

**MINUTES of the meeting of General Overview & Scrutiny Committee held at the Council Chamber - Brockington on Wednesday 15 January 2014 at 9.00 am**

**Present:** Councillor A Seldon (Chairman)  
Councillor EPJ Harvey (Vice-Chairman)

Councillors: BA Durkin, JW Hope MBE, JLV Kenyon, R Preece, GR Swinford and DB Wilcox. Statutory Co-optees: Mr P Burbidge.

**In attendance:** Councillors CNH Attwood, WLS Bowen, ACR Chappell, MAF Hubbard, JW Millar (Cabinet Member), PM Morgan (Cabinet Member), FM Norman, GJ Powell (Cabinet Member), AJW Powers and PD Price (Cabinet Member)

**Officers:** S Burgess, J Davidson, G Dean, A Hough and C Marshall

**61. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors EMK Chave, DW Greenow, RC Hunt, TM James, Brig P Jones CBE and RL Mayo. Apologies had also been received from Miss E Lowenstein.

**62. NAMED SUBSTITUTES (IF ANY)**

PGH Cutter for DW Greenow  
JLV Kenyon for EMK Chave

**63. DECLARATIONS OF INTEREST**

The Chairman stated that if Members had declared a governorship of a school on their Declarations of Interest, it would be taken that Members had already declared an interest in the item.

Councillor EPJ Harvey declared a non-pecuniary interest.

**64. QUESTIONS FROM THE PUBLIC**

The Chairman reported that there had been 86 questions from members of the public and the responses to these questions would form the core of the debate.

The Chairman welcomed members of the public and outlined the remit of Scrutiny. Scrutiny could not overturn Cabinet decisions but could send recommendations back to Cabinet for consideration. Cabinet may or not may alter their decision.

The Chairman formally thanked Gemma Dean and Ben Baugh on behalf of the Committee for the work which they had undertaken in arranging the call in.

**65. CALL-IN OF THE CABINET DECISION ON CHANGES TO HEREFORDSHIRE SCHOOLS AND POST 16 TRANSPORT POLICY**

Councillors Harvey, Swinford and Seldon outlined their grounds for call in which are listed in the agenda.

The Director for Children's Wellbeing and Head of Education Development gave a presentation which is attached to the minutes.

In response to questions from Members in attendance:

- The Director clarified that the council is not forcing parents to change the decision of where they send their children, but parents will need to decide whether they can afford to send their child to the school which they chose. There is work underway to look at all the methods in which the costs to parents can be reduced via a range of different methods as outlined in presentation. It was stressed that the proposals in connection with post 16 SEN travel was not for full cost recovery but for a contribution and that the council understands that each student will have different needs. The Council is looking at all bursaries which are available.
- Head of Transportation and Access confirmed that the transport teams are now integrated and that work is in progress to offer a wider range of services from September 2014. The Council will be talking to headteachers and operators about these.
- Head of Education Development explained that the budget savings assumptions were based on Herefordshire losing 40% of affected children rather than 100% to out of county schools as it was felt unreasonable to assume that all parents would decide to send their children to the nearest school which was outside of Herefordshire. He also explained that Herefordshire did import students from other counties as well.
- Cabinet Member for Young People and Children's Wellbeing explained that partnership working between the Council, schools and parents already happens and cited John Kyrle High School and Sixth Form College as an example. The Director for Children's Wellbeing said that there should be a commitment to working together which strives to achieve a combined transport policy which is beneficial to all.
- The Director for Children's Wellbeing explained that there were two different bursaries which were available to post 16 SEN pupils. One was individual and the other needed to be applied through the relevant school. The budget for this type of funding, which could include assistance with post 16 SEN transport had transferred to school sixth forms and colleges. The awarding of bursaries was based on individual need. A right of appeal would remain in place for those parents who cannot afford the travel costs. The Director also confirmed that work needed to be done to ensure that parents were aware of these bursaries and identifying appropriate support. The Director suggested that the committee look at the range of bursaries available as part of their work programme.
- The Head of Education Development confirmed that the school transport and Post 16 SEN transport policies operated by other local authorities were looked at. He acknowledged that it was unfortunate that inaccurate information was presented in connection with the policies in operation in Worcestershire, however, the proposals were not based on what one local authority did and that Worcestershire was not a fair comparison as they have a different school tier system to Herefordshire.
- The option of nearest in county school only had been looked at but had been dismissed given the risk of legal challenge.
- The Head of Education Development gave assurances that responses to the first phase of post 16 SEN consultation had been taken into account. It was unfortunate that during the first phase of consultation that the council website had experienced problems. However, the website was operational throughout the full consultation.
- The Head of Transportation and Access confirmed that the Local Transport Plan Policy 2012/15 did cover the Sustainable Modes of Transport Strategy for schools

but acknowledged that it was not explicitly stated. The Council's Solicitor confirmed that the Council was probably already compliant with the relevant legislation, however the policy would need to be altered slightly in order to make it clear that it did include schools.

- The Head of Education Development confirmed that whilst the booklet for school admissions did not contain any reference to the consultation, the website and the information which parents had to download did have information in relation to it. Cllr Harvey said that adjacent local authorities would not be giving any special dispensations due to changes in Herefordshire policy.

#### **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 parents 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.**



# Changes to Herefordshire schools and post 16 SEN transport policy

## Overview and Scrutiny

- Context
  - The council situation
  - Action is proportionate
  - Proper consultation
  - Equality, diversity and respect for human rights
- Cost modelling (achievable, realistic and proportionate)
- Response to consultation
- Justification for the approach to nearest school (not Herefordshire )
- Post 16 SEN proposals
- Effect on families and holidays
- Affordability and choices for September 2014
- Sustainability and Sustainable Modes of Transport Strategy for schools

Summary and reason for making the decisions

## Context - The Council Situation

- Savings of £33m over next 3 years
- Policy decisions in the light of this
  - 1) To provide the statutory minimum
  - 2) 2) Where there is a charge it should be at full cost recovery

*Reference the Medium Financial Resource Strategy 2013/16  
agreed full council February 18<sup>th</sup> 2013*

*Charging principles agreed June 2011 ( appendix C)*

## Context - Transport

- Opportunity to model best practice in transport procurement by having integrated team.
- There is a minimum requirement for home to school transport (distance, safe walking and extended rights)
- Post 16 students with SEN could make a contribution
- Other LAs are taking the same approach

## Policy focus -

- To change the school transport entitlement policy from nearest and catchment to nearest only.
- To introduce a charge for post 16 SEN students
- Maximise charging potential
- Make a more integrated team to coordinate all aspects of transport

## Who will be affected?

- 850 pupils and their families ( 580 secondary and 270 primary ) (24% of those transported or 4% of all pupils)

*There are 21,400 mainstream pupils of whom 3600 are currently eligible for free home to school transport. (17%)*

- 110 post 16 SEN students with SEN are currently transported free of charge

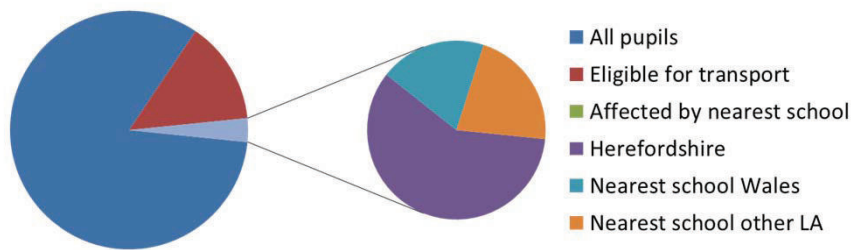
*Currently circa 1200 post 16 riders*

- Schools - particularly those near borders
- Wider residents of Herefordshire

*Travel/mobility, costs and environmental impact*

# Pupils affected

Proportion of pupils affected



## Approach

- Model the implications – sound out ideas
- Formally consult on some specific changes.
- Modify and amend the policy areas in the light of the feedback from consultation
- Undertake an equalities impact assessment
- Reach a considered decision



## The Local Authority budget

- Net annual expenditure on home to school transport is circa £3.5m (£4.6m expenditure and £1.1 income)
- There are approximately 200 contracts across the county and the daily cost is about £25,000
- Average cost of a rider on all school transport is £800
- Current charge for a vacant seat or post 16 rider is £660. ( return daily rate circa £3.50)

## Financial modelling

- Dependent on parents choices
- If all affected went to their nearest school the saving would be circa £680,000 a year. (not considered realistic)
- Assumption - mainstream pupils ( based on existing patterns of parental preference for all other children)  
The £250,000 in the consultation and report assumed over time 60% (500) move to their nearest school – 20% (175) buy a vacant seat and 20% (175) make their own arrangements
- Assumption SEN – continued provision of independent travel training

## Financial Modelling

- The Welsh border consideration

160 pupils max cost saving of £128,000 (160 X £800) assumed cost saving £ 51,000

- The English local authority

180 pupils ( 150 in distance) max cost saving is £120000 (150X £800) assumed £48,000

- KS 4 exemption

£31000 per term per year group

- Phasing of full cost recovery

£50 increase in charge realises approx. £75,000

## Financial impact of decision

- Families –

- Those not eligible to free transport to pay £18.95 week on LA contracted vehicles ( £720 a year) -still not full cost recovery. Other arrangements might be made

- Schools and budgets for pupils

- If pupils move the loss is approx. £4000 per pupil to the school
- Schools could subsidise and/or coordinate transport for those who want it

- The Local Authority overall

- Max effect £680,000 saving – considered unlikely
- Post 16 £74,000 contribution ( 110 x£660 )

- Transport services more widely

- Opportunity to integrate ( budgeted savings of? )

## Consultation

- Initial soundings with web questionnaire and meetings May/ June 2013
- Extensive detailed consultation October November 2013
  - Web
  - Written submissions
  - Petitions
  - Officers attending meetings
  - Head teacher /officer DCS/ lead member meetings
  - School Forum

## Consultation Feedback

- Section 10.3 of the report
  - Nearest school 512 email returns, written submissions, two petitions, 27 children. Parish Councillors, head teachers.
  - SEN 39 responses

## Impact on schools

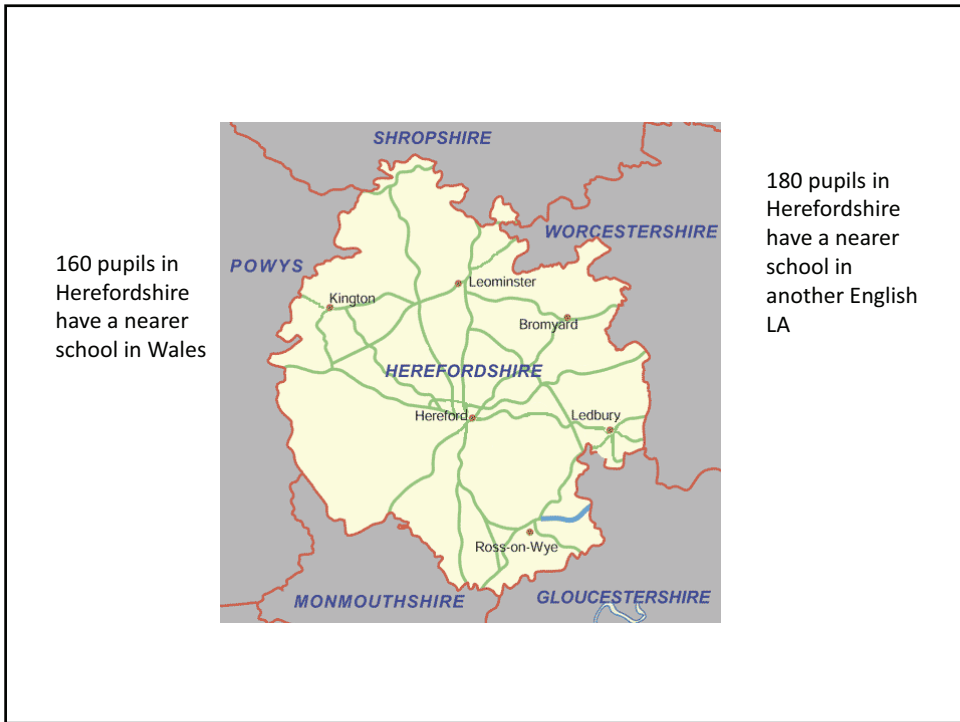
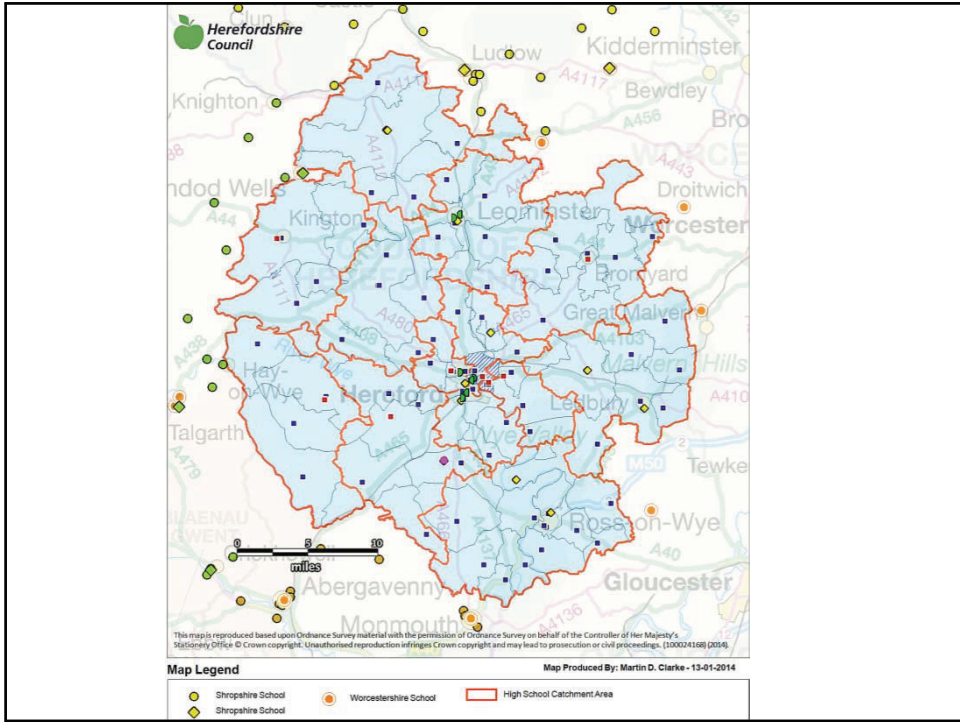
- Loss of pupils(therefore income)

Schools are net importers of pupils from surrounding LAs (and would remain so even if all Herefordshire pupils went to their nearest school which was in another LA ) ( secondary school 300 + Other LA pupils on roll with 180 nearer English LA pupils net import of 120+ )

- Herefordshire has a high number of surplus places so there is a lot of competition for pupils.
- Some schools ( eg. John Kyrle, Wigmore, Weobley, QE, St Marys) are already running and/or coordinating transport

## The Herefordshire borders

- Herefordshire should provide free transport to the nearest school in England. (The Welsh curriculum is very different )
- Offering free transport to nearest Herefordshire school would lead to less savings.
- Would still need to meet the cost of transport where parents/carers express a preference for the nearest school which is out of county.



## Equalities Impact Assessment

( to protect the vulnerable )

- Changes to post 16 SEN may impact on vulnerable and protected group but:
  - Other grants and opportunities are available particularly the bursary scheme that can be applied for individually or through Post 16 provider
- Changes could affect low income families wanting a preferred school.
  - Extended rights are available for secondary (choice of three schools between 2 and 6 miles )

## Holiday issues

- From September 2015 schools can determine their own holiday dates.
- Neighbouring local authorities agree 195 days
  - schools determine 5 of their own professional development days

## Affordability - timing of introduction

- Have easy ways to pay. Eg monthly direct debit
- Cheaper local solutions could be found by communities, schools and the integrated transport unit.
- 6 months gives time to develop these (contracts require 28 days notice)

## School Travel Strategy

- Set out in the Local Transport Plan (part of the Council's policy framework)
  - Current plan adopted March 2013 and covers 2013/14 to 2014/15 (website)
  - Progress reported each year in the LTP Annual Progress Report (website)
  - Focus on supporting schools to develop travel plans and promoting sustainable modes directly to pupils and parents
- Changes in Government (DfE) support
  - withdrew grant funding in 2011 for Travel Advisers and in support of Sustainable Travel General Duty (£47K)
  - Stopped collection of school travel data by removing questions from the Pupil Level Annual School Census (PLASC) July 2011

## School Travel – our support

- LTP/S106 (capital investment):
  - pedestrian/cycle access, sheltered waiting areas for parents, 20mph zones, school warning lights etc.
- Local Sustainable Transport Fund/Bikeability (revenue support):
  - Assistance with travel plan development/review
  - Supporting car sharing and links to wider travel choices programme
  - School travel grants supporting progress on travel plans
  - Bikeability training offered in primary schools and year 7s
  - Annual campaigns (walk to school/be bright be seen etc.)
  - Additional support from February 2014 with Sustrans

## Impact of decision

- Policy and Strategy:
  - Supporting access to the nearest school should, over time reduce transport impacts of school travel and increase economies of scale for provided transport
- Service Planning
  - Close liaison between IPTU and Admissions Team to ensure transport provision is aligned to needs and support parents/schools when entitlement changes
  - Meetings with head teachers to understand local impacts and how schools might respond
  - Opportunities to integrate schools services with public bus services and reduce costs and sustain transport services for wider community benefit



## Council decisions

- Should be providing the statutory minimum and money will be saved.
- Mitigation
  - Herefordshire children should have an education in England if they want one
  - Give fair notice of changes ( September 2014 ) and phase it for those doing GCSE's and level 2 qualifications.
  - Phase move to full cost recovery of vacant seats.
  - Promote alternatives with integrated transport team
  - Keep things under detailed review to judge impact on vulnerable pupils and individual schools.

