transport system is so good that Council funded school transport is minimal. In the larger more rural authorities there has been an increasing tendency to undertake reviews, and it has been found that the position is as follows:

- Gloucestershire – free transport available to Catholics only within a 10 mile radius of two R.C. aided schools concerned (Gloucester and Cheltenham).
- Worcestershire – parents contribute £100 per term towards cost of transport.
- Shropshire – free up to 6 miles for primary denominational schools and 16 miles for secondary denominational schools – [this provision is about to be reviewed].
- Bath and North East Somerset – about to commence a review and are preparing their consultation document.
- Somerset – parents contribute £60 per term towards cost of transport.
- Northamptonshire – from September 2003 no transport provided on denominational grounds.
- Devon – parental contribution of £70 per term.
- Essex – parents contribute £100 per term towards cost of transport.
- East Riding – from September 2004 no transport provided on denominational grounds.
- Warwickshire are in the process of reviewing their denominational transport provision.
- Nottinghamshire are in the process of reviewing their denominational transport provision.
- London LEAs – free transport to all children under the age of 16 (33).
- Norfolk – undertaking review.

A point was made in the public meeting that each authority is unique and Herefordshire should have policies suited to this County. This is fully supported. The evidence of circumstances in other LEAs was produced to answer the criticism that Herefordshire was alone in considering change.

4. The impact on the means of travel to school.

Currently 710 students have free transport on denominational grounds to the 2 aided high schools. If free denominational transport was withdrawn, some of these students may be brought to school in their parents' cars, which would be contrary to the drive by the Council to reduce car usage.

However, the position is not as simple as suggested. Under half of the 710 pupils travel on dedicated school buses. 52% use public bus services, seats on buses carrying mainstream entitled riders to The Bishop of Hereford's Bluecoat School, and a small number already rely on parents' vehicles. The public bus services could continue to be used if parents were willing to pay the fares, and commercial operators may respond to demand if the 9 dedicated school bus routes were curtailed.

If free transport were to be withdrawn some increased car usage should be expected. The level of increased car usage would depend on which option was chosen. In the consultation it has been suggested that free transport should be available to all children attending school. This does have many attractions, but it is estimated that the cost of running such a service would be between £15-20 million per annum, and it would be some time before there was capacity in the County in terms of vehicles and drivers to operate such a system.

5. The disruption of pupils education if free transport was abandoned, and parents were forced to place their children in their provided school is unacceptable.

The recommendation is that if any change is to be made, it should not apply to students who currently benefit from free transport. This is on the basis that when parents stated a preference for a school, they did it in light of information given by the Council in the 'Information to Parents Handbook'. Although pupils, particularly those who have not started public examination courses, can and do change schools successfully, it is not a course of action that the authority should be forcing upon children.

Linked to this argument is the question of siblings, and, if changes were to be made from September 2006, some parents have argued that they would be unable to afford to send their younger children to the same school as older brothers and sisters. In terms of the provision of an effective education for siblings, this is not felt to be sufficient reason to make special provision for siblings if policies were changed.

6. Any review of transport arrangements should be done in the context of an overall review of high school provision in light of falling numbers of pupils in the County.

The availability of free transport or not is likely to affect parents' preferences for schools. It will not affect per se the total number of students in the County, nor the total capacity of schools. There will be approximately 1900 students entering high schools in September 2005. This compares to a peak in 2001 when there were 2044 students. The number of children entering primary school in September 2005, will be approximately 1600, and by 2012 this lower number will be entering high schools.

There is no doubt that falling numbers is currently affecting primary schools, and will affect high schools in coming years. However, in 1993 only 1661 pupils entered the County High Schools in that year, and all current planning is being undertaken on the basis that all 14 high schools will remain, albeit with reduced capacity in the future.

Denominational transport and future school provision can be dealt with separately, unless there was a wish to pursue more radical rationalisation of high school places.

7. The Review is being driven by cost reasons alone and the desire to make savings.

The cost in 2004/05 financial years in providing free denominational transport was £465,000. This was not the reason why the review was instigated, but it is a factor which must be considered in the review.

It has been repeatedly stated that if free transport was abandoned, any reduction in expenditure could only be achieved over time as current beneficiaries left school, and would be offset by an increased demand for children in the future wishing to access their provided school. It is impossible to predict accurately what the latter would be, but the best estimate is that at the end of a 5 year period, i.e. 2011, a reduction in expenditure of around £250,000 could be expected (at present day prices).

The Council since its inception in 1998 has always spent at the Government figure of Education Formula Funding Share (EFFF). If this policy continues, any saving in school transport would be used elsewhere in the education service and it is a legitimate question whether the current expenditure, which supports parents seeking denominational education and the partnership between Church and State, is the best way to spend this money. £250,000 does equate to almost £11 per pupil in all schools.

The consultations held in the Autumn of 2004 over the budget revealed little support from the sample of 504 households involved for this discretionary expenditure.

Indeed 67.4% of respondents favoured a reduction in Council's expenditure by withdrawing provision for home to denominational school transport. Charging parents £130 per term was an option identified by the Household Survey as a reduction causing least displeasure.

The Household Survey was statistically robust and a representative reflection of the views of the whole adult population. The same outcome was also seen in the 156 responses in the consultation with the Citizen's Panel, the 64 responses from the Council's website, the 1695 responses to a simplified questionnaire in the Hereford Times and Herefordshire Matters.

The Views of Schools

During the consultation period meetings have been held with Governors of both St. Mary's R.C. High School and The Bishop of Hereford's Bluecoat High School. Both Governing Bodies argue strongly that free denominational transport should be maintained, fearing that its loss would undermine their role in serving the Christian Community in Herefordshire, and alter the nature of their schools. Both schools favour the classification of what can be considered a true denominational place, distinguishing school places on terms of the status of the school.

Aided primary schools have offered support to the case presented by high schools.

There has been little response from other schools. In the Spring of 2004 the consultations undertaken as part of the wider review of discretionary policies revealed that of the 43 schools who responded at that time:

- 16% were in favour of the status quo
- 28% were in favour of removing all subsidy
- 42% were in favour of seeking parental contribution
- 14% were in favour of offering free transport within mileage limits.

Schools have been contacted again and their response suggests that their views remain the same.

Section C

HEREFORDSHIRE COUNCIL

Notes of Home to School Transport Consultation Public Meeting Held on 24th May, 2005 at 7pm

Meeting started at 7.40pm

Chair: Colin Riches

Speakers: George Salmon, Head of Policy and Resources
Councillor D.W.Rule, Cabinet Member for Children's Services
Andrew Blackman, Admissions and Transport Manager
Rev. I. Terry, Hereford Diocese
Mr C. Lambert, Headteacher of St. Mary's R.C. High School
Mr A. Marson, Headteacher of The Bishop of Hereford's Bluecoat School

Apologies: Bill Wiggin, MP

Colin Riches introduced himself as the Chair of this meeting and all six speakers. He reminded people that this meeting was concerning two issues.

1. Denominational Transport and not about any other transport issue other than those of faith.
2. The issues raised will be very emotive but this is a measured consultation.

CR explained the format of the meeting. The six speakers will take their turn to speak and then there will be a break where the public will be invited to comment on slips provided and enter them in the boxes around the room. These will then be considered in the second half of the meeting. They will be separated into categories of legal consideration, cost implications, traffic issues and the future of schools.

These will then be answered in turn, CR reminded them of the factual basis of this meeting it was not a debate.

Councillor Rule gave an introduction to the review and procedure and offered his thanks for being invited to the meeting. He addressed the meeting by stating they were here to listen and answer questions and points of fact, if these could not be answered the questions will be noted down along with the details of the person asking the question and answered by the end of the week. He finished up by saying the final decision of this consultation would be decided by Council.

George Salmon started by stating some people would be aware that there was a review of transport policy taken last summer report to Cabinet and Education Scrutiny and at that point Scrutiny and Cabinet decided no future action should be taken and it was felt that it was settled. There was a debate in the Autumn term over Vacant Seats from Ross on Wye area. In light of the challenge by parents, the Council consulted Queen's Counsel to check whether it was correct. They said yes they had followed right procedures for Vacant Seats but needed to check denominational transport policy and that the Council's policy may not be consistent and fair. It was felt it was mostly a high school problem. The Queen's Counsel advised that a non-discriminatory transport policy could be linked to a genuine denominational place, but a clear definition of genuine denominational policy in 25 aided schools is needed. Because the existing policy means Council is at risk of treating parents unfairly, a review is required. Therefore there was Cabinet approval to the review in March and letters were issued via schools to primary age children who were most likely to be

affected and the two high schools where letters were sent to all who currently benefit. Following complaints of how these were issued, there were checks made with the schools and GS was satisfied that the majority of parents were made aware of the consultation. However it had been decided that the consultation period should be extended by a further week. Cabinet will then feed the result into the Local LAF (11th July) to determine the admissions policy for September, 2006. All comments and views would be taken as part of this consultation period. GS will be writing the report that will go to Cabinet on 23rd June and a council decision will be made as to the outcome. The report will identify options, including abolishing the existing free transport or continuing much as present albeit with some alteration to meet legal point. GS invited any suggestions or proposals if there was felt to be one but at this moment in time no alternative had arisen.

Andrew Blackman relayed some key statistics on the current situation on denominational transport as follows:

Current Denominational riders:

75 Primary and 710 High School pupils at an annual cost of £50K (average of £666 per primary pupil per annum) & £415K (average of £585 per high school pupil per annum) respectively

High Schools

St Mary's – 689 pupils on roll and 395 pupils in receipt of denominational transport (57%)

Bishop's – 1192 pupils on roll and 315 pupils in receipt of denominational transport (26%) and 165 pupils in receipt of mainstream transport (14%)

Remaining 12 High schools have 8189 pupils on roll and 2891 in receipt of mainstream transport (35%) at a cost of circa £1600K (£553 per pupil per annum)

NB Primary schools entitled mainstream riders total 1195 out of a school population of circa 13,000 (9%) and cost £1050K per annum (£878 per pupil per annum)

Current Year Transfers

This year 1987 pupils are transferring to high schools of which 102 (5%) pupils are eligible for denominational transport and 324 (16%) pupils living more than 3 miles from their preferred school are not eligible for transport as they will be attending a non-catchment high school. Therefore there are more than three times as many parents who are exercising their parental preference to attend a non-catchment school and thus make their own transport arrangements than there are pupils currently eligible for denomination transport.

Of the 1987 pupils transferring this year 1372 (69%) are taking up their catchment places. All pupils transferring under denominational criteria would have been offered a place at their catchment school if they have put their catchment school as a higher preference above Bishop's/St Mary's.

Birth rate decline – over next 5 to 7 seven years the number of pupils transferring from Primary School to High School each year will decrease from approx 2000 to approx 1850 and thus pressure on High School places will decrease. The current total PAN for High Schools in Herefordshire is 2100.

Current Denominational Transport arrangements:

Broken down as follows:

Dedicated vehicles	48% - comprising 9 dedicated buses, 5 serving Hereford City, 2 from Ross and 2 from Leominster
Own Transport	4%
Public Bus Service	40% - of which 60% change at either the Hereford County or City Bus Stations
Shared Mainstream vehicles	8% - made up of 14 vehicles carrying mainstream entitled pupils

Other Local LEA's Policies:

- Gloucester – free to Catholics only within a 10-mile radius of two schools concerned (Gloucester and Cheltenham).
- Worcestershire – parents contribute £100 per term towards cost of transport
- Monmouthshire – no denominational transport provided
- Shropshire – free up to 6 miles for primary denominational schools and 16 miles for secondary denominational schools – this provision is about to be reviewed.
- Powys – free transport to 2 x primary Roman Catholic schools only.

Other LEA Policies:

- Bath & North East Somerset – just about to commence a review and are preparing their consultation document.
- Somerset – parents contribute £60 per term towards cost of transport.
- Northamptonshire – From Sept 2003 no transport provided on denominational grounds
- Devon – parental contribution of £70 per term
- Essex – parents contribute £100 per term towards cost of transport
- East Riding – From September 2004 no transport provided on denominational grounds

- London LEA's – free transport to all children under the age of 16.

CR asked how many Council's do provide free denominational transport?

AB said this was difficult to answer as London doesn't have the same issues and there is different criteria at other LEA's.

Revered Ian Terry began by thanking Lynn Johnson for organising the meeting and felt it was a testament of the importance of the issue by the turnout. He addressed two general points of principle. The first was provision, the Church values the partnership with the state which began in 1870. The provision of both the Roman Catholic and Church of England [which was a quarter of primary school places (this was considering the buildings that they own) and over a seventh of all high schools] needed to be recognised. This was no small contribution and needs to be taken seriously. Secondly the principle where Church Schools have provided education to the less well off. The churches together have delivered high quality education service to all. Withdrawing the denominational transport will hit the poorer Christian people the most.

Mr C Lambert wanted to thank Father Martin for all his work. CL put it was an issue of choice. Should parents of Catholic and Anglican faith be denied choice because they cannot afford the transport. 22nd September, Stephen Twigg stated that there was no

agenda to remove free transport in the transport bill. The Queen's speech said it was important to offer choice and that faith schools were valued. AB had named 7 local authorities. 106 in the county. Herefordshire is different given its rurality. Transport is difficult with no infrastructure. It was not fair to compare Powys and Monmouth as they do not have Catholic schools. What is this about and why now? Parents have the right to have their children go to a school of their choice, the system works. When the Vacant Seats policy was taken away 22 children who attended St. Mary's were effected and some have now gone to alternative schools. CL felt they would lose between 75 and 100 children because of this throughout all year groups, this would alter the character of the school. If the location was different and St. Mary's was in the city this may be different, but it is not, originally it had been Herefordshire Council who had determined that the RC High School should be located in Lugwardine. Both schools already pay for this by a capital building programme the school and Governing Body have to fund 10% of that cost.

Andrew Marson wanted to raise two points in addition to him lending support to the two previous speakers.

1. First point. Why was this not taken to Scrutiny Committee? It is a legal concern. On May 11th when Council came to see Governing body it was clear that there was misunderstanding in the way in which our Governors interpreted entitlement and the way in which the authority did. Under the admission arrangements for Bishop's only the Church of England pupils with Category 3 (Church Places) are eligible for denominational transport. Our Category 3 is different from St. Mary's we have an Ecumenical policy for church places. On the SA1 form, when parents apply for transport it states that the pupil must provide information if your request is based on genuine denominational grounds.
2. Second point was the speed of the review. It was viewed by Council as quite a simple issue. It is not. Bishop's is different from St. Mary's. It effects the whole school provision and broader transport issues. If denominational transport was taken away and buses disappear there will be a lot more cars and more traffic.

In the second half of the meeting, questions relating to the legal, financial and impact on the schools from members of the audience were put to the panel.

The Chairman closed the meeting at 9.15pm.

Section D

Appraisal of Options

Option 1

The continuation of free transport for those children occupying a denominational place in aided schools as a result of parental preference based on genuine denominational belief.

This option would provide free transport to those students living beyond statutory walking distance for Roman Catholic students attending Roman Catholic aided schools, and Church of England students attending Church of England aided schools. Staunton-on-Wye Primary School although outside the Hereford Diocese family of schools, does have links through its trustees with the Church of England, and would therefore be considered as a Church of England school.

Free transport would not be available to pupils who attended Church Schools from other denominations.

This policy would enable the Council to have a clear and consistent transport policy that took into account the main denominational preferences of parents.

In the main, it would maintain the benefit currently enjoyed by the 750 pupils, with only a limited number of children from Methodist, URC, Baptist and other Church backgrounds being denied such benefit.

There would be no additional cost, and no savings, and the impact on roads/environment would be the same as at present.

However, in maintaining benefit for one set of parents on denominational grounds, other parents expressing preferences for schools other than their provided school may still feel unfairly treated.

Option 2

The extension of free transport to all who have a place at an aided school and who qualify on distance criteria.

Although this may avoid having to make a distinction between pupils attending each aided school on who should and should not have transport, it creates a wider anomaly between those attending aided schools and those attending Voluntary Controlled and Community Schools. This is less defensible than the current arrangements.

Costs would increase, but more school journeys would likely to be by bus.

Option 3

As Option 1 except that most parents will make a contribution to cost.

A prerequisite in this option (as in Option 1) is the need to define a denominational place in terms of the denominational character of the school. If this is achieved for all 25 aided schools, subsidised transport could be offered. This would continue support for denominational places and denominational schools, and answer the fears concerning increased traffic congestion. If this model were to be adopted, places on buses would be offered at the same rates as under the vacant seats policy which currently stand at £100 per term (£35 per term for those in receipt of FSM). There would be increased administration costs in implementing this. It is difficult to estimate the number of parents who would take up this option, but if the majority entitled took up this option, this would lead to a net saving of approximately £150K at the end of 5 years. The risk in increased traffic congestion would be minimised. Contributions would be waived for parents who qualify for free school meals or for third and subsequent children in a family.

Note:

In the event that Options 1, 2 or 3 are adopted it would be necessary to provide similar arrangements for genuinely secular parents who do not wish their child to attend a church school if that is the nearest school and there is no other suitable school within the statutory walking distance.

Option 4

Ceasing to provide free denominational transport for pupils admitted to Year R and Year 8 in schools in September 2006 onwards.

This does answer the criticism of potential discrimination in the transport policy in that benefit would be withheld from all new applicants. It would treat the application to an aided school which was not the provided school, as a form of parental preference, where parents are responsible for transport.

The authority could meet its legal obligations by considering hardship cases in which various factors prevented pupils attending denominational schools.

The authority could offer an agency arrangement in which buses are provided under contract to the school or parents at cost, but is unlikely, because of the high costs involved, that this would be seen to be attractive to school or parents.

The withdrawal of free transport is unlikely to have a significant impact on overall numbers in the primary or high schools involved. In primary schools the numbers currently benefiting from school transport are low and distances travelled limited. In the secondary sector, both high schools have high reputations, and in recent years have been oversubscribed. It is predicted that this will continue, but there may be fewer children from families on low incomes, and those that live further from Hereford City. Both Governing Bodies believe that this will happen, and that it will be to the detriment of the comprehensive nature of the schools.

Some growth in the use of private cars may occur, but not to the extent which was argued in the consultation. Given that less than 50% of those benefiting from free transport travel by dedicated buses, (which if withdrawn could be replaced by commercial services), it could be expected that in future the majority of pupils would travel by public transport.

On cost, although it is impossible to be precise in this, it has always been envisaged that a net saving of around £250,000 could be expected in five years time under this option. This is on the basis that some pupils in the future will choose to go to their provided high school and be entitled to free transport.

REVIEW OF DENOMINATIONAL TRANSPORT

PROGRAMME AREA: CHILDREN'S SERVICES

SUPPLEMENTARY INFORMATION FOR CHILDREN'S SERVICES SCRUTINY COMMITTEE

13TH JULY 2005

Wards Affected

County-wide.

Purpose

To advise on the eligibility for reduced contributions to denominational transport from families on low incomes.

Background

1. Cabinet on Thursday 23rd June 2005 resolved that:
 - (a) the Council adopts a policy which provides transport for pupils occupying denominational places on the basis that parents contribute towards the cost of such transport;
 - (b) the new policy should be effective from September, 2006;
 - (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;
 - (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;
 - (e) the Cabinet Member (Children's Services) and the Director report back to a future meeting of Cabinet to provide an update on progress.
2. This decision was called-in, the stated reason being "establishing the criteria for low-income families". In order to assist the Committee in its deliberations supplementary information below has been prepared by the Director of Children's Services following consultation with the Cabinet Member (Children's Services) setting out the proposals to ensure fair and effective implementation of the new policy especially in relation to low income families.

Supplementary Information

3. Concerning the reduced rates for low income families, the Council has a choice of using either a set of criteria that it would have to define and administer or a set of existing national criteria, which have already been defined and are widely used.
4. It is strongly recommended by officers in Legal Services, the Benefits team and Children's Services that Herefordshire Council should use existing eligibility criteria for State Benefits rather than invent its own. The Council should use its discretion in selecting which of the existing eligibility assessments is most appropriate to this particular issue.

5. At present eligibility for free school meals is the one system used across education services within Children's Services. Administrative systems are in place to assess, record and review eligibility for this benefit.
6. Eligibility for free school meals is based on whether the parent(s) with care of the child is in receipt of one of the following:
 - (a) Income Support
 - (b) Job Seekers Allowance – Income based
 - (c) Child Tax Credit, but not entitled to Working Tax Credit and the parents annual income (as assessed by the Inland Revenue) does not exceed £13,910
 - (d) Support under Part VI of the Immigration and Asylum Act 1999
 - (e) The Guaranteed element of State Pension Credit.
7. Broadly a pupil from any family with an income of less than £13,900 would be eligible.
8. Parental contributions (assuming contributions of £100 per term), could involve a family in additional expenditure of £600 before the allowance of free travel for the 3rd child applies. £600 does represent 4.3% of a salary of £14,000.
9. If this is felt to be too onerous, a more beneficial system for the family could be introduced if entitlement to free prescriptions was used where that entitlement is based on income (not medical condition). This applies where family income does not exceed £14,900. £600 is 4% of this level of income.
10. In either case it is proposed that entitlement would be granted simply by the parent(s) providing copies of documents issued by the Department of Work and Pensions, the Inland Revenue or an exemption certificate from a GP.
11. The other issue connected to this is the level of contribution to be paid. At present this stands at £35 per term for those eligible for free school meals using a vacant seat. There are 20 pupils currently entitled to free school meals obtaining free denominational transport, who if all charged the £35 would produce an income of £2,100. However, there are significant administration costs in collecting these contributions each term, and consideration could be given to waiving the entire fee for denominational transport for the parent(s) of children meeting the low income eligibility criteria.
12. The Director of Children's Services would consult the Revenue and Benefits Team to assess any special circumstances that may be present. Use of nationally established criteria as proposed would provide a clear and efficient means of justifying need.