

**Democratic Services**

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Date: 30<sup>th</sup> April 2013

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**To: All Members of the Early Years, Children and Youth Policy Development and Scrutiny Panel**

**Councillors:** Sally Davis, Ian Gilchrist, Liz Hardman, Mathew Blankley, David Veale, Loraine Morgan-Brinkhurst MBE and Nathan Hartley (substitute for Sarah Bevan)

**Co-opted Voting Members:** David Williams and Mrs T Daly

**Co-opted Non-Voting Members:** Chris Batten, Peter Mountstephen and Andrea Arlidge

**Cabinet Member for Early Years, Children & Youth:** Councillor Dine Romero

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Early Years, Children and Youth Policy Development and Scrutiny Panel: Thursday, 9th May, 2013**

You are invited to attend a meeting of the **Early Years, Children and Youth Policy Development and Scrutiny Panel**, to be held on **Thursday, 9th May, 2013 at 4.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely



Mark Durnford  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Mark Durnford who is available by telephoning Bath 01225 394458 or by calling at The Guildhall, Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Mark Durnford as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Mark Durnford as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Early Years, Children and Youth Policy Development and Scrutiny Panel - Thursday, 9th  
May, 2013**

**at 4.30 pm in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or **an other interest**,  
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. HOME TO SCHOOL TRANSPORT REVIEW 2012 (Pages 5 - 62)

This report sets out the call-in by 11 Councillors of a Cabinet decision relating to the decision for a phased withdrawal of subsidised home to school transport for new starters. The role of the Panel is to consider the issues raised by the call-in and to determine its response.

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	Early Years Children and Youth Policy Development and Scrutiny Panel
MEETING DATE:	9 <sup>th</sup> May 2013
TITLE:	Call-in of decision <b>E2546: Home to School Transport Review</b>
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b></p> <p>Appendix 1 Decision Register Entry for E2456 as published in the weekly list on 12<sup>th</sup> April 2013.</p> <p>Appendix 2 Accompanying Report for the Decision from the Cabinet Meeting on 10<sup>th</sup> April 2013</p> <p>Appendix 3 Call-in Request verified on 19<sup>th</sup> April 2013</p> <p>Appendix 4 Call-in Guidance Note</p> <p>Appendix 5 Suggested Terms of Reference for the Call-in</p> <p>Appendix 6 Extract from the minutes of the Panel Meeting held on 28th January 2013</p>	

## **1 THE ISSUE**

- 1.1 Under the Council's Constitution, any 10 Councillors not in the Council's Cabinet may request that a Cabinet or Single Member Decision made but not yet implemented be reconsidered by the person or body who made it. This is called a "call-in" and has the effect of preventing the implementation of the decision pending a review of the Decision by a Policy Development and Scrutiny Panel.
- 1.2 This report sets out the call-in by 11 Councillors of a Cabinet decision relating to the decision for a phased withdrawal of subsidised home to school transport for new starters. The role of the Panel is to consider the issues raised by the call-in and to determine its response.

## **2 RECOMMENDATION**

THE PANEL IS ASKED TO:

- a) Consider the call-in request received (refer to Appendix 3).
- b) Approve the Terms of Reference of the Call-in which will be prepared after consultation with the Chair of the Panel (Appendix 5) subject to any further comments received from Panel members (as in paragraph 6.2 below).

- c) Decide if it requires any further information to enable it to make a determination of the call-in request and, if so, request this information and any contributions that will assist the Panel in determining the call-in either at this meeting or at a further meeting (e.g. from the Cabinet; Councillor(s) representing the call-in signatories; and any other internal or external contributors required by the Panel).
- d) Decide whether it will reach a conclusion about whether to uphold or dismiss the call-in; or refer the matter to the Council itself to undertake the role of the Panel, at this meeting or if a further meeting is required.
- e) If a further meeting is required to hear and determine the call-in, the Panel is asked to agree the date for this. The constitutional requirement is for that meeting to take place before the end of the 21<sup>st</sup> May 2013 (this timescale would not apply if the Panel decided to refer their role to the full Council).
- f) Undertake an examination of the call-in request in accordance with the proposed procedure set out in Appendix 5.
- g) Note that, following the examination, the Panel may either:
  - 2.1 i) Dismiss the call-in, in which case the decision shall take effect immediately; **OR**
  - 2.2 ii) Uphold the call-in and refer the decision back to the decision-makers for reconsideration, setting out why it has decided that the decision should be reconsidered.
  - 2.3 OR**
  - 2.4 iii) Refer the matter to Council to itself undertake the role of the Panel [NB: the ultimate decision still remains with the original decision makers].

### **3 FINANCIAL IMPLICATIONS**

- 3.1 The Panel should be aware that the Council's Constitution (Part 4E, Rule 13) requires that
- 3.2 *"Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources or the extent to which that should be seen as a priority for future years' budget considerations".*
- 3.3 It is important, therefore, in its consideration of the call-in that the Panel gives consideration to the alternative options available to the decision-maker and the financial consequences of these.

### **4 BACKGROUND**

- 4.1 The decision which is now subject to a call-in request was a Cabinet Decision made at the Cabinet meeting on the 10<sup>th</sup> April 2013 and published on Weekly List on 12th April 2013 (Appendix 1) following consideration of the officer report (Appendix 2).
- 4.2 The Call-in request was received on 18th April and validated 19th April 2013. The Council Solicitor, on behalf of the Chief Executive, has validated the call in and confirms that it conforms to constitutional requirements in terms of time of receipt and number of Members validly subscribing to it. Appendix 3 sets out the reasons for the call-in request.

### **5 PROCESS**

- 5.1 Appendix 4 sets out the constitutional rules relating to the call-in process. In short, the Panel must EITHER:
- a) Dismiss the call-in, in which case the decision shall take effect immediately; OR
  - b) Refer the decision back to the decision-makers for reconsideration, setting out why it has decided that the decision should be reconsidered; OR
  - c) Refer the matter to Council to itself undertake the role of the Panel [NB: the ultimate decision still remains with the original decision maker].
- 5.2 If the Panel chooses option (b) above, the Constitution requires the decision-maker to reconsider the matter within ten working days from the conclusion of the PD&S Panel review meeting(s), and they may amend the decision or confirm the original decision, giving their reasons in either case. If the panel chooses option (c) these timescales would not apply.

### **6 ASSESSING THE CALL-IN REQUEST**

- 6.1 The Terms of Reference (Appendix 5- to follow) will indicate the suggested scope of the Call-in. This will outline the information and contributions the Panel is advised to consider in order to determine the call-in. It will have been prepared in consultation with the Chair. Panel members are invited to comment on the terms

of reference and any changes they request will be taken into account in an updated version which will be circulated at the meeting.

6.2 The Policy Development and Scrutiny Panel Chairs have approved guidance on the handling of call-in requests which make clear that there is a presumption that every validated call-in will proceed to a public meeting stage. The process for that meeting is set out in paragraph 7.1 below. If a second meeting of the Panel is required to complete the review it needs to take place no later than 21<sup>st</sup> May 2013 to comply with the constitutional requirement that the total period of overview and scrutiny involvement in a call-in must not exceed 21 working days.

## 7 SUGGESTED FORMAT FOR THE MEETING TO DETERMINE THE CALL-IN

7.1 When the Panel determines the call-in, it is suggested that the following format be adopted:

- (1) Remind itself of the issues to be considered and consider any additional written information supplied.
- (2) Hear from and ask questions of the Cabinet and Lead (or other agreed) Officers.
- (3) Hear from and ask questions of Councillor(s) representing the call-in signatories.
- (4) Hear from and ask questions of any appropriate external contributors (a "panel" style contributors` session is suggested).
- (5) Discuss and draw conclusions from the written and oral information presented.
- (6) Consider and formulate the Panel's determination of the call-in.

## 8. CONSULTATION

8.1 This report has been prepared following consultation with the Chair and Vice Chair of the Policy Development and Scrutiny Panel.

<b>Contact person</b>	<i>Emma Bagley - Policy Development and Scrutiny Project Officer 01225 396410</i>
<b>Background papers</b>	<i>None</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



Cabinet Meeting Resolution

<b>Executive Forward Plan Reference</b>	<b>E2546</b>
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**Home to School Transport Review 2012**

<b>Date of Meeting</b>	10-Apr-13
<b>The Issue</b>	<i>To consider the recommendations from the Early Years, Children and Youth Policy Development and Scrutiny Panel</i>
<b>The decision</b>	<p>(1) To AGREE that the Council should continue to seek to encourage more sustainable methods of home to school transport, particularly an increase in cycling;</p> <p>(2) To AGREE that the Council should encourage the promotion of safe cycling routes to school as an alternative to using the car where there is a safe route to do so and that the feasibility of establishing the following two routes should be investigated.:-</p> <p>a) Between Bishop Sutton and Chew Valley School.</p> <p>b) Between Compton Dando and Marksbury.</p> <p>(3) To AGREE with effect from September 2014 a phased withdrawal of subsidised home to school transport services for new starters attending denominational schools from September 2014 who would not qualify under other home to school policy subsets, (e.g. as a low income family) save in the case of children with siblings currently at the school. This option would not affect students who currently attend the school, only new pupils joining in September 2014. The anticipated savings from this withdrawal would be seen over a number of years can be found in the table in 3.2.5.</p> <p>(4) To AGREE to maintain the budget to provide transport for Children in Care [circa £70,000] for the foreseeable future; and</p> <p>(5) To ASK Passenger Transport Services to review home to school transport routes on a termly basis to ensure best value for money and that home to school transport bus routes are as efficient and effective as possible. This should also include liaising with parents/carers of students who have Special Educational Needs to consider whether it is appropriate for them to receive independent travel training and a personalised transport budget to arrange their own transport which may be more suitable for their needs, similar to the system used at Coventry City Council.</p>
<b>Rationale for decision</b>	The report asks the Cabinet to explore and decide which of the options listed in Section 2 to implement.
<b>Other options considered</b>	The range of options are set out in Section 2.
<b>Declarations of Interest</b>	None

**The Decision is subject to Call-In within 5 working days of publication of the decision**

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Cabinet</b>	
MEETING DATE:	<b>10 April 2013</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 2546</b>
TITLE:	<b>Home to School Transport Review</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p>Appendix 1- Early Years, Children and Youth Policy Development and Scrutiny Panel Home to School Transport Review 2012.</p> <p>Appendix 2 – Early Years, Children and Youth Policy Development and Scrutiny Panel Recommendations Table.</p> <p>Appendix 3 – Equalities Impact Assessment.</p>		

## 1 THE ISSUE

- 1.1 To consider recommendations from the Early Years, Children and Youth Policy Development and Scrutiny Panel Transport Review.

## 2 RECOMMENDATIONS

The Cabinet agrees that:

- 2.1 The Council should continue to seek to encourage more sustainable methods of home to school transport; the Panel would particularly like to see an increase in cycling.

- 2.2 The promotion of safe cycling routes to school as an alternative to using the car where there is a safe route to do so should be encouraged and the feasibility of establishing the following two routes should be investigated.:-

- A) Between Bishop Sutton and Chew Valley School.
- B) Between Compton Dando and Marksbury.

- 2.3 The Council considers exploring and implementing from September 2014 one of the following four options in order to reduce the overall spend on home to school transport.

- a) Raising the level of financial contribution currently paid by parents/carers using home to school transport from the Council i.e. those who do not qualify for free home to school transport. This could take the form of raising the fare currently paid for the 1<sup>st</sup> child from £50 per term to a level that would ensure that the service operated on a cost neutral basis (this amount would need to be identified by the Cabinet and Service Officers );
- b) Removing the 50% reduction for 2<sup>nd</sup> and 3<sup>rd</sup> children and/or removing the subsidised transport for families with more than three children requiring home to school transport (unless they qualified as a low income family).
- c) A combination of option A and option B.
- d) A phased withdrawal of subsidised home to school transport services for new starters attending denominational schools from September 2014 who would not qualify under other home to school policy subsets e.g. as a low income family. This option would not affect students who currently attend the school, only new pupils joining in September 2014. The anticipated savings from this withdrawal would be seen over a number of years can be found in the table in 3.2.5.

2.4 The budget to provide transport for Children in Care [circa £70,000] is maintained for the foreseeable future.

2.5 Passenger Transport Services should review home to school transport routes on a termly basis to ensure best value for money and that home to school transport bus routes are as efficient and effective as possible. This should also include liaising with parents/carers of students who have Special Educational Needs to consider whether it is appropriate for them to receive independent travel training and a personalised transport budget to arrange their own transport which may be more suitable for their needs, similar to the system used at Coventry City Council.

### 3 FINANCIAL IMPLICATIONS

#### 3.1 Recommendation 2.1 and 2.2

3.1.1 Part of the medium term service and resource plan for 2013/14, £500,000 has been allocated to improve cycling provision. There will be a number of calls on this budget and the two cycling routes will need to be considered alongside other priorities as part of the process to allocate these resources.

#### 3.2 Recommendation 2.3

##### 3.2.1 Fare Paying Scheme

3.2.2 Depending on the type of transport used eg Coach, minibus or taxi the true cost of each actual seat can vary. The average cost of a seat is approx £1,000. The current charge is £300 per annum [£50 per term]. For the 2<sup>nd</sup> and 3<sup>rd</sup> child a reduction of 50% is given. No further charge is made for additional children if a family has more than 3 children travelling. If a family is in receipt of free school meals or maximum working tax credit they are exempt from the charge.

3.2.3 As an example if the charge is increased to £600 per annum but the 50% reduction remains the income collected, if all children continue to travel, will increase from £80,000 to £160,000. If the 50% reduction is removed the annual income collected will further increase to £175,000. If the charge is increased to £1000 the income collected will increase to £266,000. If the 50% reduction is removed the annual income collected will further increase to £290,000.

##### 3.2.4 Denominational transport

###### Phased withdrawal

3.2.5 A phased withdrawal of denominational transport from September 2014 will result in the following savings.

	Year 1 2014-15	Year 2 2015-16	Year 3 2016-17	Year 4 2017-18	Year 5 2018-19	Year 6 2019-20	Year 7 2020-21
Spend on denominational Transport	£228,500	£172,500	£125,500	£78,500	£31,500	£21,500	£15,000
Anticipated Saving	£29,500	£85,500	£132,500	£179,500	£226,500	£236,500	£243,000

3.2.6 The above savings are calculated on the basis that the money is allocated to denominational schools to arrange transport which is suitable to them. If the Council continues to arrange transport on behalf of the schools the savings in the first few years may not be as great. This is because we may have to continue to use the same size vehicle until numbers drop sufficiently to reduce the size of the transport. Based on current numbers the Council will continue to spend £15,000 per year as our statutory duty under the extended rights to free travel scheme. This will be for children from low income families who live between 2 and 15 miles from their nearest denominational school.

3.2.7 The full saving of £258,000 will not be achieved until the 2021-22 financial year. Transport to Secondary Schools will cease at the end of the 2018-19 academic year and to primary schools at the end of the 2020-21 academic year.

### **Increased Charge**

3.2.8 The current charge is £300 per annum [£50 per term]. For the 2<sup>nd</sup> and 3<sup>rd</sup> child a reduction of 50% is given. No further charge is made for additional children if a family has more than 3 children travelling. If a family is in receipt of free school meals or maximum working tax credit they are exempt from the charge.

3.2.9 As an example if the charge is increased to £600 per annum but the 50% reduction remains the income collected, if all children continue to travel, will increase from £48,000 to £96,000. If the 50% reduction is removed the annual income collected will further increase to £120,000.

### **Cost neutral option**

3.2.10 The Council currently provides denominational transport to the following 5 schools:

St Benedict's primary School  
St Gregory's Secondary School  
St John's Primary School  
St Mark's Secondary School  
St Mary's Primary School

3.2.11 The cost of this transport with the number of pupils travelling is as follows:

#### **St Benedict's.**

The total cost of the transport is £18,156 and 19 pupils currently travel. Therefore the cost per pupil per annum is £956.

#### **St John's**

The total cost of the transport is £11,284 and 8 pupils currently travel. Therefore the cost per pupil per annum is £1411.

#### **St Gregory's**

The total cost of the transport is £188,500 and 194 pupils currently travel. Therefore the cost per pupil per annum is £972.

#### **St Mark's**

The total cost of the transport is £66,500 and 63 pupils currently travel. Therefore the cost per pupil per annum is £1056.

#### **St Mary's**

The total cost of the transport is £36,005 and 21 pupils currently travel. Therefore the cost per pupil per annum is £1715

3.2.12 The costs for each school can vary due to the nature of the transport provided. For example a 52 seat coach is cheaper per pupil than if children travel in a smaller vehicle or taxi. The cost per pupil is the amount each new child will be required to pay for the transport to be cost neutral.

### **3.3 Recommendation 2.4**

3.3.1 The budget of £70,000 for Children in Care Transport is already included in the Home to School Transport budget and requires no additional funding.

### **3.4 Recommendation 2.5**

3.4.1 Can be achieved through existing staffing resources and requires no additional funding

## **4 CORPORATE OBJECTIVES**

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*

## **5 THE REPORT**

5.1 The basis for this review was a letter received by the Early Years, Children and Youth (EYCY) Panel at their public meeting on the 23rd January 2012. The letter was from the Cabinet Member for Early Years, Children and Youth at the time, Councillor Nathan Hartley, in which he asked the Panel to consider undertaking a review of Home to School Transport in order to attempt to make some financial reductions as part of the 2013/14 budget setting process.

5.2 An in depth review was carried out and the findings were made in a report to the Early Years, Children and Youth Policy Development and Scrutiny Panel on the 28<sup>th</sup> January 2013. [See Appendix A].

5.3 The Council currently spends £4 million per annum on Home to School Transport. To make the existing home to school transport more efficient the Early Years, Children and Youth Policy Development and Scrutiny Panel has asked the Cabinet to explore and implement changes in respect of the fare paying scheme and denominational transport.

5.4 The Council operates a fare paying scheme where when we have spare seats on vehicles carrying entitled passengers we offer these seats to non-entitled children. The current charge is £300 per annum [£50 per term]. For the 2<sup>nd</sup> and 3<sup>rd</sup> child a reduction of 50% is given. No further charge is made for additional children if a family has more than 3 children travelling. If a family is in receipt of free school meals or maximum working tax credit they are exempt from the charge. Currently 251 children

pay the full charge, 34 children pay the reduced charge and 39 children are exempt from the charge. This creates an annual income of £80,000.

5.5A Local Education Authority has the discretion to pay the whole or any part as they think fit of the reasonable travelling expenses of any person receiving education at a school or college. In considering whether or not they are required to make arrangements in relation to a particular person a Local Authority shall have regard to any wish of the parent for him/her to be provided with education at a school or institution in which the religious education provided is that of the religion or denomination to which the parent adheres.

5.6 Denominational transport is currently provided to the nearest appropriate school for children up to the age of eight if the statutory walking distance of over 2 miles is exceeded. For children over the age of 8 the walking distance increases to 3 miles.

5.7 In September 2007 the Council introduced a charging policy for children qualifying for denominational transport. The current charge is £300 per annum [£50 per term]. For the 2<sup>nd</sup> and 3<sup>rd</sup> child a reduction of 50% is given. No further charge is made for additional children if a family has more than 3 children travelling. If a family is in receipt of free school meals or maximum working tax credit they are exempt from the charge.

5.8 The Council currently spends £320,000 on transport to denominational schools. The total annual income collected from parents who pay the denominational charge is £48,000. The council also collects £14,000 from children who don't qualify under the denominational policy but travel as fare paying passengers. The current net cost of providing denominational transport is therefore £258,000. A total of 133 children pay the full denominational charge and 51 children pay the 50% reduction. A further 34 children travel but are exempt from the denominational charge. A total of 39 children pay the full fare paying charge and 15 children pay the 50% reduction.

5.9 Under the extended rights to free travel grant we have a statutory duty to provide transport for low income families if the school attended is the nearest faith school between 2 and 15 miles from the home address.

5.10 The earliest any changes can be made are from September 2014 at the beginning of the 2014-15 academic year. The Council has to publish admission and transport policies for children applying for a school place in September 2014 by September 2013.

## **6 RISK MANAGEMENT**

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

## **7 EQUALITIES**

7.1 An Equality Impact Assessment (EqIA) has been completed. Adverse impacts were identified and have been justified/mitigated. [See Appendix C].

## **8 RATIONALE**



8.1 The report asks the Cabinet to explore and decide which of the options listed in Section 2 to implement.

## 9 OTHER OPTIONS CONSIDERED

9.1 The range of options are set out in Section 2.

## 10 CONSULTATION

10.1 Cabinet members; Trades Unions; Policy Development and Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Youth Council; Stakeholders/Partners; Section 151 Finance Officer; Chief Executive; Monitoring Officer

10.2 A questionnaire was issued, primarily aiming to contact existing home to school transport service users but also teachers, governors and home to school transport providers in order to identify whether services users thought the existing service was efficient and effective and how they would seek to prioritise future home to school transport provision. The questionnaire was available in electronic form and in paper copy from 10th September until 2nd November 2012. This was publicised via a press release, letters to existing home to school transport users, all schools and governors within B&NES, transport companies operating within B&NES and all town/parish Councils along with promotional materials to encourage people to complete the questionnaire.

10.3 The Panel held a public contributor session on 22nd October at the Guildhall in Bath. This meeting was an opportunity for members of the public to share their views about the current home to school transport system and to find out what research had been done to date by the steering group.

## 11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Customer Focus; Sustainability; Young People; Human Rights; Corporate; Impact on Staff; Other Legal Considerations

## 12 ADVICE SOUGHT

The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

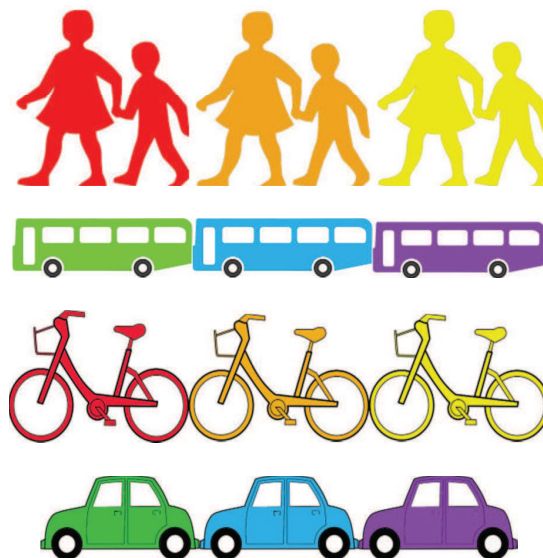
<b>Contact person</b>	Kevin Amos Tel 01225395202 E mail: Kevin_Amos@bathnes.gov.uk
<b>Sponsoring Cabinet Member</b>	Councillor Dine Romero
<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	



**Bath and North East Somerset Council  
Home to School Transport Review 2012**

**A review by the Early Years, Children and Youth  
Policy Development and Scrutiny Panel**

**In-depth Review**



# Review Panel Members

## Councillors:

Sally Davis (Chair)

Ian Gilchrist (Vice Chair)

Liz Hardman

David Veale

## Co-optees:

Tess Daly

Ian Harvey

## Council Officers:

Kevin Amos (Parent Support Services Manager)

Lauren Rushen (Policy Development and Scrutiny Officer)

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## **Glossary of Terms/Abbreviations:**

**B&NES-** Bath & North East Somerset Council

**Contributor Session-** this is a public meeting hosted by a Policy Development and Scrutiny Panel on a specific subject in order to gather views from members of the public or hear from invited speakers and Council service officers as part of a wider consultation process.

**HTST-** Home to School Transport

**PD&S-** Policy Development and Scrutiny- Policy Development and Scrutiny Panels are groups of Councillors and some co-optees who act as the Council's 'checks and balances' system to ensure that the Council operates in a clear and transparent way but 'scrutinising' the work of the main decision making body within the Council, the Cabinet.

PD&S Panels will also undertake 'policy development reviews' such as this report where they seek to undertake research and, sometimes consultation activities, in order to develop policy recommendations for the Cabinet. The Cabinet then decide whether they wish to accept, reject or defer the Panel's suggestions and will report their decision back to the Panel with reasons for their decision.

**SEN-** Statement of Special Educational Needs

## Recommendations

### Recommendation One:

- 1) The Council should continue to seek to encourage more sustainable methods of home to school transport; the Panel would particularly like to see an increase in cycling.

We understand that as part of the medium term service and resource plan for 2012/14, £500,000 has been allocated to improve cycling provision and we recommend that these, or future funds, are spent across B&NES and not just the city centre. We would particularly encourage the Cabinet to consider where routes could be used to create safer cycling routes to schools.

### Recommendation Two:

- 2) Given the questionnaire evidence, we recommended that the Cabinet encourage the promotion of safe cycling routes to school as an alternative to using the car where there is a safe route to do so.

Evidence from our questionnaire also suggested that there was some level of demand for two cycle paths and we recommend that the Cabinet investigate the feasibility of establishing the following two routes:

- a) Between Bishop Sutton and Chew Valley School
- b) Compton Dando to Marksbury

### Recommendation Three:

- 3) We recognise that the existing home to school transport system needs to become more efficient in the current financial climate and that 'doing nothing' is not an option.

We therefore recommend that the Cabinet considers exploring and implementing from September 2014 one of the following four options in order to reduce the overall spend on home to school transport.

- a) Raising the level of financial contribution currently paid by parents/carers using home to school transport from the Council i.e. those who do not qualify for free home to school transport. This could take the form of raising the fare currently paid for the 1<sup>st</sup> child from £50 per term to a level that would ensure that the service operated on a cost neutral basis (this amount would need to be identified by the Cabinet and Service Officers );
- b) Removing the 50% reduction for 2<sup>nd</sup> and 3<sup>rd</sup> children and/or removing the subsidised transport for families with more than three children requiring home to school transport (unless they qualified as a low income family).
- c) A combination of option A and option B. A financial briefing for providing a cost neutral option will be prepared by service officers if either option a, b or c are accepted by the Cabinet.

- d) A phased withdrawal of subsidised home to school transport services for new starters attending denominational schools from September 2014 who would not qualify under other home to school policy subsets e.g. as a low income family. This option would not affect students who currently attend the school, only new pupils joining in September 2014.

The anticipated savings from this withdrawal would be seen over a number of years as follows:

	Year 1 (2014-15)	Year 2 (2015-16)	Year 3 (2016-17)	Year 4 (2017-18)	Year 5 (2018-19)	Year 6 (2019-20)	Year 7 (2020-21)
Spend on denominational transport	£217,500	£170,500	£123,500	£76,500	£29,500	£19,500	£15,000
Anticipated saving	£27,500	£74,500	£121,500	£169,000	£215,500	£225,500	£230,000

The above savings are calculated on the basis that the money is allocated to denominational schools to arrange transport which is suitable to them. If the Council continues to arrange transport on behalf of the schools the savings in the first few years may not be as great. This is because we may have to continue to use the same size vehicle until numbers drop sufficiently to reduce the size of the transport. Based on current numbers the Council will continue to spend £15,000 per year as our statutory duty under the extended rights to free travel scheme. This will be for children from low income families who live between 2 and 15 miles from their nearest denominational school.

- e. This withdrawal could either be administered by the Council or;
- f. Following a similar example to Wiltshire Council, a set sum of money could be allocated per year to the affected schools to arrange transport that is suitable for them.

#### **Recommendation Four:**

- 4) That the budget to provide home to school transport for children in care (circa £70,000) is maintained for the foreseeable future.

#### **Recommendation Five:**

5 a) Passenger Transport Services should review home to school transport routes on a termly basis to ensure best value for money and that home to school transport bus routes are as efficient and effective as possible.

5 b) This should also include liaising with parents/carers of students who have Special Educational Needs to consider whether it is appropriate for them to receive independent travel training and a personalised transport budget to arrange their own transport which may be more suitable for their needs, similar to the system used at Coventry City Council.



## Introduction

The basis for this review was a letter received by the Early Years, Children and Youth (EYCY) Panel at their public meeting on the 23<sup>rd</sup> January 2012. The letter was from the Cabinet Member for Early Years, Children and Youth at the time, Councillor Nathan Hartley, in which he asked the Panel to consider undertaking a review of Home to School Transport in order to attempt to make some financial reductions as part of the 2013/14 budget setting process. It was agreed at this meeting that further analysis of past decisions were initially required before a decision could be made on what needed to be reviewed.

After reviewing previous research and having informal discussions with the Chair of the Panel, Cabinet member and the Strategic Director it was agreed that there were many wider issues that now needed to be reviewed compared to the past reviews carried out on home to school transport, which included; *The Passenger Transport Review (March 2005)* & *The Transport to Secondary School Review (2008)* and that it is now more important than ever, particularly in today's economic climate to understand the Council's commitment to maintain transport services for young people whilst ensuring the most efficient deployment of public funds and the full range of statutory Home to School Transport (HTST) policy duties in this field are being met.

## Purpose and Objectives

### Purpose

To maintain transport services for young people whilst ensuring the most efficient deployment of public funds and meeting the full range of statutory duties in this field

### Objectives of PDS Review

The objectives of this Policy Development & Scrutiny Review are to:

- a) Consider the impact of current HTST policy and its various sub-sets in relation to parental choices and cost of delivery. Policy sub-sets are:
  - Distance
  - Hazardous route
  - Low income family (this is defined as being in receipt of free school meals or the highest level of working tax credits)
  - Denomination
  - A child or young person being 'looked after'
  - Having a statement of SEN
  - Temporary medical grounds e.g. a broken leg
- b) Consider the effectiveness and efficiency of current policies and their operation and undertake some comparative studies of the policies and cost of other Local Authority's.

- c) Consider the deployment of HTST funding within the overall context of Council spending on public transport services. Identifying the most affordable solution to maximise the use of existing resources.
- d) Make recommendations to the Cabinet, identifying the relevant Cabinet Member(s), with any changes to policies and operations in light of the findings of the Panel.

## Methodology

The research for this review was undertaken in four phases; a desk research exercise, a questionnaire, a public contributor session and meetings with students, teachers, parents/carers at local schools.

### *Phase One: Desk Research*

In the first phase, we conducted a desk research exercise in order to identify:

- what work had been undertaken by previous two Policy Development and Scrutiny reviews in this area (the Passenger Transport Review in 2005 and the Secondary School Transport Review in 2008);
- national research and policy guidelines on home to school transport;
- best practice examples at other local authorities;
- a comparison between existing home to school transport policies between ourselves and our neighbouring local authorities of Bristol City Council, North Somerset Council, South Gloucestershire Council and Wiltshire Council.

The Panel also received a briefing from service officers about our current home to school transport policies and the costs associated with running the service.

This background research was presented to the Panel when we held a public contributor session on 22<sup>nd</sup> October 2012, a copy of this briefing paper presented to the Panel can be found here: <http://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=461&MId=3858&Ver=4> .

The background research identified:

#### ➤ National Research:

There was limited recent national research available on home to school transport policies. The most recent example was from 2011 with the Department for Education undertaking a review entitled '*Home to School Transport: Efficiency and Effectiveness*' with the aim being to encourage "local authorities to share best practice and ensure they have processes and systems in place that provide value for money and contribute to the reduction of bureaucracy"<sup>1</sup> However, at the time of writing, the details of their final report were not available.

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<sup>1</sup> Department for Education Review:  
<http://www.education.gov.uk/schools/pupilsupport/community/a0077797/efficiency-and-practice-review-home-to-school-transport>

- **Good Practice Examples:** The Panel looked at Coventry City Council's model for providing SEN transport in the form of independent travel training and a personalised transport budget to families to arrange their own forms of transport for children with a statement of SEN, where it was appropriate to do so, this offered greater flexibility to parents/carers whilst helping individuals to develop the skills to travel independently.

The Panel also looked at examples from Cheshire County Council and Cheshire West District Council who worked together to revise their HTST transport policies and Gloucestershire County Council.

- **Neighbouring Local Authorities:** The Panel compared our existing HTST policies with the policies of our neighbouring local authorities of Bristol City Council, North Somerset Council, South Gloucestershire Council and Wiltshire Council.
- **Current spending figures within Bath & North East Somerset Council (B&NES)** on existing HTST policies in addition the Panel learnt that the Council operates a fare paying scheme whereby any spare seats on vehicles carrying entitled passengers are offered to those who would normally not be entitled to HTST assistance. The current charge is £300 per annum [£50 per term]. For the 2nd and 3rd child a reduction of 50% is given. No further charge is made for additional children if a family has more than 3 children travelling. If a family is in receipt of free school meals or maximum working tax credit they are exempt from the charge. The Council currently transports 120 children collecting annual income of £30,000.

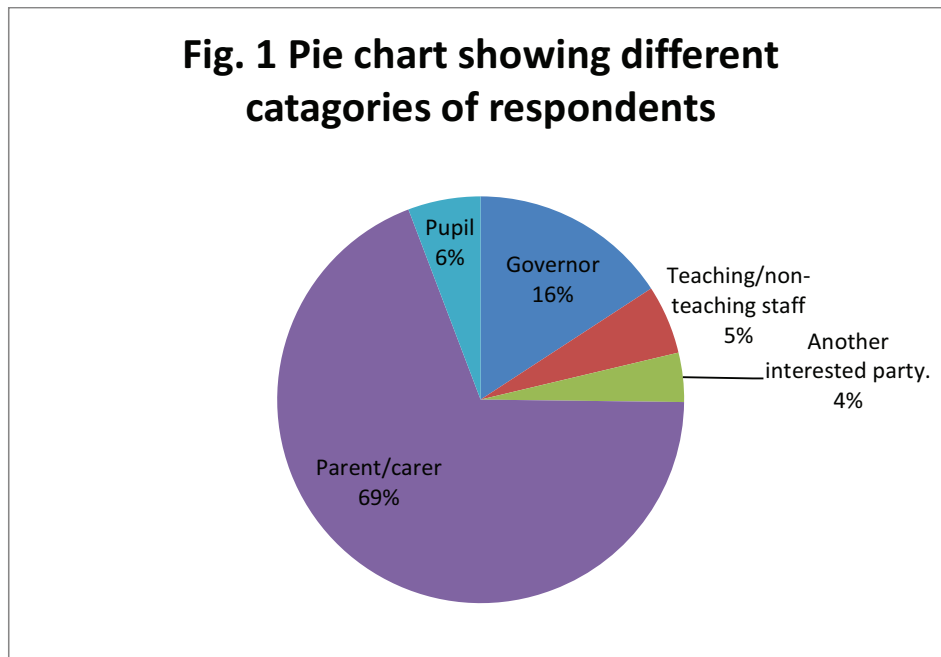
### *Phase Two: Questionnaire*

The second phase of the research was to conduct a questionnaire, primarily aiming to contact existing home to school transport service users but also teachers, governors and home to school transport providers in order to identify whether services users thought the existing service was efficient and effective and how they would seek to prioritise future home to school transport provision.

The questionnaire was available in electronic form and in paper copy from 10<sup>th</sup> September until 2<sup>nd</sup> November 2012. This was publicised via a press release, letters to existing home to school transport users, all schools and governors within B&NES, transport companies operating within B&NES and all town/parish Councils along with promotional materials to encourage people to complete the questionnaire.

Approximately 2,500 questionnaires were distributed and we received a response rate of 574 (23% response rate). The breakdown of those that responded to the questionnaire is as follows:

**Fig. 1 Pie chart showing different categories of respondents**



For a full analysis of the questionnaire results please see appendix 3.

As well as receiving questionnaire responses, we also received 25 letters/emails from members of the public.

#### *Phase Three: Public Contributor Session*

The Panel held a public contributor session on 22nd October at the Guildhall in Bath. This meeting was an opportunity for members of the public to share their views about the current home to school transport system and to find out what research had been done to date by the steering group. The Panel received the briefing paper mentioned on page 9 and heard from the Head Teacher of St Gregory's Catholic College (Raymond Friel), School Governors, Parents/Carers and two students who currently attend St Gregory's Catholic College.

All of the speakers stated that they were very happy with the current denominational home to school transport policy, with most stating that they were happy to pay a contribution towards the costs of the transport. Speakers also raised concerns about the impact that removing the subsidy would have. Particular concerns were raised about students who do not speak English as a first language as speakers believed that St Gregory's Catholic College attracts a higher percentage of these students and as a result the school has the facilities to work with these students and speakers were concerned that these may not be widely available at other schools within the B&NES area.

#### *Phase Four: Meetings with Teachers/Parents/Carers/Students:*

The Chair of the Panel also met with parents/carers; students and teachers at a local schools in particular to gain the views of students who use the service and parents/carers who had concerns about any potential changes to the home to school transport service.

One meeting was held at Holy Trinity Primary School in Radstock and another meeting will be held at St Gregory’s Catholic College in Bath. Originally, in the terms of reference, the steering group had hoped to undertake focus groups with parents/carers but there was a limited response to the request for focus groups so it was decided that Panel members would conduct smaller meetings at individual schools, particularly as this gave Panel members the chance to hear directly from young people and discuss the research findings with parents/carers. In light of this, the Chair of the Panel along with other members of the steering group meet with parents/cares/teachers at St Gregory’s Catholic College on Wednesday 20<sup>th</sup> February 2013 to discuss the recommendations contained within this report. The notes from this meeting will be included separately for the Cabinet’s consideration.

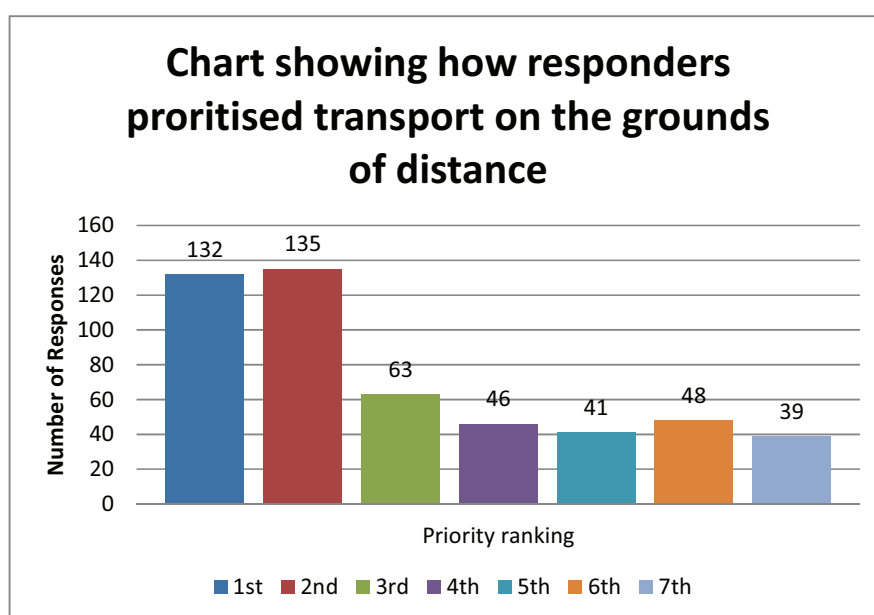
## Findings

The findings will be set out under each of the existing policy subsets, highlighting any work undertaken by other Local Authorities and findings from our consultation activities along with any recommendations based on the evidence gathered.

### Statutory Walking Distances:

A Local Authority has a duty to provide transport if the statutory distance to the nearest appropriate school is exceeded. Statutory walking distance “is two miles for children aged under eight, and three miles for children aged eight and over. The measurement of the “statutory walking distance” is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety.

In B&NES, under the current statutory distance policy we transport 957 children at an annual cost of £850,000. The importance of this policy was also reflected in the questionnaire results, with 267 people (47%) rating this as their first or second priority for home to school transport.



## **Low Income Families:**

Children from low income groups are those who are entitled to free school meals, or those whose families are in receipt of their maximum level of Working Tax Credit.

From September 2007, children aged eight, but under age 11 from low income families must have travel arrangements made where they live more than two miles from their nearest qualifying school.

From September 2008 children who are 11 or over from low income families must have travel arrangements made to one of their three nearest schools where they live more than two miles, but not more than six miles from that school.

Where a parent has expressed a preference for a school on the parent's religion or belief, then a child aged 11 to 16 must also have travel arrangements made for them to 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.

The Council currently transports 150 pupils at an annual cost of £90,000 under this policy.

As this is a statutory entitlement, the Panel did not have any recommendations to make about this policy.

## **Hazardous Routes:**

This policy applies when a child lives within "statutory walking distance" of their nearest appropriate school but the nature of the route is such that a child cannot reasonably be expected to walk (accompanied as necessary) in reasonable safety. In these circumstances, the local authority has to make travel arrangements to assist them.

In conducting the risk assessment, local authorities should take a range of factors into consideration, including:

- the age of the child;
- whether any potential risks might be mitigated if the child were accompanied by an adult.
- the width of any roads travelled along and the existence of pavements;
- the volume and speed of traffic travelling along any roads; the existence or otherwise of street lighting; and
- the condition of the route at different times of the year, at the times of day that a child would be expected to travel to and from school.

Under the current hazardous route policy of the Council we currently transport 833 children at an annual cost of £830,000.

Whilst hazardous routes are a statutory requirement, the Panel did learn from the questionnaire that uptake of cycling as an alternative to using a car or bus was relatively low, with respondents who did not qualify for home to school transport support stating that their main methods of getting to school were as follows:

- Walking (37%)
- Car (28%)
- Paying for an unused seat on a school bus (18%)
- Public bus service (13%)
- Cycling (1%)
- No response (3%)

The main reasons given for this were that people were concerned about their safety, particularly if using a road rather than a dedicated cycle path; this seems to be particularly relevant for rural areas of the local authority region. The Panel understands from viewing the 'Place Directorate Medium Term Service and Resource Plan'<sup>2</sup> that £500,000 has been provisionally allocated to fund cycle routes in the year 2013/14 and the same sum for 2014/15 and we would recommend that these, or future funds, are spent across B&NES and not just in the city centre, particularly if these routes could be used to create safer cycling routes to schools.

#### **Recommendation One:**

The Council should continue to seek to encourage more sustainable methods of home to school transport; the Panel would particularly like to see an increase in cycling.

We understand that as part of the medium term service and resource plan for 2012/14, £500,000 has been allocated to improve cycling provision and we recommend that these, or future funds, are spent across B&NES and not just the city centre. We would particularly encourage the Cabinet to consider where routes could be used to create safer cycling routes to schools.

Whilst we recognise that it will not be possible to create safer routes to schools in all rural areas, respondents to the questionnaire did highlight two areas for suggested cycle routes, one between Bishop Sutton and Chew Valley School and the other between Compton Dando and Marksbury and suggest that the Cabinet investigate the feasibility of establishing these routes.

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<sup>2</sup> Place Directorate Medium Term Service and Resource Plan p.11 presented at the Planning, Transport and Environment Panel: <http://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=462&MId=3704&Ver=4>

**Recommendation Two:**

Given the questionnaire evidence, we recommended that the Cabinet encourage the promotion of safe cycling routes to school as an alternative to using the car where there is a safe route to do so.

Evidence from our questionnaire also suggested that there was some level of demand for two cycle paths and we recommend that the Cabinet investigate the feasibility of establishing the following two routes:

- a) Between Bishop Sutton and Chew Valley School
- b) Compton Dando to Marksbury

**Denomination:**

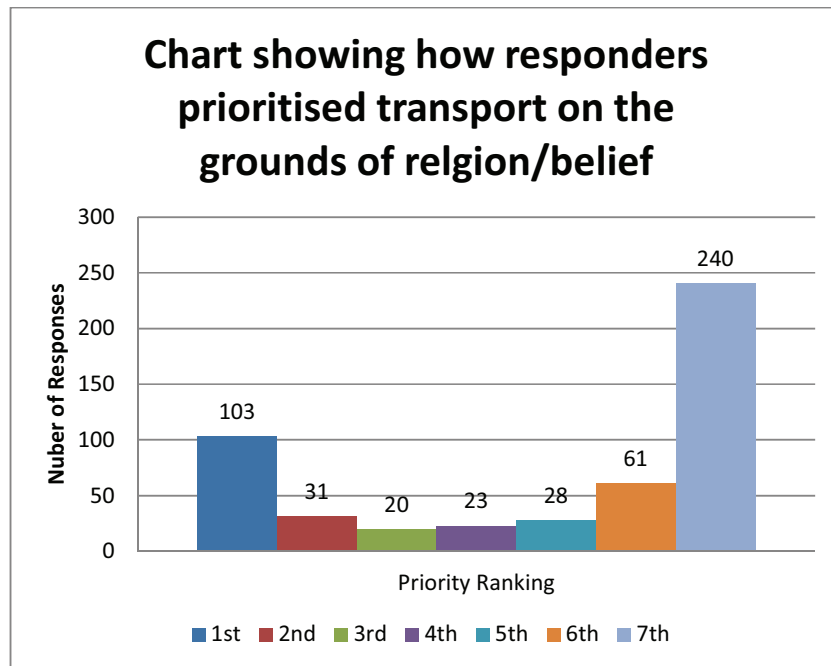
Local authorities, in fulfilling their duties in relation to travel, are required to have regard to the wish of a parent to have their child educated at a particular school on the grounds of the parents' religion or belief.

Assistance with denominational transport is currently provided to the nearest appropriate school if the statutory distances are met and the child is baptised in the relevant faith. In September 2007, after the Passenger Transport Scrutiny Review in 2005/06, the Council introduced a charging policy for children qualifying for denominational transport. The current charge is £300 per annum [£50 per term]. For the 2<sup>nd</sup> and 3<sup>rd</sup> child a reduction of 50% is given. No further charge is made for additional children if a family has more than 3 children travelling. If a family is in receipt of free school meals or maximum working tax credit they are exempt from the charge.

The Council currently spends £310,000 on transport to denominational schools. The total annual income collected from parents is £65,000. The annual net cost is therefore £245,000. A total of 189 children pay the full charge and 55 children pay the 50% reduction. A further 62 children travel but are exempt from the charge.

Questionnaire respondents were clearly divided on how they wished to prioritise denominational transport with 47% rating this as their 7<sup>th</sup> priority compared to 20% of responders rating it as their top priority. The table below highlights the responses received to this question:





At the Panel’s contributor session, the Panel heard from parents and young people who currently received support through the discretionary denominational transport policy, along with the Head Teacher and Governors at both St Gregory’s Catholic College in Bath and St Benedict’s Primary School in Somerset. The speakers raised a number of concerns about the potential removal of existing subsidies which are summarised as follows:

- The removal of discretionary denominational transport policy subsidised HTST would adversely affect those on middle incomes who live more than three miles away from their nearest faith school because they would not qualify for support on low income grounds and are already financially stretched
- Linked to this, there were concerns that the removal of the discretionary denominational transport support would make it difficult for families with working parents/carers to ensure that their children arrived at school safely and on time and ensure that they arrived to work on time.
- The Christian values and ethos of the school were very important to both parents/carers and pupils who attend the school and they were concerned that this may affect the overall make of the school as parents may choose not to send their children to a faith based school if the existing policies change
- Concern that removing school buses would potentially increase the amount of congestion on the road as parents/carers may choose to drive their children to school instead
- The Head Teacher of St Gregory’s Catholic College also informed the Panel that the local Polish and Filipino communities were naturally drawn to the school as the first choice for their children and that the school had the highest number of children in the Authority who do not have English as a first language and as such they had developed expertise to look after them
- Parents/carers who attended the contributor session stated that they were happy to pay a contribution towards the cost of getting their children to school safely and on time

The Panel's benchmarking research with other neighbouring authorities highlighted that none of our neighbouring local authorities (Wiltshire Council, Bristol City Council, North Somerset Council and South Gloucestershire Council) provide free discretionary denominational transport unless the family was in receipt of free school meals or the highest level of working tax credits and had specifically applied for that school on the grounds of their own beliefs.

The removal of these subsidies occurred in different ways:

- Bristol City Council opted for a phased withdrawal from September 2012 i.e. the free denominational transport would not be available to new entrants
- South Gloucestershire Council (who's policy will come into effect in September 2013) opted to remove the discretionary free transport to denominational schools to all new children starting in September 2013 (with the exception of low income families) and those families who currently receiving denominational transport would be asked to pay £360 per annum for continuing provision.
- Wiltshire Council withdrew their discretionary denominational transport policy from September 2012 but offered a transitional provision to assist pupils entering their final year of their GCSE course in 2012. This funding was provided directly to the affected schools, to assist them with cost of providing transport for pupils who were part-way through their exam course when the new policy took effect.  
(More detailed information about this can be found in the briefing pack published as part of the contributor session on the 22<sup>nd</sup> October:  
<http://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=461&MId=3858&Ver=4>)

We recognise through our consultation that this policy is valued by those who use it, although opinions from the questionnaire responses were clearly split on whether this should be considered a priority with 47% making it their lowest priority. Rather than developing a single recommendation, we have developed a number of options for the Cabinet to consider which are set out as 'recommendation three' below.

### Recommendation Three:

We recognise that the existing home to school transport system needs to become more efficient in the current financial climate and that 'doing nothing' is not an option.

We therefore recommend that the Cabinet considers exploring and implementing from September 2014 one of the following four options in order to reduce the overall spend on home to school transport.

- a) Raising the level of financial contribution currently paid by parents/carers using home to school transport from the Council i.e. those who do not qualify for free home to school transport. This could take the form of raising the fare currently paid for the 1<sup>st</sup> child from £50 per term to a level that would ensure that the service operated on a cost neutral basis (this amount would need to be identified by the Cabinet and Service Officers );
- b) Removing the 50% reduction for 2<sup>nd</sup> and 3<sup>rd</sup> children and/or removing the subsidised transport for families with more than three children requiring home to school transport (unless they qualified as a low income family).
- a) A combination of option A and option B. A financial briefing for providing a cost neutral option will be prepared by service officers if either option a, b or c are accepted by the Cabinet.
- c) A phased withdrawal of subsidised home to school transport services for new starters attending denominational schools from September 2014 who would not qualify under other home to school policy subsets e.g. as a low income family. This option would not affect students who currently attend the school, only new pupils joining in September 2014.

The anticipated savings from this withdrawal would be seen over a number of years as follows:

	Year 1 (2014-15)	Year 2 (2015-16)	Year 3 (2016-17)	Year 4 (2017-18)	Year 5 (2018-19)	Year 6 (2019-20)	Year 7 (2020-21)
Spend on denominational transport	£217,500	£170,500	£123,500	£76,500	£29,500	£19,500	£15,000
Anticipated saving	£27,500	£74,500	£121,500	£169,000	£215,500	£225,500	£230,000

The above savings are calculated on the basis that the money is allocated to denominational schools to arrange transport which is suitable to them. If the Council continues to arrange transport on behalf of the schools the savings in the first few years may not be as great. This is because we may have to continue to use the same size vehicle until numbers drop sufficiently to reduce the size of the transport. Based on current numbers the Council will continue to spend £15,000 per year as our statutory duty under the extended rights to free travel scheme. This will be for children from low income families who live between 2 and 15 miles from their nearest denominational school.

- e. This withdrawal could either be administered by the Council or;
- f. Following a similar example to Wiltshire Council, a set sum of money could be allocated per year to the affected schools to arrange transport that is suitable for

## **Child or Young Person who is being 'looked after':**

Whilst this is not a statutory home to school transport policy, this policy is used to enable continuity of education when a child is placed in care and consideration is given to assisting with transport so a child can remain at their existing school. This is normally provided when a child first comes in to care, is in short term care, is in Key Stage 4 or at a time of transition in years 2-3 or 6-7.

We currently provide transport for 25 pupils at an annual cost of £70,000. The majority of transport will require an individual taxi due to the length of the journey and the fact we have no existing transport we can use.

The benchmarking information suggested that not all local authorities in the local area have this policy and questionnaire responders tended to prioritise this as either their 4<sup>th</sup> (26% of responders) or 5<sup>th</sup> (28% of responders) out of the seven categories. However, the Panel did receive a letter from the Headteacher for the Virtual School for Children in Care who stated that:

"There's a real understanding that we need to try to keep [Looked After Children] LAC at the school they attend and that this sometimes means they have to fund longer travel routes. It's never been a barrier to keeping a child in a school." (Michael Gorman, Headteacher - Bath & North East Somerset Virtual School for Children in Care)

The Panel consider that maintaining this element of funding for home to school transport is important for particularly vulnerable children and young people.

### **Recommendation Four:**

4) The Panel recommends that the budget to provide home to school transport for children in care (circa £70,000) is maintained for the foreseeable future.

## **Temporary Medical Grounds:**

Local Authorities must make travel arrangements for children with a mobility or temporary medical problem which means they could not reasonably be expected to walk to school e.g. where the child has a broken leg.

We currently transport a small number of children under this policy for short periods of time at an annual cost of £15,000 per annum. The Panel did not have any recommendations to make with regard to this particular policy.

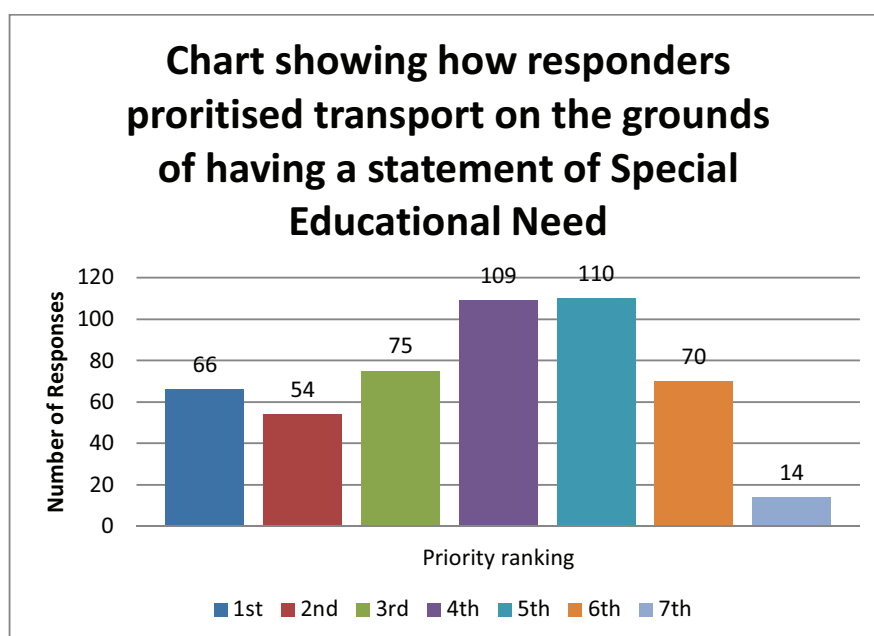
## **Child or Young Person has a Statement of Special Educational Needs (SEN):**

Transport assistance is given if the pupil is attending their nearest Special School and the statutory distances are met. When the distances are not met the following criteria are considered.

- The nature of the child’s disability.
- Family circumstances
- The pupil’s social skills.
- The nature of the journey.

The Council currently transports 271 pupils at an annual cost of £1.45m.

Questionnaire respondents tended to rate SEN support quite highly, only 3% of respondents rated this as their 7<sup>th</sup> priority. The most common level was either 4<sup>th</sup> or 5<sup>th</sup>.



The Panel did look at Coventry City Council’s system for delivering SEN transport who identified at their local authority, this was a historical area of overspending and conducted a review which sought to change the way the council and its partners engage with parents about transport and to introduce personal transport budgets.

This allowed parents/carers greater flexibility to transport their children and help young people to gain more independence through independent travel training for secondary age pupils who have been assessed by the school and the SEN team as being ready and able to learn to travel independently. If the young person and the family were happy with this arrangement, they would receive a personalised transport budget to be spent on the family to get their child to school. Standard council-provided transport is still available for families who do not qualify or feel it is appropriate for the individual.

We understand that a similar option is currently used in B&NES for Post-16 SEN transport and would continue to encourage this if it is appropriate for the individual and their families.

### **Ensuring an Efficient and Effective Service:**

At their contributor session, the Panel gained more information about the Council's existing transport fleet from a service officer briefing. "The Council's Transport Services Team is responsible for contracted out Home to School Transport. This utilises 50 or so contractors and daily there are 221 school routes to 68 locations carrying over 2000 students. A lot of the work is orientated to purchasing at lowest cost and route planning as efficiently as possible. Where appropriate children can be given a public bus pass. Contracted transport involves coach, minibus and some taxi transport.

Transport Services also covers safeguarding, contractor reliability etc. There are 52 Guide Escorts who go on routes where the children have special educational needs.

Home to School transport needs are also partially met by the In House Passenger Fleet – this covers 30 vehicles and 26 Drivers. Most of the vehicles are specialist for wheel chairs and the like and most of the work done is for Special Educational Needs provision. To optimise efficiency, best use is made out of any spare capacity – for this reason the drivers also cover Dial a Rides, Treatment Centres, School Meal deliveries etc. This fills in the time between the morning and afternoon runs. The drivers in this type of work need to be of high quality. In house passenger management also has a role looking after CRB's, contractor quality assurance and dealing with 'safe pick up' disputes." (Take from the minutes of the meeting: <http://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=461&MId=3858&Ver=4> )

The majority of questionnaire respondents were either 'very satisfied' or 'satisfied' with the current service they receive (94%) with respondents stating that bus drivers were polite and understanding and transport being of high quality. However, some specific suggestions were made in the questionnaire to ensure a continuing good service these included:

- Some lack of continuity of drivers or children with statement of SEN
- Concerns about the safety of certain drop off/pick up points being located on busy roads
- Some issues with late arrivals of buses
- One responder noted of their taxi service that there were 8 children in the area that used this facility but only a 6-seater taxi was used. This resulted in a longer day for some children as they had to arrive at school early enough to allow for a second run to be completed.

### **Recommendation Five:**

5 a) Passenger Transport Services should review home to school transport routes on a termly basis to ensure best value for money and that home to school transport bus routes are as efficient and effective as possible.

5 b) This should also include liaising with parents/carers of students who have Special Educational Needs to consider whether it is appropriate for them to receive independent travel training and a personalised transport budget to arrange their own transport which may be more suitable for their needs, similar to the system used at Coventry City Council.

### **Conclusion**

In conclusion, this review set out to investigate how best to maintain transport services for young people whilst ensuring the most efficient deployment of public funds and meeting the full range of statutory duties in this field. The Panel achieved this by comparing the HTST at other neighbouring local authorities and also looking at other local authorities who were trying to initiatives to improve their HTST services.

Consultation was undertaken with service users, transport providers, local schools and other interested parties through our questionnaire and press releases asking people for their views on the current HTST service. The Panel also held a contributor session to hear from people who were concerned about the impact of any potential changes to HTST, particularly denominational transport.

We have also met with children at a local primary school and have heard how much they value their school transport.

We recognise that on the whole, the vast majority of people who currently receive HTST support are very happy with the service but also acknowledge that in the current financial climate, the service needs to be as efficient and effective as possible. We understand that making changes to any HTST policies will not be an easy decision so have come up with a range of options for the Cabinet to investigate, coupled with this we have suggested that more should be done to promote sustainable methods of travel to school such as cycling.

We hope that the Cabinet choose to accept our recommendations as they are based on a range of evidence from other local authorities and suggestions from parents/carers and service users and look forward to receiving their response to our recommendations.

### **Next Steps**

The Panel are invited to comment on and make amendments to this report at their meeting on the 28<sup>th</sup> January 2012.

A final version of the report will be presented to the Cabinet for them to respond to the Panel's recommendations in March 2012.

If the Cabinet chooses to accept any of the recommendations regarding altering current home to school transport policies, officers in Passenger Transport Services will work with the Cabinet to produce a further report which will be presented to the Cabinet for their decision in Summer 2013.

If any changes are made to home to school transport policies, these will be published in the schools admissions booklets in Summer 2013 and will come into force for new students from September 2014.

## Appendices

- Appendix Two: Equalities issues considered by the Panel in preparing their draft recommendations
- Appendix Three: Questionnaire analysis prepared by Lauren Rushen on behalf of the Panel

## Additional Items that are already in the public domain:

- *Background Briefing Report- Presented to the Panel at their contributor session on 22nd October:*  
<http://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=461&MId=3858&Ver=4>



Review Title: **Home to School Transport Review 2012**

Overview & Scrutiny Panel: **Early Years, Children and Youth Policy Development and Scrutiny Panel**

Panel Chairman: **Councillor Sally Davis**

Policy Development & Scrutiny Officer: **Lauren Rushen/Donna Vercoe**

Supporting Service Officer: **Kevin Amos**

**Process for Tracking PD&S Recommendations - Guidance note for Cabinet Members**

The enclosed table lists all the recommendations arising from the above Policy Development & Scrutiny Review. Individual recommendations are referred to the relevant named Cabinet Members (or whole Cabinet in the case of a whole Cabinet referral) as listed in the '**Cabinet Member**' column of the table. In order to provide the PD&S Panel with a Cabinet response on each recommendation, the named Cabinet member (or whole Cabinet) is asked to complete the last 3 columns of the table as follows:

**Decision Response**

The Cabinet has the following options:

- **Accept** the Panel's recommendation
- **Reject** the Panel's recommendation
- **Defer** a decision on the recommendation because a response cannot be given at this time. This could be because the recommendation needs to be considered in light of a future Cabinet decision, imminent legislation, relevant strategy development or budget considerations, etc.

**Implementation Date**

- For 'Accept' decision responses, give the date that the recommendation will be implemented.
- For 'Defer' decision responses, give the date that the recommendation will be reconsidered.
- For 'Reject' decisions this is not applicable so write n/a

**Rationale**

Use this space to explain the rationale for your decision response and implementation date. For accepted recommendations, please give details of how they will be implemented.

## Recommendations from the Early Years, Children and Youth Panel

Recommendation	Lead Cabinet Member	Decision Response	Implementation Date	Rationale
<p><b>Recommendation 1:</b> The Council should continue to seek to encourage more sustainable methods of home to school transport; the Panel would particularly like to see an increase in cycling.</p> <p>We understand that as part of the medium term service and resource plan for 2012/14, £500,000 has been allocated to improve cycling provision and we recommend that these, or future funds, are spent across B&amp;NES and not just the city centre. We would particularly encourage the Cabinet to consider where routes could be used to create safer cycling routes to schools.</p>	<p>Cllr Roger Symonds Cllr Dine Romero</p>	<p>Accept</p>	<p>30 / 4 / 2013</p>	<p>Will form a response to the current consultation which is due to end by April 30<sup>th</sup> 2013.</p>
<p><b>Recommendation 2:</b> Given the questionnaire evidence, we recommended that the Cabinet encourage the promotion of safe cycling routes to school as an alternative to using the car where there is a safe route to do so.</p> <p>Evidence from our questionnaire also suggested that there was some level of demand for two cycle paths and we</p>	<p>Cllr Roger Symonds Cllr Dine Romero</p>	<p>Accept</p>	<p>On or after 30 / 4 / 2013</p>	<p>Feasibility study to arise from the consultation exercise.</p>

Recommendation	Lead Cabinet Member	Decision Response	Implementation Date	Rationale
<p>recommend that the Cabinet investigate the feasibility of establishing the following two routes:</p> <ul style="list-style-type: none"> <li>a) Between Bishop Sutton and Chew Valley School</li> <li>b) Compton Dando to Marksbury</li> </ul>				
<p><b>Recommendation 3:</b> We recognise that the existing home to school transport system needs to become more efficient in the current financial climate and that ‘doing nothing’ is not an option.</p> <p>We therefore recommend that the Cabinet considers exploring and implementing from September 2014 one of the following four options in order to reduce the overall spend on home to school transport.</p> <ul style="list-style-type: none"> <li>a) Raising the level of financial contribution currently paid by parents/carers using home to school transport from the Council i.e. those who do not qualify for free home to school transport. This could take the form of raising the fare currently paid for the 1<sup>st</sup> child from £50 per term to a level that would ensure that the service operated on a cost neutral basis (this amount would need to be identified by the Cabinet and Service Officers );</li> <li>b) Removing the 50% reduction for 2<sup>nd</sup> and</li> </ul>	<p>Cllr Dine Romero</p>	<p>Accept</p>		<p>Existing Home to School Transport needs to be more efficient and options to achieve this having been identified need to be fully explored and implemented.</p> <p>This will need to be in place prior to the publication of the next admissions booklet to ensure all aspects of any changes are available to all parents when making applications for school places.</p> <p>The decision on which option will be made at the Cabinet meeting on April 10<sup>th</sup> 2013.</p>

Recommendation	Lead Cabinet Member	Decision Response	Implementation Date	Rationale
<p>3<sup>rd</sup> children and/or removing the subsidised transport for families with more than three children requiring home to school transport (unless they qualified as a low income family).</p> <p>c) A combination of option A and option B. A financial briefing for providing a cost neutral option will be prepared by service officers if either option a, b or c are accepted by the Cabinet.</p> <p>A phased withdrawal of subsidised home to school transport services for new starters attending denominational schools from September 2014 who would not qualify under other home to school policy subsets e.g. as a low income family. This option would not affect students who currently attend the school, only new pupils joining in September 2014.</p> <p>The anticipated savings from this withdrawal would be seen over a number of years can be found at the end of this document in <i>Table 1</i></p> <p>The above savings are calculated on the basis that the money is allocated to denominational schools to arrange transport which is suitable to them. If the Council continues to arrange transport on behalf of the schools the savings in the first few years may not be as great. This is because we may have to continue to use the same size vehicle until numbers drop sufficiently to reduce the size of the transport. Based on current numbers the Council will</p>				

Recommendation	Lead Cabinet Member	Decision Response	Implementation Date	Rationale
<p>continue to spend £15,000 per year as our statutory duty under the extended rights to free travel scheme. This will be for children from low income families who live between 2 and 15 miles from their nearest denominational school.</p> <p>e. This withdrawal could either be administered by the Council or;</p> <p>f. Following a similar example to Wiltshire Council, a set sum of money could be allocated per year to the affected schools to arrange transport that is suitable for them.</p>				
<p><b>Recommendation 4:</b> That the budget to provide home to school transport for children in care (circa £70,000) is maintained for the foreseeable future.</p>	Cllr Dine Romero	Accept	On-going	As part of our commitment to best outcomes for our Children in Care.
<p><b>Recommendation 5</b></p> <p>a) Passenger Transport Services should review home to school transport routes on a termly basis to ensure best value for money and that home to school transport bus routes are as efficient and effective as possible.</p> <p>b) This should also include liaising with parents/carers of students who have Special Educational Needs to consider whether it is appropriate for them to receive independent</p>	Cllr Dine Romero	Accept	On-going	As part of our continuous desire for best value and effective Home to School Transport.

Recommendation	Lead Cabinet Member	Decision Response	Implementation Date	Rationale
travel training and a personalised transport budget to arrange their own transport which may be more suitable for their needs, similar to the system used at Coventry City Council.				

Table 1 Detailing the Anticipating Savings for Recommendation 3:

	Year 1 (2014-15)	Year 2 (2015-16)	Year 3 (2016-17)	Year 4 (2017-18)	Year 5 (2018-19)	Year 6 (2019-20)	Year 7 (2020-21)
Spend on denominational transport	£217,500	£170,500	£123,500	£76,500	£29,500	£19,500	£15,000
Anticipated saving	£27,500	£74,500	£121,500	£169,000	£215,500	£225,500	£230,000

	<b>Examples of what the review highlighted during the review</b>	<b>Potential negative or adverse impact and what steps could be taken to address this</b>
<p><b>Disability</b> - identify the impact/potential impact of the policy on disabled people (ensure consideration both physical and mental impairments)</p>	<p>The review highlighted that the Council currently spends £1.45mn transporting 271 pupils with a statement of SEN. This is mainly done through either the Council's in house fleet or taxi provision all of which has been specially adapted for wheel chair use.</p> <p>The Council also employs 52 guide escorts for children with SEN who are all CRB checked.</p>	<p>One questionnaire respondent highlighted that on a route used by their child, 8 children with a statement of SEN require transport but currently a 6-seater taxi is used to do this which means that a second run is required to complete the route. The Panel have recommended that Transport Services team monitor travel arrangements on a termly basis to try to address issues such as this where it is possible to do so.</p>
<p><b>Race</b> – identify the impact/potential impact on different black and minority ethnic groups</p>	<p>During the contributor session, it was noted that St Gregory's Catholic College in Bath has the highest levels of students who do not have English as a first language. The Head Teacher noted that the school has particular measures in place to help both Polish and Filipino students whose families choose to send their children to the school on the basis of their beliefs. The Head Teacher noted that changes to the existing HTST policies may mean that parents/cares become unable to send their children to the school.</p>	<p>The Panel have developed a range of options which, if accepted by the Cabinet, could result in changes to the discretionary denominational transport policy. We would therefore suggest that if these recommendations are taken forward and are published in the admissions booklets, these are made available in different language formats to make sure that people who do not speak English as a first language can understand the changes to the policy and that individual schools make appropriate arrangements to assist pupils who do not have English as a first language.</p>

		<p>There will still be a statutory requirement to subsidise transport to those on low incomes to their nearest appropriate school. Between 2 and 15 miles. In this way, the most vulnerable people, some of whom will be from black and minority ethnic families, will be protected.</p>
<p><b>Religion/belief</b> – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.</p>	<p>Currently, the Council has a discretionary denominational transport policy whereby assistance with denominational transport is currently provided to the nearest appropriate school if the statutory distances are met and the child is baptised in the relevant faith. In September 2007, after the Passenger Transport Scrutiny Review in 2005/06, the Council introduced a charging policy for children qualifying for denominational transport. The current charge is £300 per annum [£50 per term]. For the 2nd and 3rd child a reduction of 50% is given. No further charge is made for additional children if a family has more than 3 children travelling. The report highlighted that views about this policy were divided and the Panel also heard from parents/carers and students who value the service but also said that they were happy to make a</p>	<p>The report has suggested a number of options for the Cabinet to consider in relation to the discretionary denominational transport policy. None of these would affect pupils who are currently attending their nearest faith school and receive subsidised home to school transport from the Council. Any policy changes would be published in 2013 and would come into effect for pupils joining schools in September 2014. The report did recognise that families at the contributor session said they were happy to pay a contribution to maintain the transport so we have suggested a recommendation which would maintain the transport but may result in an increased parental contribution.</p> <p>There will still be a statutory requirement to subsidise transport to those on low incomes to their nearest appropriate school, between 2 and 15</p>



	<p>contribution towards the service.</p> <p>The current denominational transport policy also supports parents who have a faith for which there is no specialist Educational provision or no faith (e.g. Atheists/humanists) who have selected a non-denominational school because of their faith/belief or lack of it.</p>	<p>miles. In this way, the most vulnerable people from faith backgrounds, will be protected</p>
<p><b>Socio-economically disadvantaged</b> – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances</p>	<p>The Council is required to provide subsidised transport to young people who come from families in receipt of free school meals or the highest level of working tax credits.</p>	<p>As this is a statutory duty, there will not be any changes to this.</p>
<p><b>Rural communities</b> – identify the impact / potential impact on people living in rural communities</p>	<p>The research highlighted that busy roads, particularly in rural areas, were seen as a barrier to cycling to school. The steering group also noted that changes to denominational transport, if accepted, may mean that families in rural areas may choose not to attend a faith based school in future.</p>	<p>We have suggested as part of our recommendations that funding highlighted in the recent Place Medium Term Services and Resource Plan to improve cycle routes, or future funding in this areas, considers the whole of B&amp;NES including rural areas. We have also suggested two routes where the Cabinet may wish to consider conducting feasibility studies to improve cycle routes in two rural areas.</p>

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## **Call-in of decision E2546: Home to School Transport Review**

### **The decision:**

At the Cabinet Meeting of the 10<sup>th</sup> April 2013 the Cabinet agreed the recommendations of the Home to School Transport Review, including:

(3) To AGREE with effect from September 2014 a phased withdrawal of subsidised home to school transport services for new starters attending denominational schools from September 2014 who would not qualify under other home to school policy subsets, (e.g. as a low income family save in the case of children with siblings currently at the school) This option would not affect students who currently attend the school, only new pupils joining in September 2014. The anticipated savings from this withdrawal would be seen over a number of years can be found in the table in 3.2.5.

### **Reason for call-in:**

We challenge point (3) of the Cabinet resolution relating to denominational transport, whilst supporting points 1,2,4 and 5 of the decision.

We are concerned that the Cabinet did not accept the recommendation of the Early Years, Children & Youth PD&S Panel, which proposed recommendation 3 (C), and instead agreed to recommendation 3 (d).

We believe that the Cabinet should investigate alternative options in order to continue to provide support for denomination transport, even if at a reduced level, and consider alternative funding sources. We are also concerned that the Council has not fully assessed the impact withdrawal of the denominational transport subsidy will have on the cost of statutory home to school transport support.

We believe the Cabinet should take greater note of the special nature of St Gregory's school, which was established to provide Catholic-based education for the Clifton Diocese as opposed to a school to serve the local community. We believe the process was flawed from its inception as it appears predicated on the local authority boundary, rather than the Diocesan boundary.

We are concerned about the impact withdrawal of denominational transport subsidy will have on the ability of Catholic parents to exercise their right to choose a Catholic education for their children. We are concerned that this will impact upon the number of Catholic children attending St Gregory's School and the other schools impacted. We are also concerned about the knock-on impact this could have on pupil numbers at other Bath schools.

We therefore believe the Cabinet should review this decision and consider alternative options to enable some level of support for denomination transport to continue.

**Lead call-in Member:**

Cllr Gabriel Batt

**Supported by:**

1. Cllr Sarah Bevan
2. Cllr Doug Deacon
3. Cllr Bryan Chalker
4. Cllr David Veale
5. Cllr Mathew Blankley
6. Cllr John Bull
7. Cllr Liz Hardman
8. Cllr Rob Appleyard
9. Cllr Eleanor Jackson
10. Cllr Geoff Ward

# **CALL-IN OF EXECUTIVE DECISIONS**

## **RULE 1 – WHO MAY REQUEST A CALL-IN?**

Elected members who do not sit on the Cabinet have the right to request a “call-in” of an executive decision which has been made by the Cabinet, or a person or body to whom the power to make executive decisions has been delegated, but not yet implemented.

These decisions could be made by;

- the Cabinet
- a Cabinet Member,
- a committee of the Cabinet
- an Officer taking a key decision acting on delegated authority from the Cabinet
- an area committee
- a body under joint arrangements

BUT NOT the decisions of quasi-judicial or Regulatory Committees.

Notice of the decision made shall be published to every councillor and the publicity shall specify the period in which the “call-in” right may be exercised.

## **RULE 2 – SUBMISSION OF A “CALL-IN” NOTICE**

A notice requesting a “call-in” of an executive decision shall be in writing and signed by 10 or more elected members (excluding Cabinet Members) making the request. The request shall be deposited with the Chief Executive.

The request shall include individual signatures on the notice or electronic communications from individual members signifying their support for the call-in. If a Member is unable to communicate in writing or electronically he/she may signify support by telephone.

The persons making the call-in request shall state the decision being called in, the decision maker, the date the decision was taken and shall give reasons for the call-in.

No member of the Council is entitled to sign up to more than 5 call-in requests in any Council year.

The Chief Executive shall determine whether a call-in is valid (ie whether it has been received within 5 working days of the decision being published and requested by the appropriate number of members and that the decision may properly be called in under the Constitution) and, if so, consult with Overview & Scrutiny Chairs to decide which Panel should consider it.

The Chief Executive shall make a report of any validated call-in to a meeting of the relevant Overview and Scrutiny Panel which shall meet wholly in public within 14 working days of a valid call-in notice being verified.

A decision may only be called in once.

## **RULE 3 – CONSIDERATION BY OVERVIEW AND SCRUTINY PANEL**

The Overview and Scrutiny Panel shall consider the issues raised in the “call-in” request and the stated reasons for the request. They have the following courses of action open to them;

- a) To dismiss the call-in: the decision shall then take effect immediately;
- b) To refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of the Panel's concerns; or
- c) To refer the matter to Council to itself undertake the role of the Panel (which may necessitate an additional Council meeting to meet necessary timescales) [NB: the ultimate decision still remains with the original decision maker].

If the call-in is dismissed, notification will be made to all interested parties and the original decision can be implemented. No amendments can be made to the decision [Six-month rule applies – Part 4(D), rule 15]

If the Panel consider any aspect of the decision requires further consideration, it must refer it back to the decision maker.

In total, the Panel shall ensure that the period of overview and scrutiny involvement in an individual call-in shall not exceed 21 working days.

#### **RULE 4 – CONSIDERATION BY DECISION MAKER**

The person or body which made the decision shall consider the report of the Overview and Scrutiny Panel or Council and must;

- (a) confirm the original decision; or
- (b) make some changes to the original decision; or
- (c) make a different decision.

The decision maker may not ignore the report. The decision maker shall undertake this consideration within 10 working days from the date of the Overview and Scrutiny (or Council) meeting.

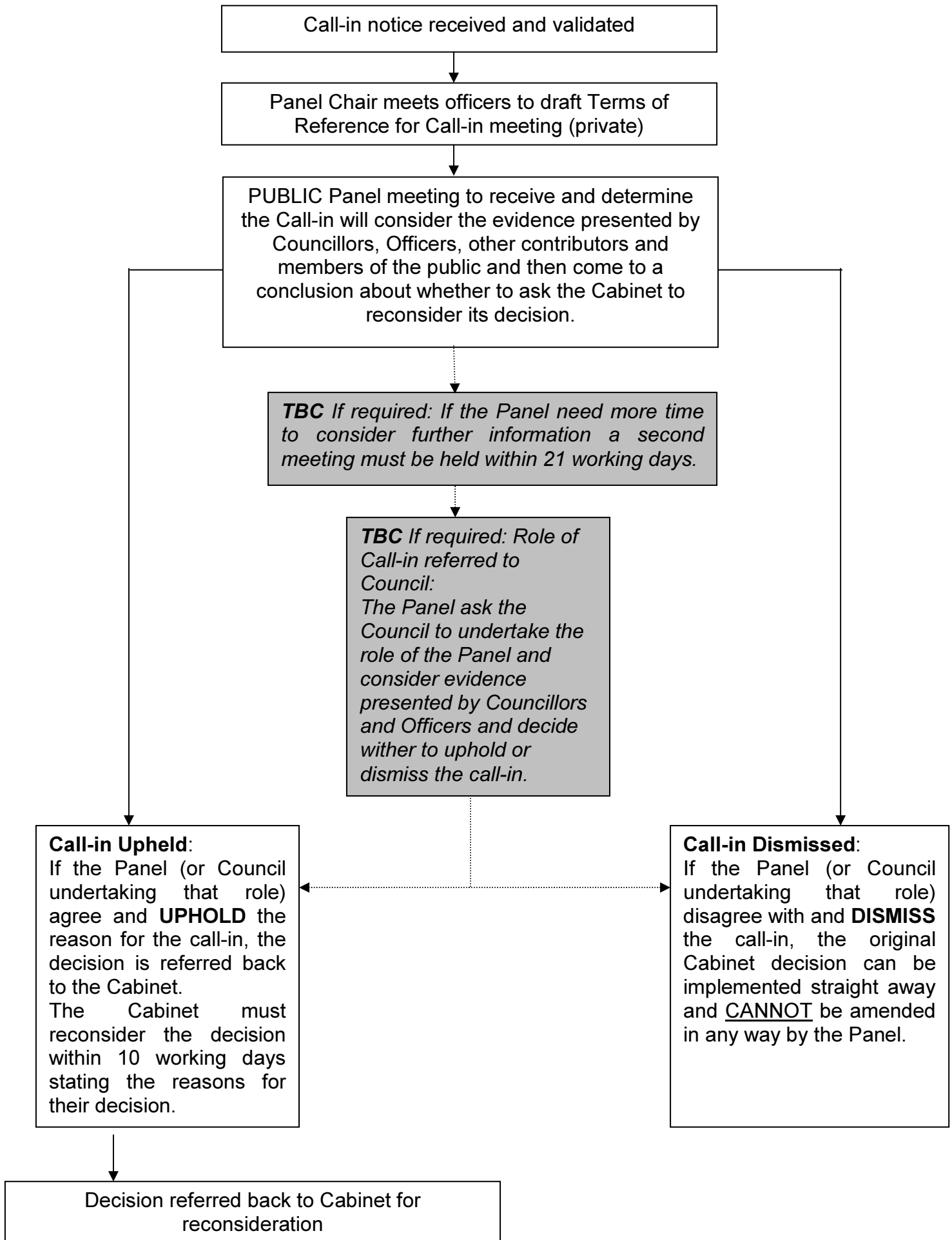
The decision made by the decision maker after considering the report of the Overview and Scrutiny Panel shall be final and will be implemented immediately. There is no further opportunity for “call-in” of the decision.

#### **RULE 5 – EXCEPTIONS TO “CALL-IN”**

The rights under this Procedural Rule shall not apply in the following circumstances:

- when the executive decision is urgent as defined in the Urgency Procedure Rules within this Constitution
- the effect of the call-in alone would be to cause the Council to miss a statutory deadline
- a decision taken under the General Exception and Special Urgency Access to Information Rules [Part 4B, rules 15 and 16].

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## APPENDIX 5 - TERMS OF REFERENCE

### Call-in the Cabinet decision: E2546: Home to School Transport Review

#### Introduction

At the Cabinet meeting on the 10<sup>th</sup> April 2013 a decision (E2546) was made to agree with effect from September 2014 a phased withdrawal of subsidised home to school transport services for new starters attending denominational schools from September 2014 who would not qualify under other home to school policy subsets, (e.g. as a low income family save in the case of children with siblings currently at the school)

On 18<sup>th</sup> April 2013 a call-in notice was received and validated on 19<sup>th</sup> April 2013 signed by 11 Councillors, objecting to this decision. The reasons given for the call-in were as follows:

1. We challenge point (3) of the Cabinet resolution relating to denominational transport, whilst supporting points 1,2,4 and 5 of the decision. We are concerned that the Cabinet did not accept the recommendation of the Early Years, Children & Youth PD&S Panel, which proposed recommendation 3 (C), and instead agreed to recommendation 3 (d).
2. We believe that the Cabinet should investigate alternative options in order to continue to provide support for denomination transport, even if at a reduced level, and consider alternative funding sources. We are also concerned that the Council has not fully assessed the impact withdrawal of the denominational transport subsidy will have on the cost of statutory home to school transport support.
3. We believe the Cabinet should take greater note of the special nature of St Gregory's school, which was established to provide Catholic-based education for the Clifton Diocese as opposed to a school to serve the local community. We believe the process was flawed from its inception as it appears predicated on the local authority boundary, rather than the Diocesan boundary.
4. We are concerned about the impact withdrawal of denominational transport subsidy will have on the ability of Catholic parents to exercise their right to choose a Catholic education for their children. We are concerned that this will impact upon the number of Catholic children attending St Gregory's School and the other schools impacted. We are also concerned about the knock-on impact this could have on pupil numbers at other Bath schools. We therefore believe the Cabinet should review this decision and consider alternative options to enable some level of support for denomination transport to continue.

#### Relevant PD&S Panel

The 'call-in' request has been referred to Bath & North East Somerset Council's Early Years, Children and Youth Policy Development and Scrutiny panel to review the decision.

The Panel must hold their first meeting within 14 working days after receiving a validated call-in request (i.e 10<sup>th</sup> May 2013).

## Call-in Meeting

At the Panel meeting on 9th May 2013 the Panel will investigate and determine the matter. They will assess in detail the reasons for the Cabinet decision and consider the objections stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

## Objective

The objective of the Call-in review is to determine whether or not the decision made by the Cabinet to have a phased withdrawal of home to school transport should:

- Be referred back to the Cabinet for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Cabinet [**'Dismiss' the call-in**], or
- Be referred to Full Council to undertake the role of the Panel [*the ultimate decision would still remain with the Cabinet*].

## Method

To achieve its objective, the Panel will investigate the original decision and the objections stated in the call-in notice. The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision. Public statements will be limited to 3 minutes per speaker. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) for the call-in request - Cllr. Gabriel Batt
- Representative Councillors from the Cabinet

## Outputs

The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

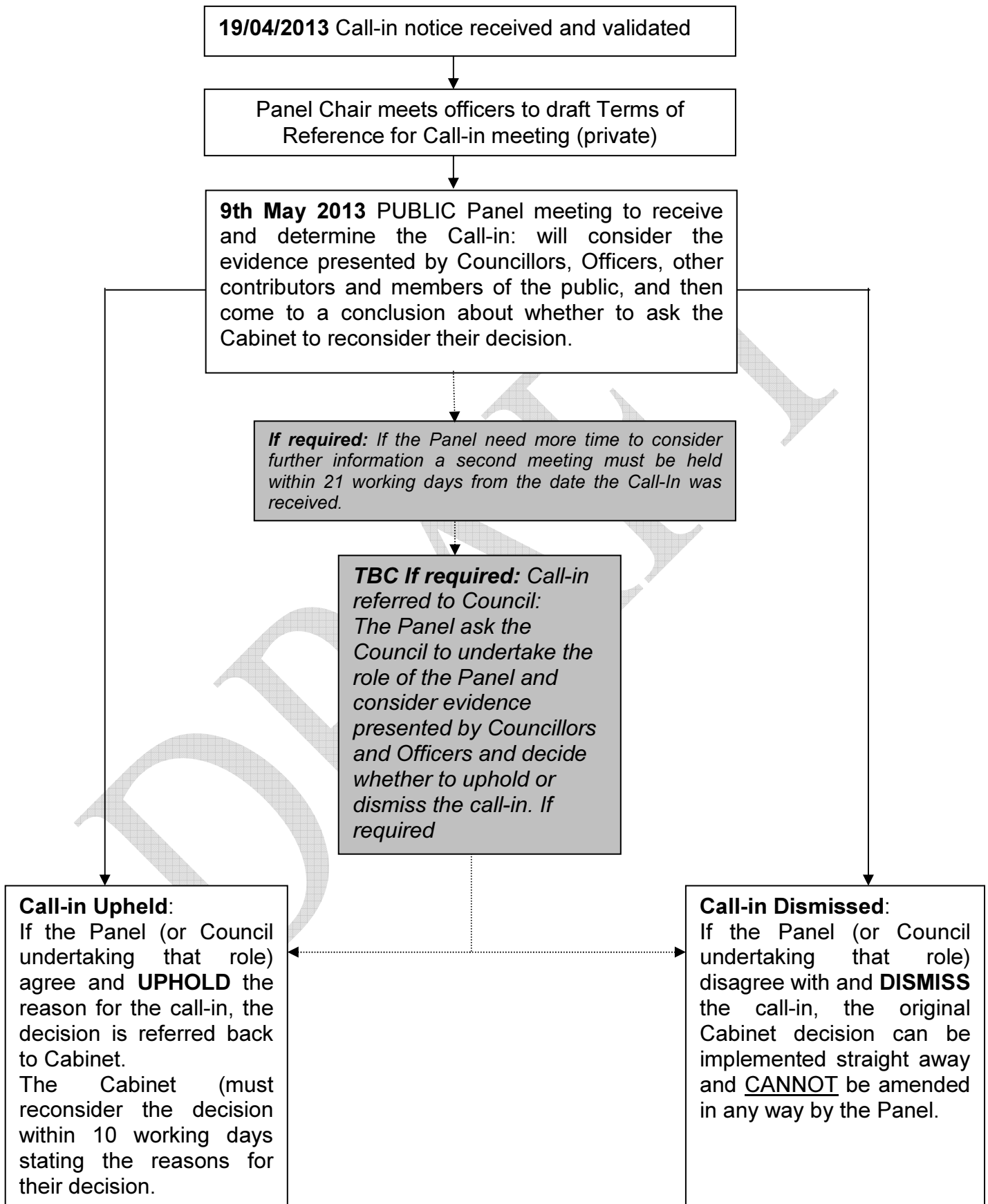
## Constraints

- **Timescales.** The Panel must hold its initial meeting within 14 working days to consider the call-in request. The Panel has a total of 21 working days to reach its decision.
  - **Initial Public Meeting must be held by 10<sup>th</sup> May 2013.**
  - **If meeting adjourned, a second public meeting must be held within 21 working days i.e. 21<sup>st</sup> May 2013.**
  - **If referred back to the Cabinet, without an adjournment, a response must be received by 21<sup>st</sup> May 2013.**
  - **If the meeting is adjourned and then referred back to the Cabinet a response must be received within 10 working days of the reconvened meeting.**
  - **If referred to Council, a Council meeting will be arranged at the earliest opportunity**

- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.
- **Council Constitution.** Part 4E, Rule 13 requires that “*Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources*”. Section 3.1 of the cover report (formal agenda papers) provides further explanation.

DRAFT

## Key Dates for the Call-in



## **Extract from the minutes of the Panel Meeting held on 28<sup>th</sup> January 2013**

The Panel agreed the following:

2.1 The Panel having reviewed and discussed the Home to School Transport review report and recommendations have asked officers to provide a cost neutral service investigation to the Cabinet for its March meeting.

2.2 Members of the Panel will take part in focus groups and report back any additional comments to the Cabinet.

2.3 Recommendation One

1) The Council should continue to seek to encourage more sustainable methods of home to school transport; the Panel would particularly like to see an increase in cycling. We understand that as part of the medium term service and resource plan for 2012/14, £500,000 has been allocated to improve cycling provision and we recommend that these, or future funds, are spent across B&NES and not just the city centre. We would particularly encourage the Cabinet to consider where routes could be used to create safer cycling routes to schools.

Recommendation Two

2) Given the questionnaire evidence, we recommended that the Cabinet encourage the promotion of safe cycling routes to school as an alternative to using the car where there is a safe route to do so.

Evidence from our questionnaire also suggested that there was some level of demand for two cycle paths and we recommend that the Cabinet investigate the feasibility of establishing the following two routes:

- a) Between Bishop Sutton and Chew Valley School
- b) Compton Dando to Marksbury

Recommendation Three

3) We recognise that the existing home to school transport system needs to become more efficient in the current financial climate and that 'doing nothing' is not an option. We therefore recommend that the Cabinet considers exploring and implementing from September 2014 option C (i.e. a combination of option A and option B) in order to reduce the overall spend on home to school transport, as follows:

A) Raising the level of financial contribution currently paid by parents/carers using home to school transport from the Council i.e. those who do not qualify for free home to school transport. This could take the form of raising the fare currently paid for the 1st child from £50 per term to a level that would ensure that the service operated on a cost neutral basis (this amount would need to be identified by the Cabinet and Service Officers );

B) Removing the 50% reduction for 2nd and 3rd children and/or removing the subsidised transport for families with more than three children requiring home to school transport (unless they qualified as a low income family).

#### Recommendation Four

4) That the budget to provide home to school transport for children in care (circa £70,000) is maintained for the foreseeable future.

#### Recommendation Five

5 a) Passenger Transport Services should review home to school transport routes on a termly basis to ensure best value for money and that home to school transport bus routes are as efficient and effective as possible.

5 b) This should also include liaising with parents/carers of students who have Special Educational Needs to consider whether it is appropriate for them to receive independent travel training and a personalised transport budget to arrange their own transport which may be more suitable for their needs, similar to the system used at Coventry City Council.