

# AGENDA

---

**Meeting:** DENOMINATIONAL HOME-TO-SCHOOL TRANSPORT -  
RAPID SCRUTINY EXERCISE

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham

**Date:** Thursday 8 September 2011

**Time:** 6.30 pm

---

Please direct any enquiries on this Agenda to Henry Powell (01225 718052), of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge. E-mail: [henry.powel@wiltshire.gov.uk](mailto:henry.powel@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

## Membership:

Cllr Peter Davis  
Cllr Mark Griffiths  
Cllr Jacqui Lay  
Mr Neil Owen

Mrs Rosheen Ryan  
Cllr Carole Soden  
Dr Mike Thompson

---

# AGENDA

1. **Election of Chairman**

To elect a Chairman for the rapid scrutiny exercise.

2. **Apologies for Absence**

To receive apologies for absence.

3. **Declarations of Interest**

To receive declarations of interest.

4. **Public Participation**

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement.

Written notice of questions or statements should be given to Henry Powell of Democratic Services by **12.00 noon on Tuesday 6<sup>th</sup> September 2011**. Anyone wishing to ask a question or make a statement should contact the officer named above.

Due to the level of public interest in the issue to be discussed at this meeting, members of the public wishing to make a statement are respectfully asked, where possible, to liaise with others in order to reduce repetition of points and information. This request is intended to enable a more efficient meeting for all.

5. **Denominational Home-to-School Transport**

On 22nd July 2011, the Children's Services Select Committee received a report containing proposals to Cabinet to change the funding of Denominational Home-to-School Transport in Wiltshire.

Having discussed the report, the Committee resolved to undertake a rapid scrutiny exercise at a later date in order to allow members more time with the information included. Members asked that further analyses of the anticipated savings and potential risks of the proposals be provided at the rapid scrutiny meeting. It was also agreed that this meeting would include an opportunity for public participation.

A report from the Corporate Director for Neighbourhood & Planning is attached,

seeking Cabinet approval for a change to the Council's Education Transport Policy, including the withdrawal of denominational transport assistance with effect from September 2012. Cabinet will take its decision on this matter on 13th September. Additional information requested by members is also attached.

**Members are asked to consider the information provided and, if appropriate, make recommendations to Cabinet who will consider this matter on 13<sup>th</sup> September.**

Documents attached

- A. Guide to the Denominational Home-to-School Transport rapid scrutiny exercise  
(**pages 1-8**)
- B. Denominational Home-to-School Transport – report of the Director of Neighbourhood & Planning, to Cabinet on 13<sup>th</sup> September  
(**pages 9-26**)
- C. Additional information for the rapid scrutiny exercise  
(**pages 27-60**)

This page is intentionally left blank

Wiltshire Council

**Denominational Home-to-School Transport – rapid scrutiny exercise  
(Children’s Services Select Committee)**

**8<sup>th</sup> September 2011**

---

## **Guide to the Denominational Home-to-School Transport rapid scrutiny exercise**

1. Given the large amount of public interest in this issue (and consequently this meeting), the following is provided to describe the powers and processes of rapid scrutiny exercises. The exact procedure for the meeting itself will be described by the Chairman on the day.
2. The rapid scrutiny exercise was established by the Children’s Services Select Committee on 22<sup>nd</sup> July. The relevant minute from that meeting is attached at Appendix 1. Having discussed the report, the Committee resolved to undertake a rapid scrutiny exercise at a later date in order to allow members more time with the information included. Members asked that further analyses of the anticipated savings and potential risks of the proposals be provided at the rapid scrutiny meeting. It was also agreed that this meeting would include an opportunity for public participation.
3. The Children’s Services Select Committee’s full terms of reference are included in the attached Appendix 2. In summary, however, the Committee’s main role is to make recommendations to the Council’s Cabinet on matters relating to services for children and young people in Wiltshire. The Select Committee has **no decision-making powers**, but does have powers to require senior officers and Cabinet Members to attend its meetings, and to require a formal response from the Cabinet Member to any recommendations it makes.
4. As well as discussing issues at its main meetings, the Select Committee can also establish smaller working groups of just a few members to look at specific issues in detail. These can be ‘task groups’, which conduct longer reviews (e.g. six months) and meet on several occasions, or ‘rapid scrutiny exercises’, which are formed when an issue requires urgent attention due to tight timescales – rapid scrutiny exercises often therefore have only a few members and meet just once.
5. Rapid scrutiny meetings are not generally open to the public (except where particular individuals are invited to attend as a witness). However, in this case the Select Committee recognised the level of public interest and requested that the meeting included an opportunity for public participation. Statements and questions will be received under item 4 and then members of the rapid

scrutiny exercise will ask questions of officers and executive members and discuss the evidence provided. As is normal procedure for a rapid scrutiny exercise, the chairman will then announce that the meeting will go into a closed session, members of the public and press will be asked to leave, and members will agree their final conclusions and recommendations.

6. When a task group or rapid scrutiny exercise has met and agreed its conclusions and recommendations, a scrutiny officer, in consultation with the chairman of the group, writes these up into a report. Usually the report is then submitted to the next meeting of the Select Committee for formal endorsement, before being submitted to Cabinet for response. However, in cases where Cabinet is scheduled to make a decision on the matter in question **before** the next meeting of the Select Committee (as in this case) the Select Committee can delegate power to that task group or rapid scrutiny exercise to submit any recommendations it agrees **directly to Cabinet**, without referral back to the full Select Committee. In such cases, the report is still submitted to the next meeting of the Select Committee for retrospective endorsement and the decision taken by Cabinet is also reported.
7. In the case of this rapid scrutiny exercise, members will meet on 8<sup>th</sup> September to discuss the matter and agree any recommendations it wishes to submit to Cabinet. These will then be written up into a report, which will be submitted to Cabinet for consideration alongside the report of the Director for Neighbourhood & Planning (included elsewhere in this agenda) at its meeting on Tuesday 13<sup>th</sup> September (10.30am, in the Council Chamber, Bradley Road, Trowbridge). The rapid scrutiny exercise's report will also be available on the Council website.

---

Author:

Henry Powell, Senior Scrutiny Officer  
01225 718052, [henry.powell@wiltshire.gov.uk](mailto:henry.powell@wiltshire.gov.uk)

## Appendix 1

### **Draft Minute from Denominational Home-to-School Transport item considered by the Children's Services Select Committee on 22<sup>nd</sup> July 2011**

#### **Denominational Home-to-School Transport**

The Chairman introduced this item and announced that she would agree to take the report by the Corporate Director for Neighbourhood and Planning, which was made available on Tuesday 19 July 2011, as an item of urgent business because there would not be a further meeting of this Committee to consider and make comments before it was presented to Cabinet for approval on 13 September 2011.

Cllr Richard Gamble, Portfolio Holder for Public Transport, gave a brief overview of the contents of the report, explaining that following consideration of the representations received, and of the financial, environmental, legal and equalities impacts, the following three options were now put forward for consideration:-

Option 1 – implement original proposal to withdraw all discretionary denominational transport assistance with effect from September 2012.

Option 2 – withdraw discretionary denominational assistance with effect from September 2012, but with transitional provisions to assist pupils entering the final year of their GCSE course in 2012.

Option 3 – withdraw discretionary denominational assistance with effect from September 2012, but with transitional provisions to assist all pupils who are already receiving transport.

The Committee received statements from members of the public as follows, expressing their opposition to the proposal:-

Mr Alastair Erdozain – Retired Governor, St John's RC Primary School, Trowbridge

Ms Emma Kayne – Governor, St Patrick's RC Primary School, Corsham

Ms Helen Ward – Parent & Foundation Governor, St Augustine's RC School, Trowbridge

Mr Michael Stevenson – Chair of Governors, St Augustine's RC School, Trowbridge

The Committee also noted that questions had been received from the following members of the public and to whom written responses were given:

Mrs Jane Keogh – a parent

Mr Tony Lowe –

Father Jean-Patrice Coulon – Parish Priest, Our Lady, the Immaculate Conception, Devizes

The Committee also received letters opposing the proposal from:

Dr Michael Thompson – representing Clifton RC Diocese

Mr Paul Hughes – Headteacher, St Joseph’s RC School, Salisbury

During the ensuing debate the following points were raised:

- A suggestion was made that a Rapid Scrutiny Exercise be arranged in order to give more time for consideration to be given to the contents of the report prepared by the Corporate Director for Neighbourhood and Planning. The Exercise should be open to the public and its views and comments would be forwarded to Cabinet to consider at its meeting on 13 September 2011.
- Whilst supporting in principle the setting up of a Rapid Scrutiny Exercise, a number of Members considered that all Members of the Select Committee should be invited to participate, rather than a small number of its membership, bearing in mind that the Rapid Scrutiny Group would be sending its views and comments direct to Cabinet.
- Many parents make arrangements for their children’s primary or secondary education to be carried out in one school and to be suddenly faced with having to either pay for denominational school transport or finding a totally new school might not viable.
- Consideration should also be given to a further Option of no change to the current arrangements and a detailed examination should be given to costing figures provided.
- The following members of this Select Committee expressed an interest in taking part in the rapid scrutiny exercise:

Cllr Christine Crisp, Cllr Peter Davis, Cllr Mark Griffiths, Cllr Russell Hawker, Cllr Jon Hubbard, Cllr Jacqui Lay, Cllr Carole Soden, Mr Neil Owen, Mrs Rosheen Ryan and Dr Michael Thompson.

After further discussion,

**Resolved:**

- 1. To establish a Rapid Scrutiny Exercise to consider the proposals to Cabinet on Denominational Home-to-School Transport and to make recommendations as appropriate, this meeting to take place prior to Cabinet’s meeting on 13 September 2011 and to include an opportunity for public participation.**



- 2. To request that the Chairman and Scrutiny Officer liaise with the Cabinet Member and officers to ensure that the further information requested by members is made available for the Rapid Scrutiny Group.**

## **Appendix 2**

### **Terms of Reference of the Children's Services Select Committee**

- (1) To review and scrutinise any matter relating to the planning, provision and operation of children's services in Wiltshire
- (2) To consider any matter relating to children's services affecting the area or its inhabitants, including matters referred by area boards and Councillor Call for Action, and exercise the right to call in, for reconsideration, decisions made but not yet implemented by the cabinet
- (3) To make arrangements to secure continuous improvement in the way in which the function of education and children's social care services are exercised, having regard to a combination of economy, efficiency and effectiveness
- (4) To commission groups of members to carry out scrutiny activities and reviews relevant to the annual work programme's priorities
- (5) To carry out strategic oversight of the scrutiny activities the committee commissions, including task groups and rapid response exercises
- (6) To establish and publish an annual work programme that ensures a thorough but focussed overview of the plans, strategies, policies and decisions of children's services in Wiltshire, including those provided and commissioned by the council, and those delivered by partners – using the Wiltshire children's trust board as a key focus
- (7) To foster and encourage an inclusive, structured, non-partisan and non-adversarial approach to overview and scrutiny, which is reliant on evidence rather than anecdote
- (8) To meet at least four times a year to consider reports from task groups and other commissioned individuals/groups, and to receive reports on the assessment/inspection of services within the department for children & education
- (9) To contribute to policy development within children's services
- (10) To use the cabinet forward work plan to identify and provide appropriate contributions to key and other decisions relating to children's services

- (11) To hold the relevant cabinet member/s and officers with delegated responsibility for children's services to account
- (12) To require cabinet members and officers to answer questions raised by the committee, its task groups and other groups or individuals commissioned to carry out its work
- (13) To hold children's services' partners to account, particularly those listed within the local area agreement and local agreement for Wiltshire
- (14) To work with partners and other public and private sector agencies to identify issues of concern and work together to improve services for children
- (15) To invite and receive evidence from external witnesses, including service users and providers
- (16) To make reports and recommendations to the council, cabinet, department for children & education, or partners on any matter reviewed or scrutinised
- (17) To manage and coordinate the training and development of elected members and other representatives involved in the overview and scrutiny of children's services
- (18) To develop appropriate overview and scrutiny operational protocols, including:
  - (a) involving and engaging with children, young people and their families
  - (b) joint working with the health overview and scrutiny committee on public health matters as they impact on children and young people
  - (c) maintaining effective communication with the Corporate Parenting Group to facilitate joint working where appropriate
  - (d) maintaining and further developing constructive relations with the executive, especially between the relevant cabinet member/s and the chairman and vice chairman of the committee
  - (e) working and involving partners in scrutiny activities

- (f) developing a productive interface with the area boards, including support for local task groups and links through which Councillor Calls for Action and petition appeal requests can be channelled

**Subject: Denominational Home-to-School Transport**

**Cabinet Member: Councillor Dick Tonge - Highways and Transport**

**Key Decision: Yes**

### **Executive Summary**

As a result of significant budget pressures, the Council has had to review all the services it currently provides. This has included a review of all discretionary transport provision, including denominational home-to-school transport. A letter has been sent to parents and schools informing them of the proposal to withdraw discretionary denominational transport with effect from September 2012 and giving the opportunity to respond. A significant volume of representations have been received, and these are summarised as an appendix to this report. As a result of the representations, two further options have been developed which are presented alongside the initial proposal.

### **Proposals**

From the three options presented, Option 2 is recommended (withdraw discretionary home-to-school transport assistance for children attending a denominational school on grounds of their religion) with effect from September 2012, but with transitional funding of £409 per student made available to the schools for a period of one year only to assist with the costs of transport for students already receiving transport who will be entering year 11 (their final GCSE year) in September 2012.

### **Reason for Proposal**

To achieve savings that will be required to balance the budget, while providing continuity of education for pupils already attending a denominational school who will be entering their final year of GCSE studies in September 2012.

**Mark Boden  
Corporate Director, Neighbourhood and Planning**

## Wiltshire Council

Cabinet  
13 September 2011

Children's Services Select Committee  
22 July 2011

---

**Subject:** Denominational Home-to-School Transport

**Cabinet Member:** Councillor Dick Tonge - Highways and Transport

**Key Decision:** Yes

---

### Purpose of Report

1. To seek approval for a change to the Council's Education Transport Policy in respect of denominational home-to-school transport in order to achieve financial savings.

### Background

2. As a result of significant budget pressures, the Council has had to review all the services it currently provides. As far as is possible, it is seeking to make savings from improvements in efficiency and procurement, but these are not enough on their own and it has also been necessary to consider whether it can continue to afford to provide services that are discretionary – i.e. not required by law.
3. Currently, the Council provides subsidised home-to-school transport for children attending a denominational school on grounds of their religion; this is over and above that provided for children not attending a denominational school. This assistance is discretionary and was reviewed in 2006/7, at which time a charge was introduced. Information about the current scheme (number of pupils benefiting, the schools attended, and the cost of the transport) is attached as **Appendix 1**. It can be seen that the current charge to parents only covers a proportion (on average around half) of the cost. The law requires local authorities to provide free home-to-school transport for children attending the nearest denominational secondary school where the child receives free school meals or the parent receives the maximum level of Working Tax Credit for their case, and where the school is at least two miles, and no more than 15 miles, from home. In all three options the Council will continue to provide free transport in these circumstances.
4. A letter was sent on 5 May to all parents receiving denominational transport assistance, to the headteachers of affected schools, and to the Clifton Diocese, explaining the Council's proposals and stating that Cabinet would be asked to approve proposals at its meeting in September. In order to make it clear what channels were available for representations to be made to the Council about the proposals, a further letter was sent to the parents and headteachers on 27 May giving details of the date and venue of the Cabinet

meeting and of the rights to attend that meeting, and explaining how representations could be made.

5. At the Cabinet meeting on 24 May the Leader of the Council emphasised that no decision had been made by Cabinet, and that the decision would be made at their meeting on 13 September.
6. A meeting has also been held between Members of the Cabinet, the Head of St. Augustine's School and a representative of the Clifton Diocese to discuss the proposals.
7. A summary of the representations received, and the issues raised (together with the Council's response to these), is attached as **Appendix 2**.
8. Following consideration of the representations received, and of the financial, environmental, legal and equalities impacts outlined below, three options are now put forward for Cabinet to consider:

**Option 1** – implement original proposal (withdraw all discretionary denominational transport assistance with effect from September 2012)

- From September 2012 the Council would cease to provide transport for pupils attending denominational schools on the grounds of denominational preference, except where there is a legal entitlement to free transport (i.e. for low income families in certain circumstances, as described in paragraph 3).
- During 2011/2012 Council officers would seek to support the schools to arrange their own transport, to try and ensure that, as far as possible, transport continues to be available but funded by the users or from other sources rather than by the Council.

**Option 2** – withdraw discretionary denominational assistance with effect from September 2012, but with transitional provisions to assist pupils entering the final year of their GCSE course in 2012

- As Option 1, but;
- The Council would provide a fixed amount of funding direct to the schools, to assist them with the costs of providing transport for pupils who are part-way through their exam course when the new policy takes effect. The payment would be for one year only, and would be based on the number of pupils at the school already receiving transport and who would be entering their final year of GCSE studies in September 2012. It is suggested that this would be set at £409 per pupil, which is equivalent to the average overall cost per head of providing the existing transport in 2011/12, less the 2011/12 parental contribution. Transport would have to be arranged by the schools affected.

**Option 3** – withdraw discretionary denominational assistance with effect from September 2012, but with transitional provisions to assist all pupils who are already receiving transport

- As Option 1, but;
- The Council would provide a fixed amount of funding direct to the schools, to assist them with the costs of providing transport for all pupils who are already attending the school, each year until they leave. The payment would be made once each year and would be for a fixed amount per pupil, for each child still attending the school who was receiving transport in the 2011/12 academic year. The overall amount paid by the Council would therefore decrease each year as successive year groups leave the school. It is suggested that the amount paid per pupil would be set at £409 per pupil, which is equivalent to the average overall cost per head of providing the existing transport in 2011/12, less the 2011/12 parental contribution. Transport would have to be arranged by the schools affected.

### **Main Considerations for the Council**

9. The Council will need to balance the need for financial savings against the impacts identified elsewhere in this report, and in the representations received from parents and schools (summarised in **Appendix 2**). The main issues to be considered include:
  - Restricting choice – the proposals would make it more difficult for parents, especially those on lower incomes or with more than one child in the family, to send their children to a school of the faith to which they adhere.
  - Financial hardship – the proposals could cause financial hardship for parents who already have children at a denominational school, as the cost of transport would be likely to increase significantly or may not be available at all (although children from the lowest income families would continue to receive free transport). Options 2 and 3 would mitigate the impact of this to some extent.
  - Continuity of education – the proposals could oblige some parents to transfer children currently receiving transport assistance to another school if there is no alternative transport available or they are unable to afford the higher cost. Options 2 and 3 would mitigate the impact of this to some extent.
  - Impact on denominational schools – it is argued in some of the representations received that the proposals would have a detrimental impact on the viability of the denominational schools, and that their ethos would change if fewer adherents to the faith are able to apply and their places are taken by children from other backgrounds. A consideration, raised by the schools and the Diocese, is that the financial contribution to the running of the schools made by the Church benefits the Council by reducing the funding it has to provide, and that the subsidy for transport compensates for this.



## **Environmental and Climate Change Considerations**

10. Removing the home to school transport subsidy for children at denominational educational establishments would be likely to result in pupils travelling to school using a number of different modes. If this were to happen, there would be a number of potential detrimental environmental impacts, including an increased carbon footprint (as not as many children will be using mass transport), increased volumes of road users and decreased air quality arising from more vehicular movements.
11. The extent of these detrimental impacts would depend on the extent to which alternative transport arrangements were able to be made by the schools, and the nature and cost of these arrangements. The Council has offered to support the schools to make their own transport arrangements (or take over existing contracts) so that this impact is minimised. Options 2 or 3 would also reduce the potential environmental impact to some extent during the transition period. The Council is also able to assist schools in developing a travel plan with targeted objectives and feasible projects that aim to make home to school travel more sustainable.

## **Equalities Impact of the Proposal**

12. The equalities impact of the proposals would again depend on the extent to which alternative transport arrangements are able to be made by the schools to replace the current services that are provided under contract to the Council. The Council has offered to support the schools to make their own transport arrangements so that the impacts are minimised, as without these there would, in some areas, be no suitable transport available and parents would have to make their own individual arrangements. If alternative arrangements could be made, the impacts would be lessened, as transport would still be available, but the charging arrangement would have to be made by the school concerned. Options 2 and 3 would again mitigate the impacts to an extent, as described below.
13. The main impacts would be as follows, and would particularly affect the following groups:
  - Adherents to the Roman Catholic faith - although the denominational transport policy applies equally to all faith groups, in the Wiltshire context recipients are all from the Catholic faith.
  - Lower income families – although some children from low income families will continue to receive statutory free transport, families falling just above the qualifying income threshold may suffer financial hardship if they choose to continue attending a denominational school.
  - Families with more than one child attending a denominational school – for whom the costs of transport are multiplied if charged per seat.
  - Families living in areas where it is not possible to arrange alternative transport – this will depend on what alternative arrangements can be

agreed with the schools, but may particularly affect some rural areas where transport is currently expensive to provide (e.g. where taxis are used).

**Impact 1 - restriction of ability to choose a school of the faith to which the family adheres**

14. This is identified as a major concern in the majority of the representations received. The Council continues to recognise and support faith schools as providers of education. However, it also has to take into account the financial cost to council tax payers in general of providing transport. It is also noted that although the Council supports the right of all parents to send their children to a preferred school for other reasons, (e.g. educational preference) it has a policy that it is not able to provide financial assistance for transport. Although it can be argued that the ability to choose a school that allows a child to grow up with the values of the faith to which the family adheres is not the same as choosing a preferred school on educational grounds, there are others who would argue that it is not fair that some groups receive funding to support their choice of school, while others do not.

**Impact 2 – financial hardship**

15. This is another of the main concerns raised in the representations received. Transport is expensive to provide – this is why the Council is unable to fund transport for parents who choose to send their child to a more distant school on grounds of parental preference, and is why it is now proposing to withdraw assistance for denominational transport. The average cost to the Council of providing the existing transport is £781 per pupil per year, to which parents currently contribute between £302 and £400, depending on distance and age (2010/11 charges). In some cases (e.g. in some rural areas where taxis are used) the cost to the Council is very much higher – although the charge to parent remains the same. If parents have to pay a higher proportion of the costs, or make their own transport arrangements if the schools are unable to provide transport that meets their needs, then this could be a significant burden for families who are on a relatively low income but are above the threshold for statutory free transport, and particularly those who have more than one child at school. However, this would depend on the charging arrangement made by the school concerned.
16. Option 2 would mitigate the financial impact for pupils who will be in their final GCSE year in 2012/13, and Option 3 would mitigate the impact for all pupils who are already at a denominational school and receiving transport. The extent of the mitigation would depend on how the schools were able to use the transitional funding allocated to them and, in particular, whether they were able to make cost-effective arrangements for (for example) transport from the more isolated rural areas, and what charges they would make to parents.

**Impact 3 – continuity of education**

17. If the availability of transport is reduced, or the cost to parents increased significantly, it is possible that some parents with children already at a denominational school would be obliged to move them to another school. This would cause disruption to the child's education and be unsettling.

18. Several of the representations received have expressed particular concern about the impact on GCSE students who may have to transfer part-way through their course. Option 2 is proposed as a way of mitigating the impact on this particular group of students (the year group who will be starting their GCSE studies in year 10 in September 2011, and will take their exams in the year beginning September 2012). Option 3 extends this mitigation to all students who are already at a denominational school and receiving transport.
19. In both cases, the extent of the mitigation would again depend on how the schools were able to use the transitional funding allocated to them and, in particular, whether they were able to make cost-effective arrangements for (for example) transport from the more isolated rural areas, and what charges they would make to parents.

### **Risk Assessment**

20. There is a risk that if a large number of children transfer to other schools as a result of the implementation of the proposals, there might not be the capacity to accommodate them in their nearest local school. If this were the case, the Council would be obliged to provide transport to the next nearest suitable school, and this would erode the savings achieved.
21. The Admissions Team have analysed the data for children attending the schools by year group and have concluded that, should denominational transport be withdrawn, there will be places at the pupils' designated local school for any applications made in the normal admissions round, e.g. admission into reception or year 7. However, if parents of pupils already attending denominational schools decide to withdraw their children, and then seek a space at their local designated school, it may not be possible to secure a school place as the year group may already be full. The schools where this has been identified as a potential issue are as follows:
  - St. Laurence Secondary School, Bradford-on-Avon
  - Corsham Secondary School, Corsham
  - Devizes Secondary School, Devizes
  - Lavington Secondary School, Market Lavington
  - Broughton Gifford Primary School, Broughton Gifford
22. The extent to which this will result in extra cost to the Council is hard to assess, as it will depend on the number of children who seek to change school, the number of spare places available in the relevant year group, and whether transport to the next nearest school is already being provided for other children. It has been assumed that most parents will want their children to remain at the current school, and that the schools will be able to make alternative arrangements that will enable most to do this; however, the savings estimates shown below include an allowance for a limited amount of extra transport to alternative schools. The risk would be significantly reduced with Option 3, and this is also taken into account in the financial calculations.

23. It has been assumed that, if the proposals are approved, the denominational schools will be able and willing (with support from Council officers) to make alternative transport arrangements, such that transport will continue to be available for most of those who need it. If this is not the case, the impacts on pupils and their families will be much greater as other existing transport services are not sufficiently extensive, or do not have sufficient capacity to cater for the numbers of children currently travelling in some areas.
24. There is a risk that if a decision on the proposals is deferred, the period of notice given to parents and schools will be insufficient to allow them to make alternative arrangements. It is recognised as 'good practice' (though not a statutory requirement) to give 12 months notice of major changes to transport policy such as this.

### Financial Implications

25. The current denominational transport policy, under which the Council provides transport and levies a charge for its use, was introduced in September 2007 and was phased in such that it only applied to new pupils starting at the school. There are still some children (those currently in years 11 and above) who are receiving transport assistance under the pre-2007 policy and do not pay a charge. Under the existing policy there will therefore be additional income (estimated at £30,000) that will accrue to the Council over the next two years (2011/12 and 2012/13).
26. The additional savings from implementing the options outlined in this report, on top of those being achieved under the existing policy, are estimated as follows. All figures are best estimates at the time of writing and are liable to change:

#### Option 1

2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
£153,000	£159,000	£160,000	£161,000	£162,000	£162,000	£162,000

*(Savings achieved from withdrawing transport contracts (net of income from charges), less an estimated cost for continuing to provide free transport to meet statutory requirements; and for providing transport to alternative schools where children transferring cannot be accommodated in their local school; and for the cost of continuing to provide transport for sixth form students who will continue to be entitled to transport assistance under the 'same cost' provisions of the Council's Post 16 Education Transport Policy.)*

#### Option 2

2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
£132,000	£159,000	£160,000	£161,000	£162,000	£162,000	£162,000

*(As for Option 1, less an estimated one-off payment to the schools in 2012/13)*

### Option 3

2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
£38,000	£69,000	£100,000	£134,000	£158,000	£160,000	£162,000

*(As for Option 1, less an estimated payment to the schools each year up to and including 2017/18; 2018/19 would be the first year in which the full savings would be achieved, although the bulk - £158,000 – would be achieved by 2016/17). Also with a reduced estimate for the cost of providing transport to alternative schools, where children transferring cannot be accommodated in their local school)*

### Legal Framework

27. Section 509AD of the Education Act 1996 places a duty on local authorities in fulfilling their duties and exercising their powers relating to travel, to have regard to, among other things, any wish of a parent for their child to be provided with education or training at a particular school or institution on grounds of their parent's religion or belief. There is, however, no general duty to provide transport.
28. The exception to this is for children of parents on low incomes who attend the nearest suitable school preferred on grounds of religion or belief, where they live more than two miles but not more than 15 miles from that school. These are defined as 'eligible children' by the Education Act 1996, and the authority has a duty to provide free transport in these circumstances. The proposals take this into account.
29. The authority has a duty under the Equalities Act 2010 to consider the equalities impacts of its actions, and to demonstrate that these have been taken into consideration when decisions are made, and that the decision is proportionate with its Public Sector Equality Duties. Religion or belief is defined as a 'protected characteristic' by the Act, which must be taken into consideration. This process has been followed in drawing up the current report, and relevant equalities issues are considered in paragraphs 12-19.
30. DfE guidance states that local authorities "should consult widely on any changes to their local policies and that such consultations should last for at least 28 working days during term time". It is considered that the letter sent to parents and schools on 5 May, and the subsequent letter of 27 May, has provided ample opportunity for those affected to make representations. The issues raised in the representations are reported in **Appendix 2**, and reflected in the body of the report and in the three options that are put forward for Cabinet to consider.
31. The same Guidance also says that "as much notice as is reasonably possible should be given of any changes to support given to parents, so that they can make alternative arrangements". By bringing the report to Cabinet in September 2011, it is intended to give parents and schools adequate notice so that there will be ample time to make new arrangements, both for pupils already at the school and for those who are considering applying to a denominational school to start in September 2012.

32. The Guidance also says that it is good practice that any such changes should be phased in and come into effect as pupils start school. The Council is required to have regard to DfES guidance, but (particularly in the case of suggested “good practice”) can depart from it if there are sound reasons for doing so. Financial considerations are relevant in this context, and are the reason why the option to phase in the proposal was rejected (see paragraph 34 below). However, Option 3 does provide an alternative ‘phased’ option, although still with a major impact on the timescale over which the financial savings would be achieved.

### Options Considered

33. The Council’s Business Plan for 2011-15 identifies the need to make significant reductions in spending, and puts forward a strategy for achieving these through reductions in management costs, improved procurement and commissioning, workplace transformation, systems thinking reviews, raising income, and reshaping services to improve efficiency and focus on priorities. The preferred option has been to make savings that will not impact on service users, and transport has played its part in these, with major savings identified or achieved from procurement and efficiencies. However, due to the scale of the reductions in spending needed, it has also been necessary to review all discretionary (i.e. non-statutory) transport and consider all options in respect of these. In addition to the current proposals in respect of denominational transport, savings of £600,000 are being made in 2011/12 from changes to public bus services. It was considered that the other major area of discretionary education transport spending, the Post16 Transport Scheme, that provides assistance for students attending sixth forms and FE colleges, should be retained owing to its importance in providing access to further education for young people.
34. At the stage of considering what changes might be made to achieve savings from denominational transport, the following options were considered in addition to the current proposal:

**Option A** – increase charges by up to 20%; rejected as the savings achieved would be much lower (less than £20,000).

**Option B** – increase charges to the point where the service became self-funding (this would require a charge of at least £800 per annum per pupil); rejected as savings are uncertain, and would depend on parental reaction to a significantly increased charge.

**Option C** – phased withdrawal; the Council would continue to provide transport for pupils already attending the schools as at September 2011, but not for new starters in subsequent years. Rejected as the Council would still have to meet the cost of the transport until numbers had declined to the point where transport contracts could be combined or withdrawn, so the bulk of the savings would not be realised until much later. If there was an ongoing demand for transport at this stage it would also then be necessary to find a way of providing this without Council funding.

35. The current report puts forward three options for Cabinet to consider, as described above. Option 1 is the initial proposal as detailed in the letter to parents and schools; Options 2 and 3 have been developed subsequently to address some of the concerns raised by those who have responded.

## **Conclusions**

36. Taking into account the representations that have been received, and the assessment of impacts above, it is recommended that Option 2 is approved. Option 3 is also put forward for consideration; this would further mitigate some of the impacts of the initial proposal, but would defer the timescale over which the savings would be achieved. This would require compensating savings to be made from elsewhere in the Council.

## **Mark Boden**

Corporate Director, Neighbourhood and Planning

Report Author:

**Ian White**

Head of Service, Passenger Transport

Tel No. (01225) 713322

---

## **The following unpublished documents have been relied on in the preparation of this Report:**

Passenger Transport Policy Review (internal report)

Denominational Transport Review Summary (internal working document)

## **Appendices:**

Appendix 1 – Current arrangements

Appendix 2 – Summary of responses received

This page is intentionally left blank



## Current denominational transport policy; background information

### Policy

#### **Before September 2007**

Primary schools - free transport for pupils living 3-5 miles from school  
 - pupils living more than 5 miles from school received a daily allowance of £1.86 towards cost of transport

Secondary schools - free transport for pupils living 3-10 miles from school  
 - pupils living more than 10 miles from school received a daily allowance of £2.85 towards cost of transport

#### **From September 2007**

- Children already at school - previous policy continues to apply until they change or leave school (so pupils in current years 11, 12 and 13 will continue to receive transport under the old policy until they leave).  
 Tighter criteria and procedures introduced for checking that families are regular attenders at church.
- New starters – required to pay a contribution towards the cost of transport. Charges (as at September 2010);

Primary £302 per annum

Secondary £302 - £400 per annum depending on distance

Spare seats sold to non-entitled children (e.g. those not meeting the 'churchgoing' criteria) at a charge of £131 - £267 per 'double term' (i.e. 3 payments in a full year) depending on primary / secondary and distance.

#### **From September 2008**

Education & Inspections Act introduced a new entitlement to free transport for children from low income families – where the child receives free school meals, or the parent receives the maximum level of Working Tax Credit for their case – where they are attending their nearest denominational secondary school (for reasons of faith), and the school is at least 2 and no more than 15 miles from home.

## Facts and figures

429 students are receiving transport under the policy, plus 27 who are not entitled but purchase spare seats. These attend:

### Secondary schools

Trowbridge St Augustines	297 (plus 5 spare seats)
Bath St Gregory's	47 (plus 22 spare seats)
Salisbury St Joseph's	12
Swindon St Joseph's	4
Bath St Marks (C.E.)	2
<i>Total Secondary</i>	<b>389</b>

### Primary Schools

Amesbury Christ the King	1
Corsham St Patricks	30
Calne St Edmunds	9
Chippenham St Marys	3
Salisbury St Osmunds	3
Malmesbury St Josephs	3
Wardour nr Tisbury	9
Devizes St Josephs	1
<i>Total Primary</i>	<b>59</b>

Types of transport arrangement used (and numbers of students):

St Augustine's – contracted buses from Melksham area (73) and Warminster area (66). School organised buses from Devizes (150), service bus from Bradford on Avon (15)

St Gregory's – contracted bus from Chippenham, via Corsham (69)

Salisbury St Josephs – service buses from Amesbury (4) and Salisbury (5), rail from Tisbury (2)

Swindon St Josephs – service bus from Calne (1) via Wootton Bassett (3), west Swindon (Wiltshire) (1)

Corsham St Patricks – contracted buses from Melksham area (26)

Other arrangements include taxis and petrol allowances

## Costs

Gross annual cost of provision	<b>£349,000</b>
Estimated annual income by 2013/14 (when phased intro of 2007 policy complete)	<b>£166,000</b>
So, estimated net cost of provision by 2013/14	<b>£183,000</b>
Average gross cost per pupil entitled to transport	<b>£781</b>
Average net cost per pupil entitled to transport (from 2013/14)	<b>£409</b>

## Summary of representations received and issues raised

**Total responses received** **213**

Of which;

From individuals (mainly parents)	196
From schools and Church representatives	17

134 letters were exactly the same

125 respondents live in the Devizes area

In addition, a petition of 450+ signatures was considered by Council on 12 July. A further petition of approximately 250 signatures was presented to the Prime Minister.

*NB 1 Some respondents contacted more than one person in the Council (e.g. local member, leader, Cabinet members, officers). These have been recorded as a single response.*

*NB 2 Many responses (approx 35%) were the same letter received from different people. These have been recorded as separate responses.*

### **Issues raised**

Below is a summary of the issues raised, and the number of times each issue was mentioned. A brief response is given in italics below each issue.

A folder including all the responses is available for inspection in the **Members' Room**.

**This proposal discriminates against / denies a faith preference. The Prime Minister holds faith schools in high regard. The law encourages local authorities to support faith schools.** (mentioned in 167 responses)

*The Council recognises the wish of some parents for their children to attend a faith school. However, there is no legal duty on the Council to provide transport, and it has to balance the cost of maintaining the current level of assistance against the need to respond to the significant financial pressures now facing all local authorities. The Council has stated that it will support schools to make their own transport arrangements so that as far as is possible, children are able to continue to attend faith schools where their parents express a preference to do so.*

*Although the Prime Minister may have expressed this view, the Government has not offered local councils any additional support to fund the costs of transport, and the overall reduction in local authority funding has meant that all areas of discretionary provision have had to come under increasing scrutiny.*

*The law requires local authorities to 'have regard' to parents' wishes for their children to attend a faith school. However, it does not require local authorities to provide transport (except for low income families). Local authorities are having to make difficult decisions about what services they will continue to provide given the requirement by Government to significantly reduce public spending during the course of this parliament.*

**A proper consultation should be carried out** (mentioned in 178 responses)  
*The Council has written to parents, schools and the Diocese making it clear how representations can be made about the proposals, both in writing and by attending the Cabinet meeting. The responses received are reported below and will inform Cabinet's decision. The decision will be made at the cabinet meeting, no decision had been made prior to the letter being sent out. A high level meeting has also been held between members of the Cabinet, the Head of St Augustine's School, and a representative of the Clifton Diocese.*

**The changes should be phased in, not cease at once / it is unfair to withdraw this for those already at a school or starting next term** (mentioned in 141 responses)

*Phased withdrawal was considered as an option at the early stages, but rejected as the Council would have to continue providing most of the existing transport until numbers travelling had reduced to the point where buses could be withdrawn, or arrangements made for the funding and operation to be transferred to another body such as the school or a parents' club. A revised proposal for phased withdrawal, with transitional funding provided to the schools to assist them with providing alternative transport, is included as Option 3 in the report. This would however defer the majority of the financial savings until 2015/16 and later.*

**Some children will need to move to other schools – this will be unsettling. GCSE students may have to change schools halfway through their course. The Council has not considered the wider impact of unsettling pupils and how this will affect communities.** (mentioned in 163 responses)

*It is recognised that, as the Council is having to make difficult decisions, some parents may also have to make difficult choices about their child's place of education and that this would be unsettling. The Council has stated that it will support schools to make their own transport arrangements so that as far as is possible, children are able to continue to attend the same school.*

*It is recognised that GCSE students part way through their exam course could be affected by a change of school at such an important time. To minimise the risk of this happening, the recommendation in the report is to adopt a revised proposal option 2) that would provide the schools with transitional funding to assist with providing transport for students who are already in the final years of their GCSE studies.*

**There will not be enough spaces at other schools if children need to transfer, and the Council will not make the savings it expects as it will have to provide transport to the next nearest available school** (mentioned in 147 responses)

*The risk of this occurring has been evaluated and taken into account in estimating the expected financial savings.*

**Faith schools contribute significantly to the educational standards achieved in Wiltshire** (mentioned in 156 responses)

*The Council acknowledges the significant contribution to educational standards made by faith schools. The former Wiltshire County Council's decision to provide assistance with transport to faith schools over twenty years ago has enabled such schools to develop and flourish in that time. However, this help has always been at the discretion of the local authority and is not required in law, and the financial pressures facing the Council have necessitated a review of all discretionary provision.*

**The RC community already contribute 10% of school costs through church collection plates** (mentioned in 9 responses)

*The contribution to school costs made by the Church is acknowledged, but does not diminish the need to review the affordability of discretionary transport assistance at a time of increased financial pressures.*

**This proposal will result in an increase in car use, impacting on the environment / health and safety** (mentioned in 164 responses)

*The Council has stated that it will support the schools to make their own transport arrangements, with the aim of ensuring that transport continues to be available for those who want to use it. This would help to mitigate any adverse environmental or health and safety impacts.*

**There is no other transport available in rural areas** (mentioned in 6 responses)

*It is recognised that those in more rural areas may have difficulties accessing transport, and that schools may have to investigate alternative ways of providing cost-effective transport (for example car sharing) in some places.*

**This subject should be scrutinised by Children's Services Select Committee** (mentioned in 1 response)

*The report is being considered by Children's Services Select Committee on 22 July.*

**It places a greater financial pressure on parents. Some households will not be able to meet the new transport costs.** (mentioned in 161 responses)

*Children from households with the lowest incomes will continue to be entitled to free transport. It is acknowledged that if parents have to pay a higher proportion of the transport costs, or make their own arrangements, those who are on relatively low incomes but are above the qualifying threshold for free transport, may find difficulty in meeting the cost. However, this would depend on the charging arrangements made by the school for any new arrangements that they put into place.*

*Unfortunately, where an educational or faith preference is being made, there is generally no responsibility placed on local authorities to assist with transport, and given the financial pressures faced by local authorities the Council has had to review its ability to continue to provide assistance in these circumstances .*

**The Council will still need to provide transport to local schools for many children so full savings will not be realised** (mentioned in 134 responses)

*In the vast majority of cases, transport already exists to the local school and in most cases children who transfer to a local school (and are entitled to free transport) could be accommodated at no additional cost to the Council.*

**Wiltshire has not been affected by Government cuts as much as other authorities** (mentioned in 11 responses)

*Following its move to unitary status, the Council has been better placed than many other local authorities in its ability to respond to the need for spending reductions. However, it has still been necessary to review all areas of discretionary spending in order to respond to these and other financial pressures such as the rising demand for services due to demographic and social changes.*

**This is against the Government policy allowing preference** (mentioned in 163 responses)

*The law regarding school admissions allows parents to express a preference for a particular school, even if that is not the nearest one. The law regarding school transport entitlement only makes local authorities responsible in cases where the nearest school is attended and when certain distance criteria are also met. The Council's policy has always been that it will not fund transport assistance for children attending a preferred school for educational or other reasons; the proposed withdrawal of assistance for children attending a preferred school for faith reasons would (if approved) bring the policy for denominational preference into line with that which already applies for families who express a preference for other reasons.*

**Other issues raised** (mentioned in xx responses)

**This will lead to a reduction in funding for the school as the numbers on roll drop**

**Non-faith parents will take up places at the school and change the ethos. Religious teaching is important to us**

**This discriminates against lower incomes.**

**I will have to give up work to take my children to school – this contravenes my human right to work**

**This will affect parents whose children can't access public transport – it will not be possible to drop and collect children by car**

**This will result in children from the same family attending more than one school**

**Parents will car-share, more cars on the road**

**The Council should use the money wasted in other areas before taking from this group**

**This should be postponed for 12 months to allow more time for alternative plans**

**NB** This is a summary of responses received in the Education Transport team by 13 July 2011. Any response received after this date will be included in final total and made available to Members for Cabinet on 26 July.

## Wiltshire Council

### Denominational Home-to-School Transport – rapid scrutiny exercise (Children’s Services Select Committee)

8<sup>th</sup> September 2011

---

#### Additional information provided for the rapid scrutiny meeting

**Note:** The information included below is in addition to that contained within the report to Cabinet, which is included elsewhere in this Agenda. References to the appropriate paragraph within the Cabinet report are included below where possible.

---

#### 1. Financial implications

Further information has been requested about the figures and assumptions used in the calculation of the estimated savings for the three options shown in the ‘Financial Implications’ section of the report (paragraphs 25-26).

The calculations in respect of **Option 1** are shown in the table below:

1	Gross annual cost of provision (2010/11 costs)	£349,000	
2	Estimated income by 2013/14 (when phased introduction of charging begun in 2007 will be complete)	£166,000	<i>2010/11 income of £137,000, plus estimated additional income of £30,000 from new starters in 2011/12 - 2013/14</i>
3	Estimated net saving from withdrawing transport (on top of savings already expected from full introduction of 2007 charging policy)	£183,000	<i>Line 1 minus line 2</i>
4	Less adjustment for net cost of continuing to provide transport for denominational post 16s under ‘same cost’ policy ( <i>most denominational post 16 students currently receiving transport will continue to be eligible for transport assistance under the terms of the Council’s post 16 transport policy, providing that the cost to the Council is no greater than the cost of transport to the designated sixth form school or FE college for their address</i> )	£11,000	<i>Assumed that all 41 denominational post 16 students continue to receive transport, at a net cost of £268 per head (cost of season ticket on the public bus, less income from post16 charge)</i>
5	Less estimated cost of providing transport for entitled children from low income families	£10,000	<i>In 2010/11 were only 5 children receiving free transport. Assumed that</i>

			<i>this doubles to 10, and that most but not all can travel on season ticket – assume unit cost of £1000</i>
6	Less assumption about cost of providing transport for pupils transferring to another school, whose year group at the local school is full ( <i>if the local school is unable to admit the pupil, the Council will have to provide free transport to the next nearest available school until the child leaves school</i> )	Yr1 £9,000 Yr2 £3,000 Yr3 £2,000 Yr4 £1,000	<i>Based on analysis of numbers receiving transport currently in each year group at denominational schools, and advice from DCE Admissions team about which year groups in local schools are at or near capacity. Assumed that 25% of pupils seek to transfer to local school, in which case would require free transport (bus season tickets) for 5 children from Corsham – Chippenham in 2012/3 reducing to nil in 2016/7, plus an 8 seat minibus Devizes – Melksham in 2012/3 only</i>
7	<b>Estimated saving from withdrawal of transport</b> (on top of savings already expected from introduction of 2007 charging policy)	Yr1 £153,000 Yr2 £159,000 Yr3 £160,000 Yr4 £161,000 Yr5 £162,000	<i>Line 3, less lines 4, 5 and 6</i>

## Option 2

The savings are estimated to be as for **Option 1**, adjusted as follows:

- Reduced by £27,000 in 2012/13 by payment to the schools towards the cost of transport for pupils in year 11 (estimated number of pupils 65, @ £409 per pupil)
- Increased by £6,000 in 2012/13 because the minibus from Devizes – Melksham would not be required (all of the pupils using this vehicle would be in year 11).

## Option 3

The savings are estimated to be as for **Option 1**, adjusted as follows:

- Reduced by £124,000 in 2012/13, reducing to £2,000 in 2017/18, by the transition payments to schools (calculated by number of pupils on transport in each affected year group, @ £409 per pupil)
- Increased as assumed will no longer require additional transport for pupils unable to transfer to the local school (line 6 in option 1 calculation table above)



## Sensitivity analysis

It is very difficult to predict the additional costs that might be incurred by the Council in providing additional transport where denominational pupils seek to transfer to the local school and the year group at the local school is full (line 6 in the option 1 calculation table above). The actual costs incurred will depend on many factors, including:

- The number of pupils who seek to transfer, which will depend on the individual decisions made by parents when it is known what alternative transport arrangements will be available, and at what cost;
- What spaces are available in each year group at the alternative local schools at the time;
- Whether (particularly for primary schools) the local school will agree to take 'over numbers';
- What type of transport is required and what price can be secured through tendering or negotiation.

The estimated savings in the report are based on an assumption that 25% of children currently receiving transport will seek to transfer. A '**worst case scenario**' has also been worked through to estimate the possible cost implication if all of the children currently receiving transport seek to transfer to the local school:

<b>Additional transport needed;</b>	<b>Estimated cost (£);</b>				
	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
<b>Secondary</b>					
Bradford – Trowbridge (2 season tickets)	1200	1200	1200	0	0
Chippenham area villages – Abbeyfield (use existing school bus)	0	0	0	0	0
Corsham – Abbeyfield (7 season tickets)	4200	2400	0	0	0
Melksham – Trowbridge (1 season ticket)	600	600	600	0	0
Lavington and Devizes – Melksham (bus for 21 current year 9 pupils)	29,000	0	0	0	0
Lavington – Devizes (large taxi for 7 children)	6,000	6,000	0	0	0
<b>Primary</b>					
4 rural primary schools (Cherhill, Lacock, Gt Cheverell, Shaw) each requiring a taxi for 1 child ( <i>may be reduced if schools agree to take over numbers</i> )	24,000	18,000	18,000	12,000	0
<b>TOTAL</b>	<b>65,000</b>	<b>28,200</b>	<b>19,800</b>	<b>12,000</b>	<b>0</b>

The above estimates replace those in line 6 of the **Option 1** calculation and would reduce the **Option 1** savings as follows:

	Estimated saving (£)				
	2012/13	2013/14	2014/15	2015/16	2016/17 and beyond
<b>Option 1</b> – assuming 25% of pupils currently receiving transport seek to transfer to local school (as in report)	£153,000	£159,000	£160,000	£161,000	£162,000
<b>Option 1</b> – ‘ <b>worst case scenario</b> ’ assuming that 100% of pupils currently receiving transport seek to transfer to local school	£97,000	£133,800	£142,200	£150,000	£162,000

## 2. Education costs

Questions have been asked about whether and to what extent the proposals will (in addition to the transport costs referred to in question 1 above) incur additional costs to the Council’s education budget, or impact on schools budget costs, if adjustments to staffing levels or facilities are required.

The budgets for individual maintained schools are funded through the Dedicated Schools Grant (DSG) and therefore any increases in costs would not represent a direct cost pressure to the Council but to the overall schools budget. Increases or decreases in overall pupil numbers are reflected in the annual DSG settlement which is based on pupil numbers in the January preceding the start of the financial year. Individual budgets for maintained schools in Wiltshire are also based on the January pupil count.

Consistent with the analysis carried out for admissions and transport costs elsewhere in this report, two scenarios have been modelled to examine the potential financial impact on the overall schools budget and for individual schools. The sensitivity analysis outlined in section 1 of the report also applies to the analysis of the financial impact on the schools budget.

The two scenarios considered are:

1. Assuming that **100%** of primary age pupils and all secondary pupils in years 7 to 9 who access transport choose to transfer to their home community school;
2. Assuming that **25%** of pupils in those year groups choose to transfer to their home community school. In this model it has been assumed that the impact is equal across all year groups.

A summary of the impact is attached as Appendix 1 and 1(a). For the purpose of the analysis, only changes in the Age Weighted Pupil Unit (AWPU) funding have been included as it would not be possible to identify the potential impact on other formula factors

within the schools budget. Only pupil movements associated with the changes to denominational transport are shown and it is important to note that these are unlikely to be the only pupil movements from year to year. The model for secondary schools shows an increase in the overall number of pupils in Wiltshire schools because of the movement of pupils from schools in Bath and Swindon back to Wiltshire.

The analysis reflects Age Weighted Pupil Unit costs from the Wiltshire funding formula and therefore treats all of the schools as if they are maintained schools. A number of schools have converted to Academy status or are expected to convert prior to the implementation of any changes to transport arrangements. Academies are currently funded by the Young Person's Learning Agency (YPLA) and per pupil amounts for these schools are not known to the local authority. Academies are funded on an academic year basis and therefore any changes to pupil numbers are reflected at the start of the academic year.

For maintained schools changes to pupil numbers in September are reflected in the budget for the following financial year, however, should a school experience a significant increase in numbers on roll within a financial year, i.e., sufficient numbers to generate the need for an additional class, there is a mechanism within the funding formula to reflect the increased cost in year. Subject to the appropriate criteria being satisfied, as laid out in the local authority's funding scheme, this cost is met from the contingency held within the delegated schools budget. Based on the figures presented in the attached analysis it is possible that 1 secondary school could require additional funding in year if all pupils in years 7-9 who currently access transport were to move to their home community school.

Maintained schools are required to submit 3-year budgets to the local authority with years 2 and 3 based on estimated pupil numbers. If an individual school is forecasting a financial deficit as a result of reduced pupil numbers then the LA will work with that school to develop a financial recovery plan. For academies, any recovery plan would need to be agreed with the Young Person's Learning Agency (YPLA) who currently fund academies. Each school is considered on a case-by-case basis. Depending on the level of deficit forecast it is possible that schools would need to make reductions in staffing however it is not possible to estimate the likely cost of redundancies until pupil movements are known. If it is agreed that staffing reductions are necessary for financial recovery then redundancy costs are met from the centrally held Dedicated Schools Grant and are therefore a cost to the overall schools budget.

### **3. Admissions to other schools**

#### **Inter-year admissions and outside normal admissions rounds**

The LA Admissions Team recognise that if all pupils attending faith schools reapply to their local school they would need careful planning and placement. Until the actual numbers and individuals are known the Admission Team is unable to gauge the difficulties that might ensue in re-allocating places.

It is not possible to be definitive in relation to the impact on a particular school in terms of a drop in the number on roll; much would depend on the exact number. As the recommended option allows for a phased approach it is unlikely that any planned key stage 4 courses will need to reduce. Likewise the impact on individual students is difficult to assess and will depend on individual circumstances.

### Fair Access Protocol

- (i) The LA protocols would have to remain in place and all young people who chose not to retain their denominated place would have to be allocated a place. If the LA was unable to offer a preference stated on the application form then a reasonable alternative would be allocated as per the protocols for any other in year admission.
- (ii) Wiltshire Council does ensure that admission arrangements for schools in their area for which they are the admission authority comply with all statutory requirements.

### Admissions Forum

Admissions Forum has not been involved in discussions or decisions to do with the departmental transport issue that has arisen.

The Catholic Diocese of Clifton has been invited to all Admission Forum meetings and attend regularly but have not raised this as an issue.

The issue, as it has been raised to Cabinet, will be discussed on 2 September 2011 at the Admission Forum.

## **4. Impact on traffic levels around the schools**

Further information has been requested on the potential impacts of the proposals on traffic levels around the schools affected.

The extent of any traffic increase will depend on the extent to which alternative transport arrangements will be able to be made by the schools, the nature of these arrangements and the pricing policy adopted by the schools. The Council has offered to support the schools in either making their own arrangements or taking on responsibility for existing transport contracts where these exist, and is keen to work with them to make sure that transport continues to be available (further information on the nature of this support is included in Section 4 below). Nevertheless it is likely that if the charges for transport increase, this may encourage some parents to set up their own car-sharing arrangements if this is perceived to be a less costly alternative.

The numbers of children currently receiving transport are detailed in Appendix 1 to the Cabinet report. The only schools with significant numbers of pupils (in traffic terms) currently receiving transport are Trowbridge St. Augustines (302 pupils on transport), Bath St. Gregorys (69), and Corsham St. Patricks (30). It is not possible to give meaningful estimates of detailed traffic impacts as these will depend on;

- the nature and cost of the alternative transport arrangements that are made;
- how many parents decide to send their children to a different school;
- how many parents decide not to use whatever alternative transport is available and to use their car instead;

- how many will seek to reduce the cost and inconvenience of a daily car journey by setting up formal or informal car sharing arrangements.

The worst case scenario (in traffic terms) would be that no alternative transport arrangements are made; no children transfer to other schools; no car sharing takes place; and that all children currently at the school continue to attend and are taken to school alone by car. This would be a very unlikely outcome. For the reasons given above, it is very difficult to identify what the actual outcome would be, but the following scenario is given as an example;

Assumptions; 50% of pupils use alternative transport arrangements 25% transfer to other schools 25% travel by car Of these, 50% share with one other pupil			
	St Augustine's	St Gregory's	St Patrick's
Pupils receiving transport in 2010/11	302	69	30
Possible number travelling by car in future	76	18	8
Possible number of additional cars	57	14	6

##### **5. What support the Council would be able to offer to schools to make alternative transport arrangements**

A request has been made for more information about what support Council officers would be able to provide to schools to make alternative arrangements, to reduce the additional burden this would place on them (particularly for the primary schools for whom organising transport may be a significant burden) (please see paragraphs .

Officers in the Council's Passenger Transport Unit (PTU) have well established working relationships with the schools with the largest transport provision, and have already attended meetings at which possible future transport arrangements have been discussed. Support could be provided for the schools in a number of ways, including for example;

- Arranging for existing transport contract arrangements to be taken over by the school, or a 'parents club';
- Discussing with local transport operators whether they would be prepared to run a fare paying service on a commercial basis;
- Providing advice and assistance in designing the most cost effective transport routings, including whether it would be possible to reduce the cost by linking these with other Council transport contracts;
- Advising on the availability of suitable existing public transport services or of spare seats on other Council transport contracts in the area;
- Providing advice on tendering or negotiation with transport operators;

- Signposting to advice on local availability and possible use of community transport vehicles, and complying with the legal / technical requirements of using school minibuses.

It is recognised that different types of transport arrangement will be appropriate in different circumstances. Where there are large numbers of children to be carried, it is envisaged that support will be given to transfer existing bus arrangements or possibly seek a bus operator prepared to run a fare-paying bus service. Several secondary schools in Wiltshire (including St Augustine's) already run some transport of their own, for children who attend their school but are not entitled to free or assisted transport from the Council. Where the numbers travelling are small, car sharing is likely to be the most cost effective option if there is no alternative public transport. Where there are reasonable numbers of children travelling, but not enough to fund the provision of a bus, support could be given to investigate community transport options or the use of school minibuses. Assistance could also be given to investigate whether the cost of providing transport could be reduced by for example, linking it with other existing transport contracts (so that the cost of the vehicle and driver is shared) or by double tripping. In some cases it might be possible to significantly reduce the cost of transport if the arrival / departure time from the school can be adjusted to allow vehicles to be used more efficiently.

## **6. Other home-to-school transport provisions and budgets**

<b>Transport budget</b>	<b>£M</b>	<b>No. students</b>
Home to school	7.07	7,472
SEN	4.4	760
Post-16	1.73	1,745
Denominational	0.4	395

**SEN:** The law states that children with certain educational needs should be resourced appropriately. This may mean they need to attend a school which is not the local one.

**Post-16:** The Council considers it appropriate to give students access to further education to promote an educated workforce in a rural county.

**Denominational:** The law requires consideration/regard to all religions or beliefs such as Judaism, Islam, Hinduism, humanism and atheism.

**Continuity:** Students who move away from their local school partway through exam courses are assisted with transport to enable them to remain at the same school to complete the course.

**Medical conditions:** Students with temporary and sometimes permanent medical conditions who attend their local school and cannot walk or use a bus can get help to ensure school attendance is maintained. Govt guidance issued with the 2006 Education and Inspections Act consider such pupils to be 'eligible' for the purposes of transport entitlement.

**Shared sites:** Students whose designated schools are in Trowbridge, Chippenham and Salisbury can receive transport to an alternative school where their local school is on the same 'campus'.

**Any other individual circumstances:** The Council has a responsibility to consider any individual circumstances presented for purposes of considering transport entitlement and to determine whether these warrant an exception to normal policy.

**7. Pupils living in isolated areas** *Paragraph 13, Bullet Point 4 in the Cabinet report*

The Cabinet report refers to "Families living in areas where it is not possible to arrange alternative transport..."

In 2010/11 there were 26 pupils living in areas which meant they required transport other than by school/service bus. These were transported mainly by taxi (18) but some were taken by parental car (8) and claimed an allowance towards motor fuel costs. In 2011/12 this number falls to 13 as many of them transfer from primary to secondary or leave compulsory education.

If denominational transport support is removed, all of these children could attend their local school and get there by walking, as this is in the same town or village. Thus, there will be no cost incurred in providing free transport to the local school.

**8. The consultation process** *See Paragraphs 4-7 in the Cabinet report*

Letters were sent to parents of all children currently receiving assistance, headteachers of those schools affected and the RC diocese on 5<sup>th</sup> May 2011, giving notice of the proposal to withdraw assistance at Cabinet on 26<sup>th</sup> July, inviting comments by 13<sup>th</sup> July.

- A second letter was sent to same groups inviting comments on the proposals and providing details of the Cabinet meeting.
- CE diocese were consulted
- Individual responses were recorded and acknowledged
- Cabinet members met with selected headteachers and the RC diocese on 8<sup>th</sup> August
- Cabinet's consideration of the proposals was postponed from 26<sup>th</sup> July to 13<sup>th</sup> September in order to allow greater participation during term time.
- A report containing the proposals was taken to the Children's Services Select Committee on 22<sup>nd</sup> July.

Information compiled by Henry Powell, Senior Scrutiny Officer, 01225 718052, [henry.powell@wiltshire.gov.uk](mailto:henry.powell@wiltshire.gov.uk)

---

## **Appendices**

- |               |   |
|---------------|---|
| Appendix 1    | Modelling of Financial Implications for Secondary Schools Budgets of Changes to Denominational Transport  |
| Appendix 1(a) | Modelling of Financial Implications for Primary Schools Budgets of Changes to Denominational Transport  |
| Appendix 2    | The September updated position regarding numbers on roll in local schools, along with the information relating to the actual numbers of pupils who are accessing denominational transport places required in each year group. |
| Appendix 3    | Report to Cabinet on 5 <sup>th</sup> September 2006 on Denominational Transport (including appendices)  |
| Appendix 4    | Cabinet minute from consideration of the above report on 5 <sup>th</sup> September 2006   |



**Modelling of Financial Implications for Secondary Schools Budgets of Changes to Denominational Transport**

	AWPU Value 2011/12
Year 7	£ 3,229.93
Year 8	£ 3,229.93
Year 9	£ 3,229.93

AWPU = Age Weighted Pupil Unit

School	NOR Jan 2011	School Budget Share 2011/12	Potential Pupil Movement if all pupils return to "home" school				Associated Movement in AWPU Funding in following financial year if ALL Yr 7-9 Pupils Move				Trigger Increase in Year?	Assume 25% from St Augustines and St Gregory's move
			Yr 7	Yr 8	Yr 9	Total	Yr 7	Yr 8	Yr 9	Total		
							£	£	£	£		
1	730	3,612,773	0	0	1	1	0	0	3,230	3,230		0
2	1200	5,717,491	1	1	1	3	3,230	3,230	3,230	9,690		2,422
3	1427	6,551,621	10	0	0	10	32,299	0	0	32,299		8,075
4	1312	5,924,623	0	4	2	6	0	12,920	6,460	19,380		4,845
5	874	4,534,878	5	8	6	19	16,150	25,839	19,380	61,369		15,342
6	1203	5,688,603	14	19	3	36	45,219	61,369	9,690	116,278		29,069
	1114	5,379,037	16	10	30	56	51,679	32,299	96,898	180,876	yes	45,219
	359	1,910,678	0	0	1	1	0	0	3,230	3,230		0
	394	2,092,154	0	0	(1)	(1)	0	0	(3,230)	(3,230)		0
	1218	5,968,940	3	1	3	7	9,690	3,230	9,690	22,610		5,652
	972	4,507,602	(55)	(53)	(56)	(164)	(177,646)	(171,187)	(180,876)	(529,709)		(132,427)
12	1506	6,982,072	8	9	12	29	25,839	29,069	38,759	93,668		23,417
13	1081	5,067,608	9	9	5	23	29,069	29,069	16,150	74,289		18,572
14	1423	6,813,810	0	0	1	1	0	0	3,230	3,230		0
			<b>11</b>	<b>8</b>	<b>8</b>	<b>27</b>	<b>35,529</b>	<b>25,839</b>	<b>25,839</b>	<b>87,208</b>		<b>20,187</b>

**Notes**

- Figures used are those provided by Admissions Service in separate briefing note - assumes **all** pupils in year 7-9 return to "home" school. As yet no indication that this would be the situation. 25% movement of pupils from St Augustine's and St Gregory's (Bath) also shown.
- Only movements in pupil numbers associated with changes in transport are shown - this would not be the only pupil movement from year to year
- Overall increase in cost because assumes pupils return to Wiltshire from St Gregory's (Bath) and St Joseph's (Swindon) this increase would be funded in the overall DSG settlement for the following financial year
- Assumes all schools are maintained by the LA** - some are, or will have, converted to academy status before the date of implementation and will be funded by the YPLA
- Increases/decreases in pupil numbers are reflected in the budget for each maintained school in the following financial year, changes for academies are reflected immediately as schools are funded on an academic year basis and reflect pupil numbers in the September at the start of the financial year
- 1 school may receive an in year increase in funding as a result of a significant increase in pupil numbers
- 25% movement assumes reduction equally spread across year groups

This page is intentionally left blank

Sheet A – Primary Denominational Transport  
 Places required. This shows the number of pupils  
 in each school and each year group who are  
 wishing to access denominational transport. The  
 horizontal column with numbers is the year  
 group e.g. Year 6 through to year 1 pupils.

SCHOOL	6	5	4	3	2	1	0
BOWERHILL PRIMARY	1	1		2	1	1	2
BRINKWORTH EARL DANBY			1				
BROUGHTON GIFFORD PRIMARY	1			1			
CHERHILL PRIMARY		1		1	1		1
COLERNE PRIMARY	1				1	1	
CRUDWELL	1						
DILTON MARSH		1					
DINTON PRIMARY		2	1				1
DONHEAD PRIMARY		2					
GT CHEVERELL	1						
LACOCK				1			
LYNEHAM PRIMARY	1	2		1	1		
MELKSHAM PRIMARY	2	3	2	1	1	1	2
SALISBURY PRIMARY	1						
SHAW PRIMARY		3			1		
SOMERFORD WALTER POWELL			1				
STANTON ST QUINTIN		1	1				
TIDWORTH PRIMARY						1	
TISBURY PRIMARY	2	1					
WARMINSTER MINSTER		1					
WILTON PRIMARY	1		1				
WYLYE VALLEY PRIMARY		1					

This page is intentionally left blank

## NOR September 2011 Primary

This sheet shows the total number of pupils or roll (NOR) in each year group and the whole school. This information is current and therefore may differ from the previous figures due to year groups moving through with the new term.

SCHOOL	NOR R	NOR YR1	NOR Y2	NOR Y3	NOR Y4	NOR YR 5	NOR YR6	TOTAL NOR
BOWERHILL PRIMARY	55	52	39	43	49	49	51	338
BRINKWORTH EARL DANBY	20	22	29	20	22	19	17	149
BROUGHTON GIFFORD PRIMARY	8	12	15	13	11	7	4	70
CHERHILL PRIMARY	28	24	28	33	25	32	18	188
COLERNE PRIMARY	44	30	37	24	31	23	31	220
CRUDWELL	20	22	12	17	18	13	15	117
DILTON MARSH	29	22	28	29	21	20	22	171
DINTON PRIMARY	15	16	19	12	9	7	13	91
DONHEAD PRIMARY		Do not have this information as this is a Dorest school have put Semley and Ludwell at bottom of spreadsheet						
GT CHEVERELL	13	19	23	17	18	28	18	136
LACOCK	8	8	13	15	12	14	9	79
LYNEHAM PRIMARY	60	59	58	46	37	40	39	339
Melksham Primary								
SALISBURY PRIMARY								
SHAW PRIMARY	27	30	29	29	30	22	18	185
SOMERFORD WALTER POWELL	9	6	3	8	8	2	7	43
STANTON ST QUINTIN	11	9	18	20	17	16	13	104
WARMINSTER MINSTER	34	34	25	33	27	31	34	218
WILTON PRIMARY	14	15	15	17	16	21	18	116
WYLYE VALLEY PRIMARY	17	17	13	17	15	18	18	115
LUDWELL Tisbury	7	10	5	8	14	6	11	61
Semely - Tisbury	14	15	19	19	19	15	12	113

This page is intentionally left blank

NOR September 2011 Secondary

	9	8	7	6	5	4	3	2	1	0
AMESBURY STONEHENGE	1									
BRADFORD ST LAURENCE	2	4	2							
CALNE JOHN BENTLEY	1	1	1							
CHIPPENHAM SECONDARY	3	4	5							
CORSHAM	2	6	10							
DEVIZES	22	15	14							
MELKSHAM THE OAK	8	10	17							
MKT LAVINGTON	3	4	3							
LAVERSTOCK SECONDARY	1									
SHAFTESBURY			2							
TROWBRIDGE SECONDARY	3	1	1							
WARMINSTER KINGDOWN	12	9	8							
WESTBURY MATRAVERS	5	9	9							
WOOTTON BASSETT	1									
<b>CHIPPENHAM SCHOOLS</b>										
HARDENHUIISH SCHOOL										
ABBEYFIELD										
SHELDON										
<b>LAVERSTOCK SECONDARY</b>										
ST EDMUND'S										
WYVERN										
ST JOSEPHS										

NOR Yr 7	NOR Yr 8	NOR Yr 9	NOR Yr 10	NOR Yr 11	TOTAL NOR
130	128	142	150	153	703
230	223	216	211	210	1090
159	217	193	220	192	981
See below					
222	212	239	248	215	1136
187	206	194	220	215	1022
240	214	193	261	209	1117
146	137	138	137	134	692
See below					
None Wilts					
See below					
246	226	260	249	253	1234
162	186	198	186	174	906
260	241	209	244	216	1170
247	251	254	282	271	1305
141	114	166	150	153	724
284	282	278	286	282	1412
182	160	173	143	131	789
46	74	71	73	62	326
100	86	73	85	74	418

This page is intentionally left blank



CABINET  
5<sup>th</sup> SEPTEMBER 2006

---

### DENOMINATIONAL SCHOOL TRANSPORT CONSULTATION

#### Executive Summary

This paper reports on the public consultation carried out between 27<sup>th</sup> June and 15<sup>th</sup> August 2006 on a proposal to reduce expenditure on school transport on denominational grounds and, following the consultation, an alternative set of proposals is presented.

#### Proposal

Following the consultation exercise and liaison with representatives of the Catholic community in particular, an alternative proposal is presented. It is recommended that Cabinet endorses the alternative proposal as set out below to effect phased savings from September 2007 in this service area.

The features of the alternative proposal are:

- (i) Confirmation that parents are 'adherents to and practising members of the religious denomination stated' would be reviewed annually by a Panel of representatives of the local church(es) and the school(s). An LEA representative would be invited to observe the working of the Panels.
- (ii) Three levels of charging are proposed:
  - primary pupils would be charged at £45 per term (six term year, ie £270 per annum) subject to living the minimum qualifying distance from the school
  - secondary pupils would be charged £45 per term (£270 per annum) if living between 3 and 5.99 miles from school
  - £55 per term (£330 per annum) if living between 6 and 9.99 miles from school and
  - £60 per term (£360 per annum) above that distance, providing the pupil is attending the designated denominational school.
- (iii) A facility for payment by standing order in eight instalments (August to March) for the total annual charge and for payments by credit card or cheque would be made available.
- (iv) The charges would apply only to those commencing Year R or Year 7 (as applicable) from September 2007 onwards ie the charges will not be applicable to those already attending.
- (v) These charges would rise annually in line with transport inflation costs but no higher than this.

- (vi) Families on lower income levels would be able to receive free passes, subject to the qualifying clauses to be specified in the Education and Inspections Act (anticipated at the end of this year).
- (vii) Free transport would also be available for those who qualify under the general school transport policy i.e. on opted grounds, shared site etc.
- (viii) The new arrangements would be reviewed after they have been in place for two years, in preparation for the 2010-11 budget.

**Reasons for Proposal**

The alternative proposal has been constructed in recognition of the Council's need to review areas of discretionary provision whilst preserving the transport networks for those who are genuinely attending schools on denominational grounds. A realistic charge for those services is introduced in this proposal with free transport maintained for those on lower income levels in line with the anticipated legislation.

**GEORGE BATTEN**  
Director of Environmental Services

**BOB WOLFSON**  
Director, Department for Children and Education

CABINET  
5<sup>th</sup> SEPTEMBER 2006

---

## DENOMINATIONAL SCHOOL TRANSPORT CONSULTATION

### Purpose of Report

1. To report on the consultation exercise commissioned by Cabinet on 20<sup>th</sup> June 2006 and to make proposals for charging to effect savings in this service area from September 2007.

### Background

2. In view of the Council's budget situation, the discretionary provision of transport to school on denominational grounds was identified in reports to Cabinet of 23rd May and 20<sup>th</sup> June 2006 as an area where reductions could be made.
3. Following consideration of proposals for reductions of £248,500 (to be achieved from September 2007) at the 20<sup>th</sup> June meeting, a consultation exercise was carried out from 27<sup>th</sup> June to 15<sup>th</sup> August 2006. Public consultation meetings were held in Salisbury and Trowbridge. The Salisbury meeting was attended by some 30 people, the Trowbridge meeting by around 300. A Panel of representatives of the Council - Mrs. Bryant, Mr. Wolfson and Miss Lawrence - explained the background to the proposal and encouraged those present to raise points in connection with the issue.
4. At the consultation meetings, alternative suggestions for effecting savings were encouraged, although none have come forward from the parents affected. However, since that time officers have worked closely with representatives of the Catholic community to put forward an alternative proposal, although this does not achieve the level of saving sought originally.
5. This report presents the proposal upon which the consultation exercise was carried out and an alternative proposal for consideration. In order to begin to effect savings in this service area from September 2007 onwards, a reasonable period of notice is required so that parents can consider the availability of transport when making a selection for secondary school admission in October 2006 for the academic year commencing September 2007, and for primary school admissions in November 2006 for entry in September 2007.
6. The alternative proposal detailed below recognises the place of denominational schools in providing enrichment to the lives of many children, contributing to the common good and to social cohesion, but it also recognises that this Council does have severe financial constraints which prevent it from sustaining the level of subsidy to denominational transport which it has been able to do until now.

### The Consultation Exercise

7. A wide-ranging consultation exercise on the original proposal considered by Cabinet was carried out from 27<sup>th</sup> June to 15<sup>th</sup> August 2006 and the responses and a petition of several hundred signatures are available in the **Members' Room**. In the consultation document, the Council stated clearly that *"the returns of this consultation do not form a referendum."*

8. Over 200 letters were received, many of which were identical. A summary of the main points received in correspondence and in the consultation meetings is provided in **Appendix 1**.
9. In the information sent to consultees and at the public consultation meetings, it was explained that the Council has no choice but to reduce its current levels of expenditure and that a range of discretionary services are being reviewed in order to ensure that the Council spends its money on those in greatest need. Nonetheless, many respondents, in writing and at the meetings, have identified this change as discriminatory or even persecutory.
10. While any move to charge for denominational transport will not be popular with those affected, it is important to remember that:
  - *when transport on denominational grounds was first agreed by councils in this country, the proportion of Catholic children attending Catholic schools was much higher than it is today (and also Church of England).*
  - *many correspondents have claimed that they already contribute 10% of the capital costs of running the denominational schools when the Government grant towards the capital costs used to be 50% rather than 90% which it is today.*
  - *the wording of the 1944 Act and subsequent legislation made the denominational transport grant 'discretionary' and many denominational schools were built on the understanding that denominational pupils would always be able to access a place at a denominational school. However, there is no right to free transport to facilitate this, and councils increasingly find themselves in a situation where they have to review the discretionary provision they have been able to offer until now.*

### **The Alternative Proposal**

11. Since the public consultation meetings, officers of the County Council have liaised with representatives of the Catholic community to construct an alternative proposal for Cabinet.
12. At present, the parents sign the transport application just before the start of the child's time at the school, confirming that they are "*adherents to and practising members of the religious denomination stated.*" The Priest or Vicar countersigns this and confirms that the child's attendance at the school named is being arranged for genuine denominational reasons. No clear definition of 'practising member' has been required until now and there is no requirement for the statement to be re-confirmed during the period of the child's attendance at the school. The alternative proposal therefore addresses this issue: a local Panel of church and school representatives would meet to review regularly those applying for or receiving transport on denominational grounds. Action is already in hand to check the provision for those who are currently claiming transport assistance on denominational grounds and a sample of those in one area suggested that over 40% are not practising members of the church.
13. The features of the alternative proposal are:
  - (i) Confirmation that the parents are 'adherents to and practising members of the religious denomination stated' would be reviewed annually by a Panel of representatives of the local church(es) and the school(s). An LEA representative would be invited to observe the working of the Panels.

- (ii) Three levels of charging are proposed:
- primary pupils would be charged at £45 per term (six term year, ie £270 per annum) subject to living the minimum qualifying distance from the school
  - secondary pupils would be charged £45 per term (£270 per annum) if living between 3 and 5.99 miles from school
  - £55 per term (£330 per annum) if living between 6 and 9.99 miles from school and
  - £60 per term (£360 per annum) above that distance, providing the pupil is attending the designated denominational school.
- (iii) A facility for payment by standing order in eight instalments (August to March) for the total annual charge and for payments by credit card or cheque would be made available.
- (iv) The charges would apply only to those commencing Year R or Year 7 (as applicable) from September 2007 onwards ie the charges will not be applicable to those already attending.
- (v) These charges would rise annually in line with transport inflation costs but no higher than this.
- (vi) Families on lower income levels would be able to receive free passes, subject to the qualifying clauses to be specified in the Education and Inspections Act (anticipated at the end of this year).
- (vii) Free transport would also be available for those who qualify under the general school transport policy i.e. on opted grounds, shared site etc.
- (viii) The new arrangements would be reviewed after they have been in place for two years, in preparation for the 2010-11 budget.

The current policy, the proposal as at 20<sup>th</sup> June and this alternative proposal are summarised in **Appendix 2**.

14. The maximum phased savings which this alternative proposal would achieve are detailed below:

<b>Maximum level of saving (£000s)</b>						
2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
<b>64.1</b>	<b>108</b>	<b>124.6</b>	<b>141.7</b>	<b>158.8</b>	<b>166.8</b>	<b>170.2</b>

Note: All figures assume that a tightening of the 'regular church attenders' criteria would yield a reduction of 40% on the present figures. This would reduce the number of buses required from Melksham and Warminster to St Augustine's.

In effect, this means that the level of financial support for denominational transport will be reduced from £420,000 per annum to £250,000.

15. Under this proposal, if any spare seats exist on a specific denominational contract, any non-denominational pupil would be able to pay the full cost for travelling as a privilege passenger on a denominational contract.

### **Other Considerations**

16. Following a period of consultation, the neighbouring local authority of Bath & North East Somerset (B&NES) decided in July to introduce phased charging (ie for new starters from September 2007 onwards) at £45 per term. However, it should be noted that denominational pupils in Wiltshire travel further in many instances than those in B&NES: hence the proposed three levels of charging for Wiltshire.
17. It is evident that many other authorities are having to review urgently their denominational provision at this time, and the reviews currently appear to be concluding that phased charging schemes are being put into place around the country from September 2007 onwards.
18. A response has been submitted by St. Augustine's Catholic College, Trowbridge, in respect of the legal issues identified. Reliance is placed upon a legal opinion presented by Professor Conor Gearty of Matrix Chambers, London. This opinion is written in the context of a Consultation Paper issued by B&NES on denominational transport.
19. This opinion does not directly relate to the proposals under consideration by Cabinet but does address the overriding legal issues. Consideration has been given to the legal opinion of Professor Gearty with particular regard to the Human Rights Act 1998, the Education Act 1944 and the Education Act 1996. Additional consideration has been given to the United Nations Convention on the Rights of the Child. The legal position summarised in the report presented on 20<sup>th</sup> June 2006 has not altered in the light of further consideration given to the issues of law raised above.

### **Environmental Impact of the Proposal**

20. Under the original proposal, transport would continue to be provided as now for primary denominational pupils. Public bus services serve the secondary denominational schools and two of these schools also run bus services. However, many parents argued during the consultation period that the proposal would bring about an increase in cars on the road. The alternative proposal is expected to mitigate this.
21. The alternative proposal preserves the existing transport networks as they are now for both primary and secondary denominational pupils, although some parents may consider that the imposition of a charge for new starters from September 2007 may cause some to consider alternative means of transport.

### **Risk Assessment**

22. Whilst there is a risk that some parents may feel unable to pay a charge, it is open to a parent to have an appeal considered by the Regulatory Committee as an exception to policy in view of their individual circumstances.

### **Financial Implications**

23. Originally, a level of savings of nearly £250,000 was sought and therefore the proposal was designed to achieve that level of saving whilst preserving the more vulnerable aspects of denominational transport: the transport network to the denominational primary schools.

24. Taking account of comments received during the consultation exercise, negotiations have been undertaken to try to achieve an acceptable alternative proposal. Whilst this does not achieve the same level of savings and is a phased approach to reviewing provision from September 2007 for new starters at the schools only, this does concur with the results of similar reviews of denominational transport being carried out now around the country. Savings begin to be achieved from the financial year 2007-08 with around £64,100 in that financial year rising to £170,200 in 2013-14 (see 14 above).

### **Options Considered**

25. Other options involving a combination of charges/phasing/complete withdrawal of provision have been considered. However, having carried out a full consultation exercise and extensive liaison with the Catholic community the alternative proposal presented is considered to represent a fair way forward.

### **Conclusion**

26. In the light of the considerations above, it is proposed that the Cabinet adopts the policy set out in paragraph 13.

#### **GEORGE BATTEN**

Director of Environmental Services

#### **BOB WOLFSON**

Director, Department for Children and Education

Report Author

#### **ALISON LAWRENCE**

Manager, Education Transport Policy and Development

---

**The following unpublished documents have been relied on in the preparation of this Report:**

Consultation replies

**DENOMINATIONAL TRANSPORT CONSULTATION****Frequently Asked Questions – Repeatedly made points**

1. The consultation exercise has been flawed. The question was biased, and the exercise should not be considered to be a valid referendum.
2. Your prospectus promises free transport to St Augustine's School.
3. Withdrawal of free transport breaks a 1967 agreement between County Hall and the Clifton Diocese.
4. Roman Catholic education is protected by the 1944 Education Act and the European Convention of Human Rights protocol 1, article 2....to provide education and transport if necessary. Proposed policy is a deliberate and direct contravention of the 1944 Act. (Some correspondents claim the Education Acts of 1944 and 1966 make it a requirement for the Council to provide this transport).
5. The proposal is also contrary to the 7<sup>th</sup> principle of the United Nations Declaration of the Rights of the Child.
6. The proposal is contrary to the Government's thinking in the 2005 Education Act on the diversity of education provision.
7. Central Government is striving to bring together religious and ethnic groups; WCC's proposal is doing exactly the opposite.
8. Your "illegal" proposal will be fought in the courts if necessary....and costs will be sought from the Council. Charging would be morally and legally unjustifiable.
9. It has always been assumed that children attending an RC primary school will feed through to the appropriate RC secondary school.
10. If parents decide they cannot afford the bus fares (more than a thousand pounds for four children) do other schools have places available? Can the extra places be "conjured out of thin air" without large financial investment in buildings, equipment and other facilities?
11. Has the Council taken into account the damage the withdrawal of free school transport will do to St Augustine's and other excellent schools? It is risking their long term viability and will damage the relationship with County Hall.
12. There are fears that the proposal will start an "us and them" attitude, and could lead to bullying and disharmony between schools.
13. The saving is paltry compared with the damage it will do to the children, the schools and the Catholic community.
14. The removal of "school transport" will make it impossible for many pupils to get to school. There may be no public transport available and the parents may have no car, or be unable to take the children to school, because of work commitments or other factors. The speed of the proposed withdrawal will disrupt education of children, some taking exams.



15. How will the roads accommodate all the extra vehicles if parents decide to use cars instead of paying fares on a bus, and what about the congestion (and danger) outside schools? 50 cars may be used in place of one school bus, causing increased pollution and congestion.
16. Has the Council taken into account the danger of children walking and cycling to school – often along dangerous routes?
17. Bus companies have told parents that service buses will be unable to cope with the number of passengers if students have to switch to ordinary buses.
18. Many correspondents are concerned that because their local “designated” primary school is a “Church” school they fear that they will have to pay to get their children on a school bus.
19. Unfair discrimination against Roman Catholic families. Singling out Catholic families for unfair treatment. It must not be made more difficult for pupils to receive the moral and spiritual education which is their right.
20. The proposals are discriminatory, as there is no effort being made to merge all school transport.
21. Faith schools should be helped – they generally turn out better exam results.
22. It is unfair to introduce charges for transport for pupils already at the school. This will force parents to make the difficult decision to find money for fares, or make their children change school.
23. How many of the children will be entitled to free transport under the new proposals?
24. Various correspondents say they are pleased to see provision for low income families, but are concerned about the middle income families with two or three children, who will struggle to find the cash.
25. Several letter writers claim that many children from villages will be entitled to free transport to another secondary school, so the Council will still be paying for transport. They say most rural children have to be bussed to school. They ask why should the Roman Catholics be the only ones who have to pay.
26. It is claimed the Catholic community invests in St Augustine’s College, and saves the County Council from having to provide facilities for students.
27. Other counties give free denominational transport, and so should Wiltshire. I fear that Somerset and other counties will see what Wiltshire is doing and follow suit.
28. The problem is due to the spectacular incompetence and complacency of WCC who have managed the money so badly that children and parents are being asked to suffer.
29. Appreciate the huge problem, but can’t believe there is a stark choice between help for the most vulnerable or subsidised transport for denominational schools. What about cutting back on projects such as the Wiltshire and Swindon History Centre, which could be seen as civic indulgence?
30. The Council has already made up its mind. Nothing will change it.

31. Free transport has been promised by the Government, and the Council has no right to remove the subsidy because of bad financial management.
32. John of Gaunt and Clarendon won't be able to cope with displaced pupils.
33. Council should provide free transport to church schools, as in other counties.
34. We've always had a school bus.
35. If you withdraw buses, children will be in danger – and there could be a fatal accident.
36. The school bus will still run from our village because some qualify for free transport, so why can't others use it.
37. WCC shouldn't even consider stopping free denominational transport. Rural families rely on this service. Make other cuts...such as the Stonehenge Bypass.
38. Local village schools are often church schools....shouldn't have to pay to get transport to them. Why should C of E village schools be penalised, when there is no charge for transport to County Schools.
39. Have to use buses but could not afford £20+ per week.
40. Everyone should have free transport up to three miles (or more if to the nearest school), then charge for everything above that.
41. School buses aid independence for children in a safe environment.
42. If the Council wants the children in the schools, it should pay for transport.
43. Why not ask richer Catholic families to make a donation.
44. If charges must be introduced, it is unfair to apply them to existing students. The Council could charge new pupils only, if absolutely necessary.

#### **Comments from people supporting change**

1. If people opt to have their children educated outside of their usual catchment area, they should pay. I object to paying for someone else's preferences. The money is better spent on the schools themselves.
2. Free transport should be provided to a child's local school if they live further away than the qualifying distance, or if the walking route is unsafe.
3. It is more important to help 16+ students get to lessons than to help parents exercise choice.
4. Surprised that Council Tax is used to subsidise a parent's choice not to use a local school.
5. Parents choosing an "out of area" school for any other purpose have to pay....so why should religion be an exception.

6. Paying for transport is a small price to pay for free education at the school of your choice.
7. This is not discrimination against Catholics, It just withdraws a positive discrimination they've enjoyed for years. It treats everyone as equals.
8. Denominational schooling causes segregated communities to be created.

**SUMMARY OF CURRENT POLICY, THE PROPOSAL ON WHICH THE  
CONSULTATION EXERCISE WAS CARRIED OUT AND  
THE ALTERNATIVE PROPOSAL**

**Current:**

- Free transport for primary pupils up to 5 miles
- Free transport for secondary pupils up to 10 miles
- Post-16 charged as others who qualify under the scheme
- Daily allowances payable to 'above distance' parents towards the cost

**Proposed at 20<sup>th</sup> June 2006:**

- Free transport for entitled primary and secondary pupils – eligibility by benefits to be determined
- Subsidised cost of £270 for primary pupils up to 5 miles (2 or 3 mile qualifying distance according to age)
- Free secondary transport for those eligible above (plus those who are eligible under general school transport policy from September 2007).
- Post-16 charged as others who qualify under the scheme

**Alternative proposal at 5<sup>th</sup> September 2006:**

The features of the alternative proposal are:

- (i) Confirmation that parents are 'adherents to and practising members of the religious denomination stated' would be reviewed annually by a Panel of representatives of the local church(es) and the school(s). An LEA representative would be invited to observe the working of the Panels.
- (ii) Three levels of charging are proposed:
  - primary pupils would be charged at £45 per term (six term year, ie £270 per annum) subject to living the minimum qualifying distance from the school
  - secondary pupils would be charged £45 per term (£270 per annum) if living between 3 and 5.99 miles from school
  - £55 per term (£330 per annum) if living between 6 and 9.99 miles from school and
  - £60 per term (£360 per annum) above that distance, providing the pupil is attending the designated denominational school.

- (iii) A facility for payment by standing order in eight instalments (August to March) for the total annual charge and for payments by credit card or cheque would be made available.
- (iv) The charges would apply only to those commencing Year R or Year 7 (as applicable) from September 2007 onwards ie the charges will not be applicable to those already attending.
- (v) These charges would rise annually in line with transport inflation costs but no higher than this.
- (vi) Families on lower income levels would be able to receive free passes, subject to the qualifying clauses to be specified in the Education and Inspections Act (anticipated at the end of this year).
- (vii) Free transport would also be available for those who qualify under the general school transport policy i.e. on opted grounds, shared site etc.
- (viii) The new arrangements would be reviewed after they have been in place for two years, in preparation for the 2010-11 budget.

This page is intentionally left blank

## Appendix 3

### Minute from the Cabinet meeting held on 5<sup>th</sup> September 2006

---

#### **(c) Denominational School Transport Consultation**

The Cabinet considered the joint report of the Director of Environmental Services and Director, Department for Children and Education which reported on the public consultation exercise commissioned by Cabinet and which made proposals for charging to effect savings in this service area from September 2007.

The Cabinet Member for Education and Youth Development reported that the consultation exercise revealed that there were strong views on this matter. The Council had listened to those views and in liaison with representatives of the Catholic community, developed an alternative proposal which effected phased savings from September 2007.

Mr Brendan Wall, the Headteacher of St Augustines, spoke on behalf of that school and acknowledged the difficulties that the County Council faced. He accepted the requirement within the revised proposal for there to be some confirmation that parents were adhering to and practising members of the religious denomination stated but expressed his concern that he felt the proposals were a departure from the historic agreement between local government and the Catholic community.

Mr David Byrne from the Clifton Diocese also expressed the view that the proposals were contrary to that agreement and stressed that for Catholic parents the denominational schools were the designated schools.

Mr Osborn and Mrs White both spoke and asked questions as local Members affected by the proposals.

**Resolved:** *To endorse the alternative proposal with the features as set out below, to effect phased savings from September 2007 in this service area:-*

- (i) Confirmation that parents are 'adherents to and practising members of the religious denomination stated' would be reviewed annually by a Panel of representatives of the local church(es) and the school(s). An LEA representative would be invited to observe the working of the Panels.*
- (ii) Three levels of charging are proposed:*
  - primary pupils would be charged at £45 per term (six term year, ie £270 per annum) subject to living the minimum qualifying distance from the school*

*Secondary pupils would be charged £45 per term (£270 per annum) if living between 3 and 5.99 miles from school*

- *£55 per term (£330 per annum) if living between 6 and 9.99 miles from school and*
- *£60 per term (£360 per annum) above that distance, providing the pupil is attending the designated denominational school.*

- (iii) *A facility for payment by standing order in eight instalments (August to March) for the total annual charge and for payments by credit card or cheque would be made available.*
- (iv) *The charges would apply only to those commencing Year R or Year 7 (as applicable) from September 2007 onwards ie the charges will not be applicable to those already attending.*
- (v) *These charges would rise annually in line with transport inflation costs but no higher than this.*
- (vi) *Families on lower income levels would be able to receive free passes, subject to the qualifying clauses to be specified in the Education and Inspections Act (anticipated at the end of this year).*
- (vii) *Free transport would also be available for those who qualify under the general school transport policy i.e. on opted grounds, shared site etc.*
- (viii) *The new arrangements would be reviewed after they have been in place for two years, in preparation for the 2010-11 budget.*