



# Saint Joseph's Catholic School

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## Denominational Transport

Section 76 of the 1944 Education Act (replicated in Section 9 of the 1996 Education Act), Principle 7 of the UN Declaration on the Rights of the Child and Article 2 of the First Protocol of the European Convention of Human Rights reinforce the principle that no child shall be denied the right to education in accordance with the wishes of the parents, especially with regard to their own religious and philosophical conventions.

My first question is to ask Cabinet members if they accept that Catholic parents have a right to choose to send their children to a school where their children will be supported in their faith? If this is the case then you must surely accept that the decision to withdraw funding supporting denominational transport will have a negative impact on parental choice. The Council has committed itself to diversity and choice within all its services. By removing transport it is effectively removing choice for some Catholic families who will no longer be able to afford to have their children educated in a Catholic school.

I would like to set out my second question to the cabinet in the light of the historical context for this decision. In 2007 the then Headteacher of St Augustine's and I met with the Director of Education Mr Bob Wolfson. The outcome of that meeting was an agreement on support for denominational transport which involved compromise on both sides and arguably a more equitable arrangement. Since that meeting Catholic schools have kept to their part of the bargain by rigorously assessing each applicant against the criteria (ie being a practising Catholic). The result has been a dramatic reduction in the cost to Wiltshire compared with pre-2006 levels.

The meeting with Bob Wolfson followed a thorough public consultation regarding the proposed removal of denominational transport from 2007. This included public meetings Trowbridge and Salisbury in July 2006. Mr Wolfson, Director; Department of Children & Education and Mrs Bryant Cabinet member for Education were in attendance and saw for themselves the strong feeling from the hundreds of people who attended. In fact feelings were so strong that the Mr Wolfson took the unprecedented step of switching off the phone line of the relevant officer for transport in County Hall.

In the Director's paper to the Cabinet on this issue in 2006, it stresses that denominational transport will need to be subject to consultation and the 'outcome may limit the extent of savings that can be achieved' as well as acknowledgement that 'there is a risk of damage to the Local Authority's relationships with denominational schools and with parents' [par. 28-29].

My question to the Cabinet is with reference to process. Unlike 2006 where there was a full consultation, in 2011 the Local Authority has not consulted in accordance with the guidance on Equality and Human Rights Commission documentation.

'decisions should be subject to robust impact assessment, which should entail a sound consideration of relevant data to identify if the decision may have a negative impact on particular groups, and seek to avoid this. The decision-making process also requires effective consultation and involvement with stakeholders to identify and address relevant issues'

#### Equality & Human Rights Commission 2009

I would like to ask the Cabinet why the Authority has failed to consult properly on such an important question?

I ask this question in part because in my school many of the young people for whom the withdrawal of assistance for denominational transport will have the greatest impact come from minority immigrant communities. Their parents have chosen Catholic schools for their children to support their values. Those pupils currently in school will be directly affected by these proposals.

One of the central obligations under the UN Convention on the Rights of the Child (Article 3) is that in decisions affecting children, their best interests should be a 'primary consideration'. In one ruling Baroness Hale of the Supreme Court stated that while all other considerations could outweigh a child's best interests, 'the important thing...is to consider those best interests first'.

In the context of cutting denominational transport, the 'best interests' duty requires the impact of the decision upon them to have been the first consideration in the minds of the decision-makers. Any decision to cut services without children's best interests being a primary consideration is therefore potentially unlawful. The requirement to act in children's best interests could be enforced in the courts by the child, their parent or another person close to the child.

As a Catholic School community we have great sympathy with the problems facing the Council. I do not believe the decision to look again at this issue is motivated by any anti-Catholic or discriminatory feeling, it is about saving money.

One Catholic school in another county facing a similar situation sought legal advice from Professor Conor Gearty of Matrix Chambers, London. He suggests that the Local Authority may be acting illegally. The Counsel's Opinion was lengthy and complicated but the final paragraph was absolutely clear:

'...in Counsel's respectful submission, the local authority should maintain the policy as it is, on the basis that it is required by law and is not open to change in the way that the authority appears to assume'.

As well as the above questions I would like to make the following points;

- The proposals would put at risk the partnership between the Church and the Local Authority set up as part of the provision to serve a particular community. There is current assumption that Catholic children in Catholic primary schools will move to the appropriate Catholic secondary school. Since this could be some distance away, the removal of this support for travel will affect both the Diocese and local provision and penalise parents who are not able to fund the transport costs, especially if they have more than one child at the school.
- Catholic parents currently have to fund 10% of the capital costs of Catholic schools. If denominational transport were to be removed, they would have to make additional contribution towards the provision of an education enshrined in the 1994 Education Act and supported by an existing partnership between the Local Authority and the Diocese.
- Implementation of the proposal to end assistance for denominational transport would undoubtedly lead to increased car usage in order to transport children to and from school resulting in an undesirable environmental and safety impact.
- Finally I should point out that parents have already made decisions based on existing transport policy and that changing the current policy would have adverse affects on across the county.

Thank you for consideration of these points

Yours sincerely

A large black rectangular redaction box covering the signature of P Hughes.

P Hughes  
Headteacher