



Committee report

Committee	CABINET
Date	TUESDAY, 16 AUGUST 2011
Title	PROPOSED CHANGES TO HOME TO EDUCATION TRANSPORT POLICY
Report of	LEADER OF THE COUNCIL & CABINET MEMBER FOR RESOURCES AND THE CABINET MEMBER FOR CHILDREN'S SERVICES & EDUCATION

PURPOSE

1. To receive the outcomes of the recent consultations regarding possible changes to the provision of a subsidy for post 16 transport and the discretionary element of denominational school transport. Furthermore to note these outcomes and to consider a adopting a revised approach on these matters, including a wider review of transport provision for education into a new home to education transport policy.

OUTCOME

2. To agree that a further period of representation takes place, until 14 October 2011, regarding the new home to education transport policy and that the outcome of this process is taken to Cabinet for decision in December 2011.

BACKGROUND

3. The council has been reviewing all of its services following publication of the Corporate Plan in November 2009 and which was updated in June 2011. In addition the changes to the pattern of school organisation have necessitated some interim changes to the home to education transport policy during the transition period. These interim changes have been reflected in the annual publication of the admission arrangements. This report sets out a revised policy which is proposed for full implementation from September 2012, but much of the policy represents a clarification of the existing arrangements which will apply to the new two-tier model from September 2011. The revised policy seeks to provide a fair and equitable basis for the provision of free or subsidised home to education transport.
4. Following public consultation and the range of issues and concerns raised it has been recognised that there is a need to review the whole of the current home to education transport policy rather than just specific aspects of it. In addition to the home to faith school and post 16 transport payments it has been identified that there are other discretionary payments that are also in need of review, and well as greater clarity required on particular detailed aspects of elements of the policy. Furthermore it is

considered appropriate to use this opportunity to bring school (pre 16) and post 16 transport arrangements together in one comprehensive document.

5. Therefore, it is now necessary to seek approval to review the whole home to education policy area to ensure that there are clear principles understood by all which are sufficiently robust to stand the test of time recognising that as from September 2011 the education system change to two-tier will be fully completed. This proposed revised policy will encompass all aspects including:
- Primary school pupils (4-11 year olds)
 - Secondary school pupils (11-16 year olds)
 - Post 16 students in Sixth Forms and Further Education (16-19 year olds)
 - Children (4-16 year olds) with Special Educational Needs and Disabilities
 - Transitional arrangements
 - Exceptional circumstances

The intention is to have a policy that is as equitable as possible and addresses a number of anomalies that have developed over time through custom and practice, some of which were highlighted during the recent consultation exercise.

6. Subject to this approval to seek views on the proposed revised policy it is intended to hold a further period of representation from 6th September 2011 for 28 days. This will enable the council to revise the current home to education transport policy for implementation in September 2012.
7. In addition at its meeting in October 2010 Cabinet agreed to consult on a proposal to remove all subsidies for post 16 transport. Following the public consultation, members are now asked to take into account the responses to the consultation and approve the reduction in the council subsidy by increasing the cost to students from £27.50 to £50.00 per term with effect from 1st September 2011. Where the proposed changes in policy mean that students who may have been eligible for free home to education transport will lose this facility it is intended that any 'spare seats' made available will be charged at the same rate.
8. The council is required by law to provide free home to education transport to pupils who meet national criteria (see 8 below and Appendix A). In addition to statutory school travel, the council also provides free home to education transport on a discretionary basis. The council's current home to education transport policy, setting out these provisions, can be found at:
- http://eduwight.iow.gov.uk/the_lea/policies_plans/images/TransportJuly2005.pdf
9. The legal requirements to provide home to education transport is stated in the Education Act 1996 (amended by the Education and Inspections Act 2006). This states that the council must provide free home to education transport to eligible pupils resident on the Island. Eligible pupils include:
- Children who are in reception class and years 1 - 2 who attend their nearest suitable school (catchment area school), and which is more than two miles from their home.

- Children who are in years 3 - 6 who attend their nearest suitable school (catchment area school), and which is more than three miles from their home.
- Children who are in years 3 - 6 who are eligible for free school meals or whose parents receive the maximum amount of Working Tax Credit, and who attend a school which is their nearest suitable school (catchment area school) which is more than two miles from their home.
- Children who are in years 7 – 11 who attend their nearest suitable school (catchment area school), and which is more than three miles from their home.
- Children who are in years 7 – 11 and are eligible for free school meals or whose parents receive the maximum amount of Working Tax Credit, and who attend a school on the grounds of their religious belief (more than two but less than fifteen miles from their home).
- Children unable to walk to school by reason of their special educational need, disability or mobility problem (including temporary medical conditions).

STRATEGIC CONTEXT

10. At the beginning of each phase of education parents are able to express a preference for the school they wish their child(ren) to attend. This is not a choice as such although the high levels of first preference currently secured on the Isle of Wight often lead people to consider it a choice. The Island's rural character with villages and hamlets spread across particularly the south and west of the island (many of whom have no school provision of their own) mean that pupils are not able to access education without the use of motorised transport. In some cases the routes even short are unsuitable for walking or cycling.
11. The provision of free home to education transport is set out by Government with a range of defined criteria as set out in paragraphs 8 and 9 above. Traditionally the Council has provided free transport above and beyond these national requirements. As part of the wider budget review of expenditure the council is continuing to examine the services it provides to ensure that its costs are kept within the available budget. Expenditure on home to education transport is one area where potential savings could to be considered especially in light of the fact that our local provision which is above and beyond national requirements. While the council does contract with a range of public transport providers there is only one major provider who is able to meet the Islandwide demand. The existing contract with Southern Vectis will continue for a further academic year subject to some variation with a new contract being secured for September 2012 onwards.
12. Following the Cabinet decision in October 2010 to consult on these discretionary elements (i.e. denominational home to school transport and post 16 home to school / college transport) a consultation plan was developed. The details of the consultation exercise and the responses are found below in paragraphs 23 – 29.
13. The proposed revised policy is found at Appendix B to this report. The main components of the revised policy have been highlighted in paragraphs 16 - 21 below. It is important to note that while many respondents do not wish to see the removal of discretionary transport (see section on consultation below) the council must have a policy that is fair and equitable for all groups. It remains a matter of concern view that it is inequitable that when parents choose a secondary school based on their holding of a particular religion or belief they are given a unique entitlement to free transport which is not made available to parents when choosing a school based on other factors. If parents make a school choice on religious grounds, based on holding a particular set of beliefs that are aligned to a particular school's religious character, it is considered that it is inequitable that they

are entitled to positive discrimination (and selective financial benefit) in exercising that choice when other parents who make education choices based on not having a set of beliefs in line with that particular school's character are effectively discriminated against (in comparison). Therefore, it remains the council's intention, subject to the period of further representation, to cease providing such a universal entitlement which differentiates in our approach to non-faith schools.

14. However, in ceasing to provide such a universal entitlement the council must ensure that it does not inadvertently simply reverse the unfairness. For example, if a pupil would be entitled to receive free home-to-school transport to a school in Newport (as their catchment area school) by virtue of where they live, the council accepts that such an entitlement should be transferable to another school in Newport – whether that be Medina, Carisbrooke or Christ the King College. Parents should be able to transfer that travel benefit for attendance at another school – as long as the travel to the alternative school does not add more than a marginal increase in cost for the travel.
12. In terms of post 16 in the light of the planned increase in the statutory participation age and as part of the council's continuing drive to keep the number of 17-19 years olds who do not engage in education, employment or training as low as possible it is intended to maintain the subsidised travel arrangements from September 2011. This will, however, be at an increased termly rate and apply to those attending school sixth forms or the Isle of Wight College, where the institution they attend is more than three miles from their home address.
15. It should be stated that in revising the home to education transport policy for September 2012 it may be subject to further change in due course as a result of the Government's consultation on the Schools Admissions Code and as a result of the representations made.

Proposed revised policy

16. Primary pupils (age 4-11 years):

For pupils attending their priority (catchment school):

4 – 7 year olds [school years R, 1 & 2]: *If the school is more than two miles from the pupil's home address, the pupil will be entitled to receive free home to education transport.*

7 – 11 year olds [school years 3 – 6]: *If the school is more than three miles from the pupil's home address, the pupil will be entitled to receive free home to education transport.*

The above represents a continuation of the current policy.

In addition in the circumstances that a child is entitled to free school meals or their family is in receipt of their maximum level of Working Tax Credit, the following entitlement will apply:

7 – 11 year olds: *If the pupil attends their nearest qualifying school, and this school is more than two miles from the pupil's home address, the pupil will be entitled to receive free home to education transport.*

The above is a new requirement following recent Government legislation and will be added to the policy.

Pupils who attend a faith school on religious grounds **currently** qualify for free transport if it is their nearest faith school. This is not available to pupils attending non-faith schools. The revised policy will apply what is laid out (in the section above) to all pupils which means that the withdrawal of free transport to faith schools will mean that **all pupils** would be treated equally, regardless of their religion or belief.

The above is a proposed change and is clarified in the revised policy.

There will be circumstances in which the journey to school whilst not meeting other criteria for free transport is deemed to be an unsafe route. If the route is more than a mile then free transport will be provided.

This is made explicit in the revised policy.

17. **Secondary school pupils (11-16 year olds)**

For pupils attending their priority (catchment school) it is proposed that the following revised policy is adopted:

If the school is more than three miles from the pupil's home address, the pupil will be entitled to receive free home to education transport.

The pupil will be entitled to receive free home to education transport to an alternative school (chosen by parental preference) that is also more than three miles from their home address, provided that the alternative school is not more than three miles from their priority area school.

The **current** denominational school discretionary scheme provides free transport to and from school for students primarily on the basis of distance (more than three miles – secondary and two miles – primary) from the school, but there are other criteria.

Pupils who attend a faith school on religious grounds **currently** qualify for free transport if it is their nearest faith school. This is not available to pupils attending non-faith schools

The revised policy will apply what is laid out (in the section above) to all pupils which means that the withdrawal of free transport to faith schools will ensure that **all pupils** would be treated equally, regardless of their religion or belief. The restriction of a three mile variation between the priority area school and the alternative school will mean that there is only a marginal (if any) additional transport cost associated with parents choosing an alternative school to one for which they would have received free transport.

The above is a proposed change and is clarified in the revised policy.

In addition the revised policy provides that **in the circumstances that a child is entitled to free school meals or their family is in receipt of their maximum level of Working Tax Credit, the following entitlement will apply:**

If the pupil attends one of their three nearest qualifying schools,, and this school is more than two miles but less than six miles from the pupil's home address, the pupil will be entitled to receive free home to education transport.

This is a new requirement following recent Government legislation and has been added to the revised policy.

In addition the revised policy provides that **in the circumstances that a child is entitled to free school meals or their family is in receipt of their maximum level of Working Tax Credit, the following entitlement will apply:**

If the pupil attends the nearest school preferred by reason of a parent's religion or belief, and this school is more than two miles but less than 15 miles from the pupil's home address, the pupil will be entitled to receive free home to education transport if they meet the admissions criteria for attending that school and are allocated a place. This only applies to schools on the Island.

This is a new requirement following recent Government legislation and has been added to the revised policy.

There will be circumstances in which the journey to school whilst not meeting other criteria for free transport is deemed to be an unsafe route. If the route is more than a mile then free transport will be provided.

This is made explicit in the revised policy.

18. Post 16 students in Sixth Forms and Further Education (16-19 year olds)

For students attending full-time post 16 study (16 - 19 year olds) at a school sixth form [school years 12 & 13], the IW College or an Island-based training provider the following entitlements will apply:

If the school, institution or provider chosen by the student is located more than three miles from the student's home address, the student will be entitled to receive home to education transport subsidised by the Isle of Wight Council. This entitlement can be accessed through the purchase of a termly bus pass, for use on allocated bus routes. See FAQs for more details.

If the school, institution or provider chosen by the student is located less than three miles from the student's home address, the student will not be entitled to receive subsidised home to education transport subsidised by the Isle of Wight Council. However if they are attending a school sixth form they may be able to purchase a seat on one of the allocated bus routes serving that institution (subject to seat availability).

19. Children (4-16 year olds) with Special Educational Needs and Disabilities

The text below sets out the proposed policy in terms of children with Special Educational Needs and Disabilities, and is a clarification of the existing arrangements.

All pupils with special educational needs and disabilities will have access to, as a minimum, the entitlements as set out in sections (5) and (6) of the revised policy document (Appendix B), and the same rules of access and entitlement to free transport shall apply irrespective of whether pupils attend a mainstream or a special school. This includes the provision of free travel for the duration of any time spent at a special unit, if the two and three mile rules apply to those locations.

If a pupil does not qualify for free transport in the circumstances of (5.1), (5.3), (6.1) and (6.4) of the proposed revised policy set out in Appendix B, but is unable to walk to their school (or unit) due to their special educational needs / disabilities, then the pupil shall be entitled to receive free home to education transport subject to confirmation being received from a consultant or the child is in receipt of a higher level of Disability Living Allowance (DLA) which indicates that they have restricted mobility.

If the parents of a statemented child are allocated, by the Local Authority in the child's statement, a place for their child at a mainstream school with a special unit *, then the same entitlements to home to education transport will exist if the two and three mile rules as set out in (5.1) and (6.1) of the proposed revised policy (Appendix B) shall apply, in relation to that school.

** These schools are: Greenmount Primary School, Broadlea Primary School, Carisbrooke College and Sandown Bay Academy.*

If the parents of a statemented child are allocated, by the Local Authority in the child's statement, a place at a maintained special school *, then the same entitlements to home to education transport will exist if the two and three mile rules as set out in (5.1) and (6.1) of the revised policy (Appendix B) shall apply, in relation to that school. If a statemented child does not qualify for free transport due to living within two or three miles of the special school, they may still be entitled to free transport if their statement requires it to be provided.

** These schools are: Medina House School and St George's School.*

This represents no change to the current policy, but a clarification of the existing arrangements.

20. Transitional Arrangements

A number of the policies set out in this document represent a change from those policies which were in place over previous years. In bringing forward this new home to education transport policy, the Local Authority has sought to generally apply an approach that would see the arrangements for existing pupils continue for the duration of their education at a particular institution. Section 9 of the proposed revised policy sets out transitional arrangements which address those elements of previous policies which are proposed for phasing out.

21. **Exceptional Circumstances**

There are a number of circumstances where the local authority may choose to exercise discretion in awarding free home to education transport either on a temporary or longer term basis. These can be found in section 10 (Appendix B) of the proposed revised policy but represent no change from current policy.

22. **Frequently Asked Questions**

This new section seeks to address a wide range of issues and potential scenarios which parents may face, including questions they may have about how the policy applies to their particular circumstances. This aims to assist parents, pupils and students in making informed choices, particularly when expressing preferences for schools and therefore having a full understanding of the resulting transport implications.

23. **CONSULTATION**

24. There has been a consultation exercise on the faith and post-16 proposals to which the following parties have contributed:

- all 14 to 19 Providers;
- parents and carers;
- young people (pupils and students);
- Youth Council;
- teachers and lecturers;
- governing bodies;
- members of the public;
- the Catholic & Church of England local dioceses;
- the Member of Parliament for the Isle of Wight;
- town and parish councils;
- local transport operator – Southern Vectis;
- Trade Unions.

24. The initial consultation period, which commenced on Monday 9th May, was extended from its original closing date of Monday 4th July to Monday 18th July to allow for further feedback on points raised during the early part of the consultation period.

25. Public events, as advertised in the County Press, took place on the following dates:

- 18th May - IW College
- 24th May – Sandown High School
- 7th June – Medina High school
- 14th June – Ryde High School
- 21st June – IW College
- 23rd June – Christ the King College
- 28th June – St Francis Primary School

26. Further information was available at www.iwight.com/council/consultations with an online survey. Paper copies of the survey were made available from the help centres libraries and County Hall.

27. Through the consultation period officers have consulted directly with just over 400 young people, parents and staff over a period of three months (May-June 2011) on the possible

changes of the current discretionary travel subsidy for faith schools and Post 16 travel arrangements from September 2011 (Post 16) and 2012 for other discretionary travel arrangements.

28. A summary of the consultation responses is provided at Appendix C. Most of the respondents were not in favour of any change and the authority received a number of comments about the accessibility of information and in some cases its accuracy. In particular, many wished there had been an opportunity within the consultation options to opt for the continuation of current arrangements. This is reflected in the high number who ignored the question relating to the timing of any withdrawal of discretionary transport. Some respondents felt that there was insufficient clarity as to what decision had been taken by Cabinet at its meeting in October 2010 and therefore what the consultation was seeking to achieve.
29. The consultation attempted to be wide ranging and comprehensive and lasted over a lengthy period. However, the process did not sufficiently gain the confidence of most respondents and it is, therefore, proposed to have a further period of representation which takes account of some of the issues and seeks views on a more comprehensive and defined policy position. It is important to note, however, that the continuation of the current arrangements is not proposed in the revised policy and elements of current discretionary transport are subject to removal if the revised policy is adopted.

FINANCIAL / BUDGET IMPLICATIONS

30. The overall cost of home to education transport in the 2010/11 academic year was £2.55m and the indicative budget for 2011/12 is £2.83m.
31. Currently 13 contract buses provide transport to Christ the King College. There are 15 pupils who have transport to attend St Francis Primary School in Ventnor and there are four students at Holy Cross who travel in a school minibus but this is at no cost to the council.
32. However, it should be noted that based on figures from the 2009-10 academic year, approximately two thirds of the students attending denominational schools and currently receiving home-to-school transport would continue to be entitled to statutory subsidised travel on the basis of distance.
33. In academic year 2009/10, 283 students living less than three miles from their nearest high school received subsidised travel. The cost for an equivalent number of students in 2010/11 is notionally £880 multiplied by 283 students, which is £249,040. However, further work is necessary to calculate the actual savings that can be made through a reduction in the number of buses needed to transport these students. The decision to amalgamate school journeys (i.e. not to provide separate buses for different schools from the same starting point) will contribute to a cost reduction although this cannot be quantified at this stage.
34. From September 2012 savings will come from the reduction in the number of contracted buses used although as the contract is annually renewed this amount cannot be quantified at this time.

35. The council would need to review the current Southern Vectis contract and reschedule the bus routes for the new academic year starting in September 2012. Any potential savings could be calculated if a decision is reached on changing the discretionary subsidies.
36. Some immediate reduction in cost to the council will be achieved through the proposed increased cost of the termly travel pass for post 16 students. Based on the 2010/11 figures this is estimated to be £62,640.

LEGAL IMPLICATIONS

37. Section 76 of the Education and Inspection Act 2006 requires the council to promote sustainable travel and transport for the school journey. This involves assessing travel and transport needs against the provision of footpaths, cycle tracks and public transport etc. The council's policies can be found at

www.iwight.com/living_here/environment/Transport_Strategies/images/2SustainableTraveltoSchoolStrategy.pdf

www.iwight.com/living_here/environment/Transport_strategies/apr/images/AnnexF-SchoolTravelPlanStrategy.pdf

38. When the Council carries out consultation it is required to be meaningful, reasonable and proportionate. It must be carried out at the formative stage of policy changes and must give sufficient reasons for proposed changes so those consulted are able to give informed consideration to them and respond accordingly. The consultation outcomes should then be considered with an open mind and be taken into account in the decision making. Comments made during the further period of representation which is recommended in this report, will therefore be reported on to be taken into account when agreeing to implement the final policy.
39. Under the Equality Act 2010 decision makers must have due regard to the elimination of discrimination, advancing equalities and fostering good relations between different groups protected under the Act. An Equality Impact assessment has been carried out to assist in the exercise of this duty. This will be reviewed to include the outcomes of the further period of representations, to ensure the equality duty can be met.
40. With regard to Human Rights a number of responses expressed a view that the review would breach the human rights of those who currently receive free school travel to denominational schools under the current discretionary arrangements. This view was expressed most strongly in the response received from the Roman Catholic Diocese of Portsmouth.
41. The UN and European Conventions on Human Rights are embedded into UK law in the Human rights Act 1998.

Article 2 – Protocol 1 of the Human Rights Act 1988 states that:

'No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the rights of parents to ensure that education and teaching in conformity with their own religious and philosophical convictions.'

The UK has entered a reservation in relation to Article 2 such that it is accepted only so far as it is compatible with the provision of efficient instruction and training, and the avoidance or unreasonable public expenditure. Consequently, it is appropriate for the Local Authorities to consider the cost of providing such discretionary transport in deciding whether or not it should be provided.

It is clear that human right law does not give parents any absolute right to a faith education or to have free home to school transport provided for them if they choose to send their children to a faith school. Indeed DFE guidance on home to school transport states that:

'... under European Convention on Human Rights, parents do not enjoy any right to have their children educated at a faith or a secular school, or to have transport arrangements made by their local authority to and from any such school...'

42. The Isle of Wight Council is, therefore, confident that the review does not breach human rights.

EQUALITY AND DIVERSITY

43. An equality impact assessment report has been carried out prior to consultation and has now been reviewed following the extension to the consultation period (attached Appendix D).
44. The consultation was open to all identified in paragraph 23 and arrangements were put in place to allow all to contribute.
45. The Education Act 1996, as amended by the Education and Inspections Act 2006, places a statutory duty on local authorities to secure 'diversity and choice' in the provision of primary and secondary schools in their local area.
46. Respondents representing joint faith schools, opposed to the proposals in the review, suggested that the review did not comply with this duty as the increased travel costs to denominational schools would reduce parental choice.
47. Respondents in favour of the review expressed an alternative view, with falling church attendances the access to free travel should be removed.
48. The council considers that the review and its proposals are in compliance with its duty to secure diversity and choice. The review does not reduce the number of denominational schools in the areas, or the number of places available within them. Neither does the review prevent parents from expressing a preference for denominational schools. Moreover, the safeguards provided to low income families by the Education and Inspections Act 2006 ensures that the cost of home to school travel will not be a barrier to them choosing a denominational school.
49. Religious discrimination: many of the respondents who were opposed to the review felt that they discriminated against children and families on religious grounds. An alternative view was put forward by respondents who were in favour of the review who felt that the current system was discriminatory against children and families from non-religious backgrounds who are not entitled to free home to school travel.

50. Section 29 of the Equality Act 2010 places a duty on local authorities not to discriminate in the provision of public services. However, Schedule 3 of the Act states that:

Section 29, so far as relating to religious or belief-related discrimination, does not apply in relation to anything done in connection with:

- a) *the curriculum of the school*
- b) *admission to a school which has a religious ethos*
- c) *acts of worship or other religious observance organised by or on behalf of a school (whether or not forming part of the curriculum)*
- d) *the responsible body of a school which has a religious ethos*
- e) **transport to and from school**
- f) *the establishment, alteration or closure of schools.*

51. This exemption is required so that current arrangements for local authorities to provide discretionary transport to students attending denominational schools remains legal following the introduction of the 2010 Act.

52. Therefore, the council does not consider the impact of these proposed changes on the faith community of the Isle of Wight is disproportionate in light of the savings to be achieved.

53. The Council does not consider that any other groups will be adversely affected by these proposed changes.

OPTIONS

54. In order to regularise all home to education transport and address the anomalies and concerns raised during the consultation period it is proposed to publish the revised policy and enter into a "Representation Period" allowing all families, both faith and non-faith families to make representation as we provide greater clarity on the way forward. It is now proposed that the council will provide transport for secondary school children who attend, through parental preference, a different school to the priority school if:

- the home address is more than 3 miles from **both** secondary schools; and
- the different school is not more than 3 miles from the priority school.

55. It is also proposed to maintain the post 16 subsidised travel but to increase the cost of the termly bus passes.

56. As a result Cabinet are invited to consider the following options:

Option 1 – to note the outcomes of the recent consultations regarding possible changes to the provision of a subsidy for post 16 transport and the discretionary element of denominational school transport

Option 2 – to agree that a further period of representation takes place, from Tuesday 6 September to 14 October 2011, regarding the proposed new home to education transport policy (as set out in Appendix B) and that the outcome of this process is taken to Cabinet for decision in December 2011.

Option 3 – to agree to leave the existing policy (2005) in place and continue the additional provision for those who attend faith schools and the additional Government requirement with regard to those from low income families.

Option 4 – to agree to provide free transport for all home to education journeys irrespective of whether they is a statutory requirement to do so.

Option 5 – to agree to increase the termly bus pass for post 16 students to £50 with effect from September 2011

Option 6 – to agree to leave the termly bus pass for post 16 students at its current level

Option 7 – to agree to cease to provide the termly bus pass for post 16 students

RISK MANAGEMENT

57. In terms of risk management the proposed revised policy represents an opportunity to manage both financial and reputational risks that we are exposed to currently by having a number of disjointed complex and costly arrangements.
58. The proposed revised policy will provide clarity and transparency regarding the provision of free transport. It is necessary to have clarity and transparency regarding the provision of free transport particularly where the council is providing additional discretionary elements in addition to that required by national regulation.
59. The adoption of the proposed revised policy will negatively impact on some pupils and parents. However, if the proposed revised policy is not adopted there is risk of legal and discriminatory challenge against the council from parents who opt for a non-denominational school.

EVALUATION

Option 1

60. It is appropriate that the council notes the outcome of the recent consultation processes. The responses have informed a wider review of the home to education transport policy, thus acting as a valuable precursor to the proposed period of representation in relation to the proposed wider policy approach.

Option 2

60. This option provides an equitable base for all students irrespective of faith but also recognises that for some students the home to school journey is essentially the same whether a faith or non faith school is attended. This will mean the loss of free transport for some pupils and this will be regarded negatively but provides some protection for the council from potential claims that the current policy discriminates against some groups and favours others.

Option 3

61. If the existing policy is left in place with the current additional provision there is the risk that those parents who opt for a non-denominational school may claim that the council is being discriminatory in its policy by providing free transport to those who attend faith schools. The revised policy does accommodate those for whom their catchment school and their choice of faith school is in the same vicinity.

Option 4

62. This option would require the council to set an open ended budget for home to education transport. Even in times when there are not budget constraints this would pose both practical and financial consequences which would make forward planning very difficult.

Option 5

63. While this is an area of discretionary spend this enables to council to continue offering financial support to those wishing to continue in education beyond the statutory age but recognises that the current level of subsidy is not sustainable within the overall financial position. Such an approach would represent the first increase in many years.

Option 6

64. This is discretionary expenditure. The current cost of the termly bus pass is relatively low when compared to the overall costs. To maintain expenditure at the current level would require the council to look for savings in other parts of its budget. Post 16 institutions also have a new bursary fund that they can use to support those from low income families with all aspects of cost associated with their continuing education. This includes travel costs.

Option 7

65. The council is concerned that such an approach may have an adverse effect on participation in post 16 education and training and therefore may not assist the local authority's commitment to raise education standards.

RECOMMENDATION

OPTION 1

To note the outcomes of the recent consultations regarding possible changes to the provision of a subsidy for post 16 transport and the discretionary element of denominational school transport.

OPTION 2

To agree that a further period of representation takes place, from Tuesday 6 September to 14 October 2011, regarding the proposed new home to education transport policy (as set out in Appendix B) and that the outcome of this process is taken to Cabinet for decision in December 2011.

OPTION 5

To agree to increase the termly bus pass for post 16 students to £50 with effect from September 2011.

APPENDICES ATTACHED

- [Appendix A](#) – Home to School Transport; Statutory Transport;
- [Appendix B](#) – Proposed Revised Policy with Frequently Asked Questions (FAQs) section;
- [Appendix C](#) – summary of consultation responses;
- [Appendix D](#) – Equality Impact Assessment.

BACKGROUND PAPERS

- Admission Information which can be found at <http://eduwight.iow.gov.uk/parent/admissions>
- Home to school transport current arrangements can be found at http://eduwight.iow.gov.uk/parent/my_child/transpor.asp
- Post 16 transport current policy which can be found at http://eduwight.iow.gov.uk/the_lea/policies_plans/images/transportpolicypost162010-2011final.pdf

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