

Home to School Transport Consultation

Proposed changes to the
discretionary element of the home
to school transport policy

from 31.10.11 to 09.12.11



What changes are the Council wanting to make?

Wakefield Metropolitan District Council has a policy on home to school transport which sets out the circumstances in which it will provide free transport to assist pupils to get to School. The Council reviews that policy each year and decides whether or not it needs to make changes. As part of the drive to ensure equity and make the most efficient use of resources in the current financial climate the Council has decided to consider making changes to the policy to be brought in for the 2013/14 school year starting in September 2013.

Local Authorities can decide to provide free transport for a wider range of pupils than they are required to by law. This is called **discretionary transport**.

The Council has a duty to ensure that spending is focused on its priorities. As such Cabinet agreed on 4 October 2011 that there should be a review of discretionary transport.

Examples of discretionary transport include providing transport for children whose parents want them to attend a church school (denominational transport), or providing transport for pupils who are over statutory school age.



Denominational Transport is provided for statutory aged pupils who are baptised in to the relevant faith and attend a denominational Voluntary Aided School which is the nearest maintained faith school subject to the following qualifying distances:

Children aged 5-8 years	Who live more than 2 miles from the nearest qualifying school. Transport provided until the end of the term in which they become 8 years old
Children aged 8-16 years	Who live more than 3 miles from the nearest qualifying school

The Local Authority will also “have regard to”, amongst other things, any wish of a parent for their child to be educated at the nearest qualifying school on the grounds of parents religion and belief subject to the 3 mile distance criteria.

The Local Authority can decide not to exercise its discretion in favour of certain categories of discretionary transport. However, it must make arrangements for consideration of individual cases where the applicant claims there are exceptional or special circumstances.

In reviewing the discretionary transport provided by the Council it is recognised that the current policy does not treat all pupils equally: some pupils get free transport to for their preferred school and others do not. Parents who want their child to attend a particular school on the grounds of their religion or belief can get free transport whereas those parents who preference a school for a particular specialism do not receive free transport.

The Council is, therefore, considering the following change:

- **Not providing free transport to pupils attending denominational (eg faith) schools from September 2013.**

The Council is considering :

- phasing in these changes over a number of years so that children currently receiving free transport to a denominational school will continue to receive a free bus pass until the end of their particular phase of education.
- Alternatively, another possible option is to immediately remove free transport for **all** existing pupils who currently receive a free bus pass to attend a denominational school. This will mean that pupils wishing to attend a denominational school will not receive free transport, unless the denominational school is nearer to their home whilst still being over 3 miles or they become eligible for free transport on the grounds of coming from a family with low income.

The Education and Inspections Act 2006 addressed the impact of transport as a barrier to parents, especially from low income groups, exercising their choice of school. It is important that the Council's future transport policy is consistent with the arrangements that have been implemented under this Act. Arrangements are already in place to provide free school transport for pupils from low income families and are not proposed to change. These arrangements are outlined on pages 3 and 5.

This consultation document sets out the proposed changes and seeks your views on the changes.

Please be aware that these changes do not relate to pupils who have special educational needs, are post 16 or those pupils from low income families.

Further information on entitlement to transport for these pupils can be found in the current Home to School Transport Policy, or by contacting a member of the Home to School Transport Team who will be pleased to offer help and advice.

The Council's home to school transport policy only relates to pupils living in the administrative area of Wakefield Metropolitan District Council



What areas of the Council's policy will remain unchanged?

These proposed changes do not effect the Authority's duty to provide free transport for "eligible children" (under the Education Act 1996 as amended by the Education and Inspections Act 2006) to "ensure that every child in their area can get to a school."

The following statutory entitlement to free transport will continue:

Age	Statutory Entitlement
Pupils between the ages of 5 and 8 (Statutory school age to Year 3)	Free transport to the nearest qualifying school if beyond 2 miles measured by the nearest available walking route
Pupils between the ages of 8 and 16 (Year Groups 4 to 11)	Free transport to the nearest qualifying school if beyond 3 miles measured by the nearest available walking route
Pupils from low income families aged between 8-11 (Year Groups 4-6)	Free transport to the nearest qualifying school if beyond 2 miles measured by the nearest available walking route

Pupils from low income families aged between 11-16 (Year Groups 7-11)	Free transport to one of the three closest qualifying schools if it is between 2 and 6 miles from the home address or to the closest preferred school chosen on the grounds of parents religion or belief if it is between 2 and 15 miles from the home address
Pupils who live within the statutory walking distance from school where the nearest available walking route is unsafe to walk, accompanied as necessary	Free transport to the nearest qualifying school where the pupil lives within the walking distance from the school and the route has been assessed as unsafe to walk, accompanied as necessary
Pupils whose parents are unable to accompany them to school because of their own disability	Where a parent is unable to accompany their child due to their disability.

Who will make the decision about the change to the Council's policy?

The consultation period will commence on the 31 October 2011 and will end on 9 December 2011. Following this in Spring 2012 a further Report will be prepared for Cabinet. At this meeting Cabinet will consider the comments received and will then decide if changes are to be made to the home to school transport policy for the 2013/14 school year relating to the provision of discretionary denominational transport.

The cabinet decision will be published on the Council website (<http://www.wakefield.gov.uk>), the 2013/14 Guide to Parents booklet and in the 2013/14 Home to School Transport policy.



Some initial questions & responses:

Why is Wakefield Council proposing to reduce the school transport budget?

Wakefield Council is currently looking at every aspect of its work and how this can be delivered more efficiently and effectively. This includes a review of home to school transport. We need to reduce the annual school transport budget significantly and review what transport we can provide for pupils to school and college, in a fair and equitable way.

Who will be consulted and how?

In line with Government guidelines the LA is undertaking 28 working days of consultation with stakeholders including parents, Dioceses, schools, neighbouring Authorities and transport authorities. The consultation will run from 31 October 2011 to 9 December 2011.

Copies of the consultation document and a feedback form have been sent directly to all parents/carers of children attending a Voluntary Aided Faith school together with the Headteachers/Principals and Governors at these schools. Copies of the consultation document and a feedback form have also been made available to all Wakefield parents/carers/schools and Governors via the Council website. Other stakeholders included in the consultation are, METRO, bus operators, neighbouring LAs and Wakefield Citizens.

When would the new policy come into effect?

For statutory aged pupils, the new policy and arrangements would come into effect for the academic year starting 1 September 2013.

Will transport to church schools be affected?

It is proposed to end any discretionary transport assistance to denominational schools ie Roman Catholic, Church of England, etc.

How will this affect low income families?

The Local Authority has a statutory duty to provide school travel for certain categories of compulsory school age pupils (which is specific to families who are on low incomes, defined currently as Maximum Working Tax Credit, or those children who are in receipt of free school meals). The Council is not consulting on these arrangements which will continue to be provided, as long as there remains a statutory requirement to provide school transport for pupils in these categories.

How can I find out what public transport options are available to me and what will it cost?

Details of current public transport routes and fares can be found at Metro Travel Centres or by visiting Metro's website at: www.wymetro.com

What help would there be available for low income families?

Children from low income families (those in receipt of free school meals or the maximum level of working tax credit) may be supported with travel assistance where they live more than 2 miles from their nearest available school. For secondary aged children from low income families they may be eligible for free transport to one of the three nearest schools between 2 and 6 miles away, or the nearest school chosen on grounds of faith or philosophical grounds between 2 and 15 miles away where proof of faith to the adherence of the school can be provided.

Who is responsible for getting a child to school?

The law states the Local Authority has a duty to "make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children - that is, those categories of children for whom travel arrangements will always be required". Travel for children that fall into these categories must be provided free of charge. For children who do not fall into one of these statutory categories, **parents are responsible** for ensuring that their children attend school regularly and therefore responsible for getting their child to school.

Can I still choose a school for my child(ren) which is not the nearest school to where we live?

Any parent has the right to choose the school that they wish their child(ren) to attend. The School Transport Policy merely identifies the Council's responsibility in respect of providing transport, which specifies the nearest suitable school. (This is also referred to as nearest qualifying school). Transport legislation does not recognise catchment areas as part of the assessment criteria for the entitlement of free school transport. Only the nearest qualifying school can be considered for transport purposes and this school may not be the catchment area school.

Should the child not be entitled to school transport because it is not the nearest school then getting the child to school will be the parents' responsibility.

We live more than three miles from my child's secondary school. Why won't we get free transport?

You will only be entitled to free transport if your child attends their nearest suitable (or qualifying) school where the distance from home to school is over the statutory walking distance (more than three miles for secondary aged children). The nearest suitable school is the nearest school to your home that your child would have qualified for a place at, regardless of whether or not you named it on your preference form for a secondary school place.

How will I be able to get my child to school when I work?

Where a child does not qualify for free school transport assistance it is the responsibility of the parent/carer. This is the case under the existing policy.

How does this revised policy affect where my child is educated?

You can still choose any school for your child's education, subject to the Local Authority's Admissions Policy. However, free school transport would only be provided to the nearest qualifying school.

My child has a right to have an education at a faith school and to receive free transport – aren't you breaking the law if you carry out these proposed changes?

Human rights legislation gives parents the right to make sure that their religious beliefs are considered in the provision of education, but it does not guarantee a parent a place at a denominational school for their child or entitle them to free transport to their school.

Parents have a right under the School Standards and Framework Act 1998 to express a preference for a place at a particular school, and whilst the Council must have regard to that preference, the allocation of a school place does not carry with it an automatic right to receive transport assistance.

The Education Act 1996 sets out the Council's duties relating to school transport and it makes clear that free transport only has to be considered for certain groups of children (called "eligible children"), which includes pupils with special educational needs and those from low income families. Some children who attend faith schools will be "eligible children", but only if their families are on low income and they meet other criteria set by law. For those children who do not fall within the relevant categories, the Council has no legal duty to provide assistance with transport arrangements, but it can do so if it wishes as part of the drive to ensure equity and make the most efficient use of resources in the current financial climate.

The Council believes that its proposed policy amendments are entirely lawful.

What happens to children after September 2013 who are currently eligible for transport assistance on denominational grounds?

We have identified the following options which we want to hear your views on:

1. They will continue to receive free school travel until they leave their current phase of education i.e transfer to junior school (year 3) or high school (year 7); or
2. Free school travel will be withdrawn for all pupils so parents will be responsible for paying for their child(rens') travel to school from September 2013.

What happens if my child is eligible for denominational transport but I move house after 1 September 2013?

Your child will no longer be eligible for free travel to school unless they are attending the school nearest to your new home and meet the rules on statutory walking distances.

What is meant by the 'nearest qualifying school' for transport purposes?

This is the nearest establishment to your home address that can meet the needs of your child.

My child has been offered a place at a church school. Will transport be provided?

Only if you meet the statutory eligibility rules for free transport.

My nearest qualifying school is an academy, church school or community school; can I get transport assistance for my child to attend a faith school which is further away?

No - this is because under the new policy children must be attending the nearest school to their home address.



How to make your views known

If you wish to comment on this change you must do so by completing the questionnaire opposite and returning it to:

Discretionary Transport Consultation
The Home to School Transport Team
Room 60
County Hall
Wakefield
WF1 2QL

Alternatively you can complete the on-line questionnaire:

www.wakefield.gov.uk/councilanddemocracy/haveyoursay

If you would like this information in another language or format, such as large print, Braille or computer disc/ audio cassette please ask us

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Si vous souhaitez des informations dans une autre langue ou sous un autre format, veuillez nous le demander.

اگر این اطلاعات را به زبانی دیگر و یا در فرمتی دیگر میخواستید لطفاً از ما درخواست کنید

ئەگەر زانیاریت بە زمانیکی که یا بە فۆرمیکی که دەوی تکایه داوامان لی بکه

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

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Please complete this form in ink. Place a clear **X** inside the box. If you make a mistake, fill the entire box, and mark the correct box.

1. Not providing free transport on the grounds of religion or belief

- Strongly Agree Agree
No Preference
Disagree Strongly Disagree

Comments:
.....
.....

2. If the Council were to remove this free transport would you support a phased withdrawal or removal for all students with immediate effect?

- Phased Removal: Agree Disagree
Immediate Removal: Agree Disagree

Comments:
.....
.....

3. Do your child(ren) currently receive free transport because of your religion or faith?

- Yes
No

If **YES** - what would be the impact if this was removed?

(i) Immediately from September 2013.

Comments:
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.....
.....

(ii) On a Phased Basis from September 2013.

Comments:
.....
.....

How would your child travel to school if it was removed?

Comments:
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.....

4. The majority of transport provided by the Council is statutory. The proposed to consider the withdrawal of free transport on the grounds of religion or belief has not been put forward lightly and comes as part of a wider review of Home to School Transport, which aims to consider the needs of all pupils/students, consider equality and to protect essential services.

If you have any other suggestions as to how savings can be made to the Home to School Transport budget we would welcome your comments below:

Comments:
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I am:

? A school representative

Please indicate at which school

.....

A school governor

Please indicate at which school

.....

? A parent of a student who would be affected by the withdrawal of free transport on the grounds of religion or belief

Please indicate which school your child(ren) attends

.....

? A student who would be affected by the withdrawal of free transport on the grounds of religion or belief

Please indicate which school you attend

.....

? A parent of a student who would not be affected by the withdrawal of free transport on the grounds of religion or belief

Please indicate which school your child(ren) attend

.....

? Other

Please specify

.....

This consultation is open to everyone. Following the consultation, a report will go to Wakefield Council's elected Members, who will decide whether to take forward the proposals.

Thank you for taking the time to respond to this consultation exercise.

Return this form no later that Friday 9 December 2011 to:

**Discretionary Transport Consultation
Home to School Transport Team
Room 60
County Hall
Wakefield
WF1 2QL**

The logo for Wakefield Council, featuring a stylized green 'w' with a checkmark-like shape inside, followed by the words 'akefieldcouncil' in a blue, lowercase, sans-serif font.



