

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

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### **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

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5<sup>th</sup> SEPTEMBER 2006

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## 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

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**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.
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