

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date</b>	31 August 2016
<b>Executive Member / Reporting Officer</b>	Cllr Lynn Travis – Executive Member for Lifelong Learning Bob Berry – Interim Assistant Executive Director for Education
<b>Subject:</b>	<b>HOME TO SCHOOL TRANSPORT POLICY</b>
<b>Report summary:</b>	<p>The current Home to School Transport Policy goes beyond the statutory requirements in that it provides discretionary financial assistance to pupils attending denominational schools. Well reported funding cuts are placing pressure on the Council's budgets, which means that all services and policies are being reviewed.</p> <p>The current policy makes provision for the Council to provide discretionary financial assistance to parents of pupils attending a denominational school because of their faith, regardless of whether there is a nearer non-denominational school with places available and regardless of whether the low income criteria is met.</p> <p>An Executive Decision was made on 18 May 2016, which gave approval to consult interested parties in respect of a proposed review of the Home to School Transport Policy to cease the discretionary provision of free transport for pupils attending denominational schools on an immediate or phased basis from September 2017.</p> <p>Any proposed changes to the policy will not affect the entitlement to free transport for families with a low income as they will continue to receive a pass if their families meet the criteria.</p> <p>This report outlines the consultation responses and the financial implications of the two options under consideration</p>
<b>Recommendation:</b>	<p>It is RECOMMENDED that The Home to School Transport Policy 2008 is amended to cease the issue of all discretionary bus passes with effect from 1 September 2017 for all pupils and as more particularly described in the report.</p>
<b>Links to Community Strategy:</b>	<p>The Community Plan aims to deliver a cohesive community. The recommendation outlined in this report seeks to reduce inequality, by having a single set of eligibility criteria in respect of financial assistance for home to school transport that is applied to all pupils, removing the differentiation for pupils attending schools on denominational grounds.</p>
<b>Policy Implications:</b>	<p>The recommendation of the report will necessitate changes being made to the Home to School Transport Policy for September 2017.</p>
<b>Financial Implications:</b> <b>(Authorised by the Section 151 Officer)</b>	<p>The proposed amendment to end the discretionary provision for pupils attending denominational (faith) schools from September 2017 (Option 1) will deliver estimated annual savings as detailed in tables 6 and 8 (within section 3 of the report) based on the recommended option being approved.</p>

**LEGAL IMPLICATIONS:**  
**(Authorised by Borough  
Solicitor)**

The service has a savings allocation of £107,000 in 2016/17 for delivery against this proposal. However the estimated financial year savings detailed in tables 6 and 8 clearly demonstrate that Option 1 (Table 6) will realise this recurrent saving but not until the 2018/19 financial year. The service will be required to implement alternative proposals during the intervening period to deliver a balanced budget within those financial years.

The Council must have due regard to the relevant Statutory Guidance when carrying out its duties in relation to home to school travel and transport, and sustainable travel.

Under the Statutory Guidance, Local authorities are required to consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. Consultations should last for at least 28 working days during term time. The Council's consultation complies with the requirements of the Statutory Guidance.

Section 509AD of the Education Act 1996 requires the Council to have regard to, amongst other things, a parent's wish for their child to be provided with education or training at a school/institution on grounds of the parent's religion or belief when carrying out their duties/exercising their powers relating to travel. Paragraph 39 of the Guidance referred to above sets out the basis for compliance with these duties/powers, requiring the Council to have due regard to the provisions of the Equalities Act 2010 and the European Convention on Human Rights.

The Decision taker must ensure they read and understand the implications of the Equalities Impact Assessment attached to the report.

In relation to the discretionary power, this is so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. The proposals within this report have been arrived at in accordance with this guidance. The duty in respect of low income families remains and they will continue to be eligible for free travel arrangements to the nearest school preferred on grounds of religion or belief. The proposed removal of discretionary powers to extend beyond the statutory requirement ensures that section 14 of the Human Rights Act 1996 is not inadvertently breached through discriminating against parents who specifically want their child to attend a non-denominational school in accordance with their philosophical convictions. Any concerns about those low income families above the statutory low income definition will be monitored and the policy kept under review.

The key risk associated with not implementing the proposed change in policy, is failing to achieve the savings in spending required, with the consequence that savings will need to be made elsewhere. A further risk will be in not publishing and communicating effectively with the parents of affected children,

The proposed changes to the policy may attract challenge from those parents who would have eligible under the discretionary policy, but the number of vacant places in Tameside high schools has been reviewed and sufficient places exist if pupils chose to attend a local school, rather than continue to travel to a

denominational school. However, low income families will not be affected and risk of successful challenge would be remote provided the policy and statutory guidance is correctly followed. In addition, the process followed by other local authorities on this same matter has resulted in successful implementation and there have been no reports of successful legal challenge.

**Risk Management:**

The key risk associated with not implementing the proposed change in policy, is failing to achieve the savings in spending required, with the consequence that savings will need to be made elsewhere. A further risk will be in not publishing and communicating effectively with the parents of affected children,

The proposed changes to the policy may attract challenge from those parents who would have been eligible under the discretionary policy, but the number of vacant places in Tameside high schools has been reviewed and sufficient places exist if pupils chose to attend a local school, rather than continue to travel to a denominational school. However, low income families will not be affected and risk of successful challenge would be remote provided the policy and statutory guidance is correctly followed. In addition, the process followed by other local authorities on this same matter has resulted in successful implementation and there have been no reports of successful legal challenge.

**Access to Information:**

The background papers (including consultation documents and responses) relating to this report can be inspected by contacting the report writer Catherine Moseley, Head of Access and Inclusion

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## **1. BACKGROUND**

- 1.1 An Executive Decision report on the Home to School Transport Policy was considered by the Executive Member for Lifelong Learning on 18 May 2016.
- 1.2 The report outlined how the current Home to School Transport Policy goes beyond the statutory requirements in providing discretionary financial assistance to pupils attending denominational schools and how this is not considered sustainable because of the significant budget cuts, which have been made and the increasing risk of additional faith schools being established in either Tameside or in neighbouring authorities.
- 1.3 The report explained that the current policy makes discretionary provision for the Council to provide financial assistance to parents of pupils attending denominational schools because of their faith, regardless of whether there is a nearer non-denominational school with places available and regardless of whether the low income criteria is met. This support is not provided to parents who send their children to a non-denominational school which is not their nearest school.
- 1.4 An Executive Decision was made on 18 May 2016, which approved the undertaking of a consultation exercise with interested parties, including parents, schools, diocese and the general public, proposing a review of the 2008 Home to School Transport to remove discretionary transport support for pupils attending denominational schools more than 3 miles from home which is not their nearest school.
- 1.5 As part of the consultation process over 750 letters were sent directly to identified interested parties in addition to letters to all schools in Tameside and consultation through the Big Conversation. Despite such an extensive exercise less than 100 responses were received.
- 1.6 This report details the outcome of the consultation exercise and seeks approval for the making of a Key Decision on 31 August 2016, to amend the 2008 Home to School Transport Policy.

## **2 CURRENT POSITION**

- 2.1 For the last full school year 2015/16, the Council's spend was £111,161 (see Table 2) providing free transport to pupils to denominational schools. If approved, it is estimated that the proposed change in policy will save up to £116,077 in a year (see Table 2), if a decision to end discretionary support for home to school transport, was fully implemented, based on current costs and demand. The table below shows the breakdown of passes issued in 2015/16:

**Table 1**

	Bus Passes issued 2015/16		
	All Year Groups		Total
	Low income	Discretionary	
Total denominational	47	294	<b>341</b>
Low income and statutory	177		<b>177</b>
Year 10 / 11		10	<b>10</b>
Total	<b>224</b>	<b>304</b>	<b>528</b>
Cost	<b>£84,694</b>	<b>£114,942</b>	<b>£199,637</b>

2.2 Table 2 shows the number of passes issued in 2015/16 and the cost in 2015/16, as well as the numbers of passes and projected cost estimated in future academic years. As the number of discretionary bus passes issued over the last 5 years has decreased significantly from 506 in 2008/09, to 294 currently in 2015/16, there would be a natural progressive saving as larger numbers in the older year groups leave school and are replaced by smaller year groups as shown in the following table. It is also noted that there has been an increase in numbers for Year 7 in 2015/16:

**Table 2**

Forecast - no policy change		2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Year 7	78	63	63	63	63	63	63	63
Year 8	54	78	63	63	63	63	63	63
Year 9	65	54	78	63	63	63	63	63
Year 10	47	65	54	78	63	63	63	63
Year 11	50	47	65	54	78	63	63	63
Total	294	307	323	321	330	315	315	
Population change		13	16	-2	9	-15	0	
Forecast spend	£ 111,161	£ 116,077	£ 122,126	£ 121,370	£ 124,773	£ 119,102	£ 119,102	

2.3 Table 3 below show the number of passes issued in the year 2015/16, analysed by those issued to pupils from families who meet the low income criteria, those that are discretionary, where pupils live, which schools they attend and by year group. The table also shows the estimated position if passes were issued to pupils attending high school in the coming academic year. The numbers of Year 11 pupils have been shown in the tables but they will not be affected by any change in policy as they left the school in July 2016.

2.4 The greatest impact of any potential change in policy will be felt by pupils attending The Blue Coat School where 192 pupils currently receive a discretionary bus pass including 7 who would qualify under the low income criteria, with the majority of pupils living in Ashton, Stalybridge, Hyde / Longdendale and Dukinfield. There is a lesser but still substantial impact on St Damian's, where 100 discretionary passes have been issued in the 2015/16 school year. Most of the pupils who receive a discretionary pass live in Droylsden. In 2015/16, the Council has issued the following numbers of denominational passes:

**Table 3**

	Total 2014/15			Total 2015/16		
	Low Income	Discretionary	Total	Low Income	Discretionary	Total
The Blue Coat	7	183	190	13	179	192
All Saints	0	17	17	15	14	29
St Damian's	27	90	117	16	84	100
St Thomas More	0	8	8	1	11	12
Other	4	0	4	2	6	8
<b>Total</b>	<b>38</b>	<b>298</b>	<b>336</b>	<b>47</b>	<b>294</b>	<b>341</b>

**Table 4**

		Bluecoat											
2015/16	Year 7		Year 8		Year 9		Year 10		Year 11		Total		
	Low Income	Discretionary											
ASHTON	2	12	3	12		19	2	11	1	14	8	68	
AUDENSHAW											0	0	
DENTON											0	0	
DROYLSDEN			1				2		1	0	4		
DUKINFIELD	1	6	1	8		1		1		2	2	18	
HYDE & LONGDENDALE	15		7		9		9		5	0	45		
MOSSLEY		3		2		2	1			2	1	9	
STALYBRIDGE		7		4	1	11		4	1	9	2	35	
	3	43	4	34	1	42	3	27	2	33	13	179	
		All Saints											
2015/16	Year 7		Year 8		Year 9		Year 10		Year 11		Total		
	Low Income	Discretionary											
ASHTON			1	1	1		2				4	1	
AUDENSHAW											0	0	
DENTON											0	0	
DROYLSDEN						1					1	0	
DUKINFIELD											0	0	
HYDE & LONGDENDALE	3	5	2	1	2	2	1		1	1	9	9	
MOSSLEY										1	0	1	
STALYBRIDGE	1	1		1						1	1	3	
	4	6	3	3	3	2	4	0	1	3	15	14	
		St Damian's											
2015/16	Year 7		Year 8		Year 9		Year 10		Year 11		Total		
	Low Income	Discretionary											
ASHTON											0	0	
AUDENSHAW				1		1		2			0	4	
DENTON				1							0	1	
DROYLSDEN	1	20	5	10	1	16	4	11		7	11	64	
DUKINFIELD		1									0	1	
HYDE & LONGDENDALE											0	0	
MOSSLEY	1	1	1	2			3	1	1	3	7		
STALYBRIDGE		2		2			2	2	1	2	7		
	2	24	6	16	1	17	4	18	3	9	16	84	

		St Thomas More												
2015/16	Year 7		Year 8		Year 9		Year 10		Year 11		Total			
	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary		
ASHTON							1				1	0		
AUDENSHAW										1	0	1		
DENTON											0	0		
DROYLSDEN		2				2				1	0	5		
DUKINFIELD				1				1			0	2		
HYDE & LONGDENDALE		1				1				1	0	3		
MOSSLEY											0	0		
STALYBRIDGE											0	0		
	0	3	0	1	0	3	1	1	0	3	1	11		
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Other denominational high schools														
2015/16	Year 7		Year 8		Year 9		Year 10		Year 11		Total			
	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary		
ASHTON										1	0	1		
AUDENSHAW											0	0		
DENTON						1		1		1	0	3		
DROYLSDEN		2			1				1		2	2		
DUKINFIELD											0	0		
HYDE & LONGDENDALE											0	0		
MOSSLEY											0	0		
STALYBRIDGE											0	0		
	0	2	0	0	1	1	0	1	1	2	2	6		
<hr/>														
		Year 7		Year 8		Year 9		Year 10		Year 11		Total		
	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary	Low Income	Discretionary
Totals	9	78	13	54	6	65	12	47	7	50	47	294		

- 2.5 Schedule 35B of the Education Act 1996, states that transport must be provided, if no suitable arrangements have been made by the Local Authority, for enabling the child to become a registered pupil at a nearer qualifying school that is less than three miles from their home address.
- 2.6 The expected availability of places around the borough for September 2016, including academies, is shown in Table 5. It can be seen that there are sufficient places in the borough to accommodate pupils who may wish to transfer from a denominational schools to a nearer school.

**Table 5**

School	Year 7	Year 8	Year 9	Year 10	Year 11
Alder Community High School	0	0	0	0	0
Copley Academy	0	0	24	8	15
Mossley Hollins High School	0	0	0	0	0
Longdendale Community Language College	0	5	32	46	27
Hyde Community College	0	9	2	23	50
Astley Sports College	2	0	7	27	20
Denton Community College	0	0	29	20	99
St. Damian's R.C. Science College	0	0	0	0	0
St Thomas More RC College	0	0	0	1	0
All Saints Catholic College	18	5	17	22	34
Audenshaw School	6	11	0	1	10
Droylsden Academy	96	59	32	40	48
Fairfield High School	0	0	0	0	0
New Charter Academy	0	0	0	0	0
West Hill	0	3	0	0	8
<b>Total Vacant Places 2013/14</b>	<b>122</b>	<b>92</b>	<b>143</b>	<b>188</b>	<b>311</b>
<b>Number of Discretionary Passes Issued in 2015/16 to pupils on roll at denominational schools (approx)</b>	<b>63</b>	<b>78</b>	<b>54</b>	<b>65</b>	<b>47</b>

- 2.7 The government's drive to establish Free Schools could have an impact on future demand for free bus passes, if additional faith schools are established in Greater Manchester or Derbyshire. Free Schools are all-ability state-funded schools set up in response to what local people say they want and need in order to improve education for children in their community. In some areas of the country, faith organisations have been successful in opening denominational free schools.
- 2.8 Currently, all free bus passes are used by pupils attending either Roman Catholic or Church of England schools. However, pupils attending schools of other faiths would also be entitled under the current eligibility criteria.
- 2.9 Any change in policy to remove or reduce discretionary free school bus passes for all pupils attending denominational schools from September 2017 would affect approximately 323 pupils in 2017/18. The figure of 323 is based on the number of pupils receiving a discretionary denominational pass in 2015/16 and forecasts of natural change in the denominational school population. 323 pupils is equivalent to;
- 61.2% of the total number of pupils issued with a free school bus pass in 2015/16 (i.e. 323 of 528 pupils).

- 8.8% of the total number of pupils attending the three denominational schools in Tameside and the Blue Coat School in Oldham (i.e. 323 of 3674 pupils).
  - 2.5% of the total number of pupils attending all schools in Tameside (i.e. 323 of 12,681 pupils).
- 2.10 There has been a significant reduction (42%) in the number of pupils claiming a discretionary free bus pass over the last few years, from 506 issued passes in 2008/09 to 294 in 2015/16, although the number of passes issued to year 7 pupils in 2015/16 has increased to 78 which is the highest number it has been for several years. There could be a number of reasons for the decline, including reduced numbers going into secondary schools as the population has decreased generally, leading to increased numbers of non-Catholic children getting places in the Roman Catholic schools, a change in admission criteria at The Blue Coat School, leading to fewer Tameside children being allocated places, the impact of parental preference. The increase for 2015/16 is reflective of the general increase of pupils beginning to move through to secondary school following the significant increase that the borough has seen in its birth rate over recent years.
- 2.11 There is a misconception amongst parents that pupils cannot access school buses unless they have a concessionary bus pass. However, clarification has been sought from Transport for Greater Manchester (TfGM) and this is not the case, as pupils can pay to use the services, either per journey or buy daily or weekly discounted tickets. Currently, weekly passes range from £6.50 to £9.00 per week within Greater Manchester.
- 2.12 The changes proposed will not apply to pupils with a Statement of Special Educational Needs/ Education, Health and Care Plan, who will continue to be eligible for a concessionary bus pass. Nor will it affect the eligibility to free transport for families with a low income.

### **3 OPTIONS FOR CONSULTATION**

- 3.1 Whilst the principal reason for proposing revisions to the policy is financial, the proposed changes would not be considered unless they also promoted greater fairness and equity in how the Council provides financial assistance for pupils using public transport, as the current policy gives additional entitlements to those pupils attending denominational schools that others do not enjoy. The proposed changes are intended to ensure that all pupils are treated equitably regardless of whether they attend a denominational or non-denominational school.
- 3.2 The original consultation proposed changes to the Home to School Transport Policy 2008 to be implemented in September 2017.
- 3.3 The options for consideration were:
- Option 1 - to remove the discretionary financial assistance to pupils attending faith schools for **all** pupils from September 2017
  - Option 2 – to remove the discretionary financial assistance to pupils attending faith schools but implement the change on a **phased basis** from September 2017
- 3.4 A full implementation from September 2017 would have a direct impact on 323 pupils who would no longer be eligible. However, an additional 40 pupils would remain eligible under the low income criterion.

The impact by year group and savings that would be made if Option 1 was implemented are shown in the following table:

**Table 6**

Immediate policy change from September 2017		2015/16	2016/17	2017/18	2018/19
Year 7	78	63			
Year 8	54	78			
Year 9	65	54			
Year 10	47	65			
Year 11	50	47			
Total	294	307	0		
New policy change	0	0	-307		
Forecast spend	£ 111,161	£ 116,077	£ -		
Academic Year Saving	£ -	£ -	-£ 116,077		
Financial Year Saving	£ -	£ -	-£ 79,421	-£ 116,077	

**Option 2** - A phased implementation would mean that no pupils moving into Year 7 from September 2017 onwards would be eligible for discretionary financial assistance. It is difficult to anticipate how many pupils may be affected in the future as parental preference influences pupil allocations. The number of discretionary passes issued to pupils over the last eight years together with a five year average is shown in the table below. It would be reasonable to assume an average of 63 pupils per year group could be affected in future years.

**Table 7**

Year 7 discretionary passes issued		
Year	Number	Five year average
2008/09	75	
2009/10	92	
2010/11	78	
2011/12	60	
2012/13	52	71
2013/14	69	70
2014/15	57	63
2015/16	78	63

The impact by year group and savings that would be made if Option 2 was implemented are shown in the following table:

**Table 8**

Phased policy change from September 2017		2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Year 7	78	63							
Year 8	54	78	63						
Year 9	65	54	78	63					
Year 10	47	65	54	78	63				
Year 11	50	47	65	54	78	63			
Total	294	307	260	195	141	63	0		
New policy change	0	0	-63	-126	-189	-252	-315		
Forecast spend	£ 111,161	£ 116,077	£ 98,306	£ 73,730	£ 53,312	£ 23,820	£ -		
Academic Year Saving	£ -	£ -	-£ 17,771	-£ 24,577	-£ 20,417	-£ 29,492	-£ 23,820		
Financial Year Saving	£ -	£ -	-£ 12,159	-£ 22,427	-£ 21,731	-£ 26,626	-£ 25,611	-£ 7,522	

3.5 Option 1, ceasing all support from 1 September 2017, produces the maximum savings, as no pupil will receive discretionary support going forward. Option 2, ceasing support for new pupils from 1 September 2017, produces less total savings over a five year period, but is likely to be more acceptable to parents as pupils continuing to receive support and are currently on roll will continue to do so and the benefit would not be taken away just not given in respect of any new pupils.

## 4 CONSULTATION PROCESS UNDERTAKEN

4.1 The consultation ran from 23 May 2016 to 13 July 2016 (a period of 37 working days, 33 secondary school days and 28 primary school days) in line with the 2014 Statutory Guidance on Home to school travel and transport.

4.2 Individuals and organisations directly affected, relevant stakeholders and other interested parties were notified of the proposed changes to the Home to School Transport Policy 2008 by letter, and were encouraged to take part in the consultation. This included;

- Parents / carers of pupils resident in Tameside currently attending denominational schools and receiving financial support with the costs of home to school transport. All parents received an individualised letter to their home address a copy of which can be found at **Appendix 1**.
- Parents / carers of pupils resident in Tameside who have been allocated a place at denominational schools from September 2016. All parents received an individualised letter to their home address, a copy of which can be found at **Appendix 1**.
- Headteachers and Governors of All Saints Catholic College, Saint Damian's Roman Catholic Science College and Saint Thomas More Roman Catholic College.
- Headteacher of The Blue Coat School (Church of England Academy), Oldham.
- Elected Members of Tameside Council.
- Members of Parliament.
- Diocese of Shrewsbury (Catholic)
- Diocese of Salford (Catholic).
- Diocese of Manchester (Church of England).
- Diocese of Chester (Church of England).
- Teachers Associations and Trades Unions.
- Headteachers and Governing Bodies of all maintained schools in Tameside.

A letter was sent to Headteachers of all schools for onward circulation to all parents signposting them to the consultation. Over 750 letters were sent out.

4.3 Meetings were offered to all the governing bodies at All Saints Catholic College, Saint Damian's Roman Catholic Science College, Saint Thomas More Roman Catholic College and The Blue Coat School but they chose not to take up the offer.

4.4 The following briefing documents were provided on the Councils website to assist people who wished to respond to the consultation to understand the current position and proposed changes:

- Current Policy and Proposed Changes;
- Legislative Background and the Consultation Process;
- Frequently Asked Questions (FAQs);
- Executive Decision (18 May 2016).

4.5 Consultees were asked to respond to the consultation via the Big Conversation page and questionnaire on the Council's website. In addition a number of people responded by other channels. These include responses forwarded via Local Members and direct

correspondence with the Council through letters, e-mails and the Tameside MBC website Customer Relationship Management system (CRM).

- 4.6 The total number of responses to the consultation is detailed below:
- Big Conversation webpage – 73 (valid responses)
  - Other channels – 18
  - Total – 91
- 4.7 A valid response means the total number of responses after the removal of blank entries or duplicate returns. Two responses were removed as they were duplicates.
- 4.8 The responses given at Question 9 on the Big Conversation and the responses received via other channels (e.g. e-mails or letters) have all been read, recorded and analysed. Themes drawn out from the analysis, and the Tameside Council response, are outlined in **Appendix 2**. Responses to the set questions on the Big Conversation webpage have been analysed and the full results are detailed in **Appendix 3**.

## 5 KEY FINDINGS (BIG CONVERSATION)

- 5.1 The key findings summarised in this section are based on those people who answered each question on the Big Conversation webpage. As people were able to skip questions the total number for each question won't be the same. Where a proportion or percentage is used it is of those who answered that specific question or provided a response (i.e. comments).
- 5.2 The majority of respondents, 69.9%, were parents, carers or guardians of children at a denominational school. 81% of respondents were parents, carers or guardians of children at The Blue Coat School in Oldham. The next largest was St. Damian's Roman Catholic Science College with 11%. Table 9 provides a breakdown of respondents by school their children attend.

**Table 9**

Respondents by school their children attend.

School Connection	% (number) of respondents
The Blue Coat School (Oldham)	81.1% (43)
St. Damian's Roman Catholic Science College	11.3% (6)
All Saints Catholic College	1.9% (1)
St. Thomas More Roman Catholic College	1.9% (1)
Other	3.8% (2)
<b>Total</b>	100.0%(53)

- 5.3 Ten respondents through other channels also referenced a particular school. Eight respondents referenced The Blue Coat School and two referenced All Saints Catholic College.
- 5.4 85.9% (61 of 71) respondents strongly agreed or agreed that Tameside Council should regularly review all its spending, in particular discretionary spending, to ensure it meets its financial obligations. And 46.5% (or 33 of 71) respondents (to that question) strongly agreed or agreed that Tameside Council is right to review its Home to School Transport

Policy to ensure it complies with statutory obligations and is fair to all children, irrespective of faith.

- 5.5 The majority of respondents, 64 of 67 (or 95.5%), would prefer the Council to implement changes on a phased basis. 10 respondents choose not to answer this question. It is worth noting that a considerable number of respondents using the free text box commented that they did not prefer either option but the online survey did not allow them to continue without choosing an option. Table 10 provides a breakdown of preference by option.

**Table 10**

Respondents preference by option.

Option	% (number) preferred
<b>Option 1 – immediate implementation</b>	4.5% (3)
<b>Option 2 – phased implementation</b>	95.5% (60)

- 5.6 The vast majority of respondents, 92% (54 of 59), said they would be directly affected by the proposals.
- 5.7 A number of themes were drawn out from the comments provided at Question 9, which was a free text box on the Big Conversation and the responses received via other channels (e.g. e-mails or letters). The issues raised are summarised below. A further more detailed breakdown, including numbers and the Tameside Council response, can be found at **Appendix 2**.

#### **General opposition to proposal and challenge of Council's spending priorities.**

Concerns about loss of an important subsidy; proposals are unfair, plans are ill-conceived / poorly thought out, and the impact and consequences of the plan have not been considered fully. The Council should review its spending priorities and savings plans. Savings achieved from removing discretionary financial assistance for pupils attending denominational schools are not significant and money should be found from other areas.

#### **Choosing a faith school**

Denominational schools meet the needs of pupils who wish to learn in a faith environment underpinned by a Christian ethos in a way that non-denominational schools cannot. It is a parent's right to choose a faith school and faith based education for their children. The proposals impact on this by making faith schools less accessible due to the cost of travel. Concerns about school choices made taking into account the availability of a pass, decision to apply for a place at a denominational school wouldn't have been made if change had been known about and siblings being separated if total cost can't be afforded.

#### **Changing schools / disruption to education**

Removal of the discretionary pass for those attending faith schools could lead to children having to move schools (where families cannot absorb the cost), leading to disruption of the child's education and a detrimental social and developmental impact. Where the decision is taken to move schools due to affordability of the bus pass, there are concerns about there being adequate provision of spaces at local schools to cater for demand.

#### **Statutory / legal obligations / discrimination**

By removing discretionary financial assistance for pupils attending denominational schools, Tameside Council is failing in its statutory and legal obligations, and falling short of its corporate responsibilities. The proposals to remove discretionary financial assistance provided to pupils attending denominational schools are discriminatory on the grounds of religion and belief.

### **Faith schools in Tameside**

There are not enough faith schools in Tameside. The lack of local faith secondary schools, in particular Church of England (CoE) schools (of which there are none), means parents have to send their pupils to schools outside of the Borough. The cost of providing such a school is considerably greater than the cost of bus passes, so Tameside Council in lieu of its failure to provide such schooling, should provide financial assistance to attend such schools outside of the Borough as a matter of course.

### **Financial pressures on working families.**

Inability to afford pass directly following removal of discretionary subsidy, increased strain on household finances from having to find extra transport costs, children will miss out on other beneficial activities as transport costs eat into household budget. The removal of discretionary financial assistance provided to pupils attending denominational schools will hit working families who do not come under the 'low income' category / threshold, disproportionately. Concern and upset, that those who should be supported for 'doing the right thing', and having 'paid into the system', are being penalised.

### **Transport provision.**

Concerns over existing and future transport provision. Comments that school busses should be provided to provide free transport for all pupils, public transport needs improving and child safety issues (if have to walk / cycle due to not being able to afford pass).

- 5.8 Responses were received by letter from the following organisations / bodies:

- Diocese of Chester (Church of England);
- Tameside Catholic Primary School Headteachers' Cluster

A response to the comments received from the diocese and denominational school representatives is included at Appendix 1.

## **6. STATUTORY GUIDANCE**

- 6.1 The Council must have due regard to the relevant statutory guidance when carrying out its duties in relation to home to school travel and transport, and sustainable travel.
- 6.2 The Department for Education (DfE) publishes Home to school travel and transport guidance, the latest version of which was published in July 2014. This guidance is statutory for local authorities and all local authorities have a duty to have regard to it when carrying out their duties in relation to home to school travel and transport. The guidance deals with sections 508A, 508B, 508C, 509AD, and Schedule 35B of the Education Act 1996 which were inserted by Part 6 of the Education and Inspections Act 2006.
- 6.3 In carrying out this consultation, the Council has had regard to the statutory guidance. Part 2 of the guidance considers discretionary arrangements. Section 508C of the Act provides local authorities with discretionary powers to go beyond their statutory duties and provide transport for children who are not entitled to free transport.
- 6.4 The guidance is clear that it is very much for individual local authorities to decide whether and how to apply this discretion as they are best placed to determine local needs and circumstances. The DfE recognises that local authorities will need to balance the demands for a broad range of discretionary travel against their budget priorities. While the DfE offers guidance, it acknowledges that the final decision on any discretionary travel arrangements must rest with individual local authorities who should engage with parents and clearly communicate what support they can expect from the local authority.
- 6.5 Section 509AD of the Education Act 1996 requires the Council to have regard to, amongst other things, a parent's wish for their child to be provided with education or training at a

school/institution on grounds of the parent's religion or belief when carrying out their duties/exercising their powers relating to travel. Part 2 of the 2014 Home to School Travel and Transport Guidance referred to above sets out the basis for compliance with these duties/powers, requiring the Council to have due regard to the provisions of the Equalities Act 2010 and the European Convention on Human Rights.

- 6.6 This report should be read in conjunction with the Equalities Impact Assessment attached to the report at Appendix 4.
- 6.7 Part 4 of the 2014 Home to School Travel and Transport Guidance refers to policy change. The consultation was carried out in line with the guidance in that it ran for a period of 37 working days, 33 secondary school days and 28 primary school days in line with the guidance that consultations should last for at least 28 working days during term time. Whilst the guidance says that good practice suggests that the introduction of changes should be on a phased basis, the Council has also to be mindful that it does not breach other legislation. The proposed removal of discretionary powers to extend beyond the statutory requirement ensures that section 14 of the Human Rights Act 1996 is not inadvertently breached through discriminating against parents who specifically want their child to attend a non-denominational school in accordance with their philosophical convictions.
- 6.8 In relation to the discretionary power, this is so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. The proposals within this report have been arrived at in accordance with this guidance. The duty in respect of low income families remains and they will continue to be eligible for free travel arrangements to the nearest school preferred on grounds of religion or belief. The proposed removal of discretionary powers to extend beyond the statutory requirement ensures that section 14 of the Human Rights Act 1996 is not inadvertently breached through discriminating against parents who specifically want their child to attend a non-denominational school in accordance with their philosophical convictions. Any concerns about those low income families above the statutory low income definition will be monitored and the policy kept under review.

## 7 EQUALITIES IMPACT ASSESSMENT

- 7.1 The Equality Act 2010 makes certain types of discrimination unlawful on the grounds of: Age, Gender, Race, Gender reassignment, Disability, Maternity, sexual orientation, Religion or belief
- 7.2 Section 149 of the Equality Act 2010 places the Council and all public bodies under a duty to promote equality. All public bodies are required to have regard to the need to:
  - (a) eliminate discrimination, victimisation, and harassment;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not,
  - (c) foster good relations between those who share a relevant protected characteristic and those who do not.
- 7.3 The Act therefore imposes a duty on the Council which is separate from the general duty not to discriminate, however, Schedule 3, part 2 of the Equality Act 2010 provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from school.
- 7.4 The full Equalities Impact Assessment is attached in **Appendix 4** and it should be read in conjunction with this report prior to any final decisions being taken.

### **Impact of the proposed changes**

- 7.5 A potential negative impact has been identified in that any changes will specifically affect parents/carers of pupils attending a school of a denomination to which the child's parents/carers adheres.
- 7.6 Whilst there will be a negative impact on specific groups that currently benefit from financial assistance because of the proposed reduction or withdrawal of free travel to denominational schools, the purpose of the change in policy is to remove an existing discrimination in favour of those families of pupils attending a denominational school, which provides them with a benefit that is not available to others.
- 7.7 Local Authorities remain under a general duty to 'have regard' to the wish of a parent for their child to be provided with education at a particular establishment on the grounds of the parents' religion or belief. However, other than the statutory duty towards pupils who are from low income families, there is no statutory duty to provide free transport to denominational schools for children generally.

### **Mitigating the impact**

- 7.8 Mitigations are in place with regards to statutory requirements for distance, low income, Special Educational Needs (SEN) and disability (or a mobility problem).
- 7.9 Existing / continuing mitigations

- **Distance (Statutory)** – free travel will continue for those pupils whose nearest qualifying school is outside statutory walking distance.
- **Low income (Statutory)** – free travel will continue to be provided to pupils from low income families.
- **SEN / Disability (Statutory)** – free travel will continue to be provided to pupils who are unable to walk to school due to Special Educational Needs (SEN), a disability or a mobility problem.
- **School transfer (Statutory)** – support will be provided to pupils who wish to become registered at a nearer qualifying school rather than pay for the cost of travel. Analysis shows there are sufficient places available within Tameside schools.

7.10 Proposed mitigations (Option 2)

- **Phasing (Option 2).** The withdrawal of discretionary free travel to denominational schools would be phased over a number of years if the Council chose to implement Option 2. The proposed changes to the Home to School Transport Policy are intended to ensure that all pupils are treated equitably regardless of whether they attend a denominational or non-denominational school. Any measures in mitigation of the withdrawal of free travel for pupils attending denominational schools would in themselves need to discriminate between different groups and would reinforce the inequity that already exists.

7.11 Possible mitigations for consideration by schools and parents

- **Funding.** Alternative funding models could be considered to support the retention of the existing free travel or a reduction to part-funded free travel. This could be a combination of funding from the denominational schools, Diocese authorities and parents.

### **Actions resulting from the Equalities Impact Assessment**

7.12 As a result of the Equalities Impact Assessment, actions have been identified to limit, where possible, any impact on pupils. These actions are:

- Support pupils who wish to become registered at a nearer qualifying school rather than pay for the cost of travel.
- Monitor if any changes to discretionary financial assistance / free travel to denominational schools has an impact on admissions and/or attendance.

### **Outcome**

7.13 Either of the two options on which the Council has consulted enables the Council to meet its statutory duties, whilst removing the discretionary provision of free travel to those pupils attending a denominational school which is over 3 miles from home where there is a nearer qualifying school. However, Option 2 would perpetuate an identified potential for inequality until July 2021 as pupils currently eligible work their way through school and Option 1 would allow the Council to meet its legal and statutory obligations from September 2017.

## **8 CONCLUSION**

- 8.1 The current Home to School Transport Policy goes beyond the statutory requirements, in providing discretionary financial assistance to pupils attending denominational schools regardless of whether there is a nearer non-denominational school with places available and regardless of whether the low income criteria is met. There is an increasing opportunity for other faith schools to be established as Free Schools, both within and outside of the Borough, due to the current government's Academisation and Free School expansion programme which over time, is likely to increase the number of pupils travelling to faith schools.
- 8.2 A consultation exercise has been undertaken involving direct mailing to over 750 consultees and via schools and the Big Conversation. Disappointingly, less than 100 responses were received. Most responses confirmed that consultees did not want any change to the existing policy.
- 8.3 The two options set out would achieve the savings outlined in Tables 6 and 8 of Section 3 of this report.
- 8.4 Both of the two options on which the Council has consulted enable the Council to meet its statutory duties. However, Option 2 would perpetuate an identified potential for inequality until July 2021 as pupils currently eligible work their way through school and Option 1 would allow the Council to meet its legal and statutory obligations from September 2017.
- 8.5 Schedule 35B of the Education Act 1996, states that transport must be provided, if no suitable arrangements have been made by the Local Authority, for enabling the child to become a registered pupil at a nearer qualifying school. There are sufficient places in the borough to accommodate pupils who may wish to transfer from a denominational school to a nearer school rather than paying for the cost of travel.
- 8.6 Most local authorities in the Greater Manchester area have already ceased the provision of discretionary support for home to school transport and have implemented these changes in policy successfully, after consulting with interested groups.

## **9 RECOMMENDATION**

- 9.1 As stated at the front of the report.

# APPENDIX 1



ABRINGTON · BURNLEYNE · CUMBERHILL · DENTON · DROMADEN · DUKINFIELD · HYDE · LONSDALE · MORTON · STANLYBRIDGE

Parent/carer of

**CORRESPONDENCE ADDRESS ONLY  
NO PUBLIC ACCESS**

Shirley House, 5 Oldham Street  
Hyde, Tameside. SK14 1LJ

Call Centre 0161-342-8355  
Fax 0161-342-3543

[www.tameside.gov.uk](http://www.tameside.gov.uk)  
email: catherine.moseley@tameside.gov.uk

Doc Ref Catherine Moseley  
Ask for 0161 342 3302  
Direct Line  
Date 23 May 2016

Dear Parent / carer

### Proposed Revisions to the Home to School Transport Policy

Tameside Council faces major financial challenges over the next few years and it must make some difficult decisions if it is to protect the front line services that residents value the most.

The Council is proposing to revise the home to school transport policy that will have the effect of removing the discretionary financial assistance provided to those students attending denominational (faith) schools. The consultation options are:

- Option 1 - to remove the discretionary financial assistance to pupils attending faith schools for all pupils from September 2017.
- Option 2 – to remove the discretionary financial assistance to pupils attending faith schools but implement the change on a phased basis from September 2017.

The changes proposed in the consultation will not apply to pupils with an Education, Health and Care Plan or Statement of Special Educational Needs, who will continue to be eligible for a Concessionary Travel Pass. Nor will it affect the entitlement to free transport for families with a low income.

For 2015/16 school year, the Council will spend approximately £199,637 providing free transport to pupils. If approved, it is estimated that the proposed change in policy will save £107,000 per annum when fully implemented. The Council's Cabinet has decided to consult with parents, schools and colleges, diocesan authorities and other interested parties, proposing revisions to this discretionary element of the home to school transport policy.

The proposed changes would also bring greater fairness and equity in how the Council provides financial assistance for pupils using public transport as the current policy gives additional entitlements to those pupils attending denominational schools that others do not enjoy.



As your child currently has a discretionary denominational bus pass, we would welcome your comments on the proposed changes to the policy. The consultation period is from 23 May 2016 until 5pm on 13 July 2016 and the consultation documents can be found on the Council website <http://www.tameside.gov.uk/tbc/HometoSchoolTransportPolicy>.

Should you wish to clarify any points relating to the consultation, please do not hesitate to contact me.

Yours sincerely



**Catherine Moseley**  
Head of Access and Inclusion



ASHTON UNDER LYNE · ALDERSHAW · BENTON · DROMSDEN · DUKINFIELD · HYDE · LONGDALE · MORSLEY · STALYBRIDGE

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The proposed changes would also bring greater fairness and equity in how the Council provides financial assistance for pupils using public transport as the current policy gives additional entitlements to those pupils attending denominational schools that others do not enjoy.



As your child has been allocated a place at a church school for this September, we would welcome your comments on the proposed changes to the policy. The consultation period is from 23 May 2016 until 5pm on 13 July 2016 and the consultation documents can be found on the Council website <http://www.tameside.gov.uk/tbc/HometoSchoolTransportPolicy>.

Should you wish to clarify any points relating to the consultation, please do not hesitate to contact me.

Yours sincerely



**Catherine Moseley**  
Head of Access and Inclusion

## APPENDIX 2

### 1 CONSULTATION

- 1.1 The consultation ran from 23 May 2016 to 13 July 2016 (a period of 37 working days, 33 secondary school days and 28 primary school days) in line with the 2014 Statutory Guidance on Home to school travel and transport.
- 1.2 Individuals and organisations directly affected, relevant stakeholders and other interested parties were notified of the proposed changes to the Home to School Transport Policy 2008 by letter, and were encouraged to take part in the consultation. This included;
- Parents / carers of pupils resident in Tameside currently attending denominational schools and receiving financial support with the costs of home to school transport. All parents received an individualised letter to their home address a copy of which can be found at **Appendix 1** of the Key Decision report.
  - Parents / carers of pupils resident in Tameside who have been allocated a place at denominational schools from September 2016. All parents received an individualized letter to their home address a copy of which can be found at **Appendix 1** of the Key Decision report.
  - Headteachers and Governors of All Saints Catholic College, Saint Damian's Roman Catholic Science College and Saint Thomas More Roman Catholic College.
  - Headteacher of The Blue Coat School (Church of England Academy), Oldham.
  - Elected Members of Tameside Council.
  - Members of Parliament.
  - Diocese of Shrewsbury (Catholic)
  - Diocese of Salford (Catholic).
  - Diocese of Manchester (Church of England).
  - Diocese of Chester (Church of England).
  - Teachers Associations and Trades Unions.
  - Headteachers and Governing Bodies of all maintained schools in Tameside.
- A letter was sent to Headteachers of all schools for onward circulation to all parents signposting them to the consultation. Over 750 letters were sent out.
- 1.3 Meetings were offered to all the governing bodies at All Saints Catholic College, Saint Damian's Roman Catholic Science College, Saint Thomas More Roman Catholic College and The Blue Coat School but they chose not to take up the offer.
- 1.4 The following briefing documents were provided on the Councils website to assist people who wished to respond to the consultation to understand the current position and proposed changes:
- Current Policy and Proposed Changes;
  - Legislative Background and the Consultation Process;
  - Frequently Asked Questions (FAQs);
  - Executive Decision (18 May 2016).
- 1.5 Consultees were asked to respond to the consultation via the Big Conversation page and questionnaire on the Council's website. In addition a number of people responded by other channels. These include responses forwarded via Local Members and direct correspondence with the Council through letters, e-mails and the Tameside MBC website Customer Relationship Management system (CRM).
- 1.6 The total number of responses to the consultation is detailed below:
- Big Conversation webpage – 73 (valid responses)

- Other channels – 18
  - Total – 91
- 1.7 A valid response means the total number of responses after the removal of blank entries or duplicate returns. Two responses were removed as they were duplicates.
- 1.8 Responses to the set questions on the Big Conversation webpage have been analysed and the full results are detailed below. The responses given at Question 9 on the Big Conversation and the responses received via other channels (e.g. e-mails or letters) have all been read, recorded and analysed. Themes drawn out from the analysis, and the Tameside Council response, are outlined below.
- 1.9 Responses were received by letter from the following organisations / bodies:
- Diocese of Chester (Church of England)
  - Tameside Catholic Primary School Headteachers' Cluster

## **2 KEY FINDINGS (BIG CONVERSATION)**

- 2.1 The key findings summarised in this section are based on those people who answered each question on the Council Big Conversation webpage. As people were able to skip questions the total number for each question won't be the same. Where a proportion or percentage is used it is of those who answered that specific question or provided a response (i.e. comments).
- 2.2 The majority of respondents, 69.86%, were parents, carers or guardians of children at a denominational school. 81.1% of respondents were parents, carers or guardians of children at The Blue Coat School in Oldham. The next largest was St. Damian's Roman Catholic Science College with 11.32%. Over 90% (47) of those respondents are in receipt of a discretionary bus passes. The table below provides a breakdown of respondents by school their children attend.

**Table 1**

Respondents by school their children attend.

School Connection	% (number) of respondents
<b>The Blue Coat School (Oldham)</b>	81.13% (43)
<b>St. Damian's Roman Catholic Science College</b>	11.32% (6)
<b>All Saints Catholic College</b>	1.89% (1)
<b>St. Thomas More Roman Catholic College</b>	1.89% (1)
<b>Other</b>	3.77% (2)
<b>Total</b>	100.0%(53)

10 respondents through other channels also referenced a particular school. 8 respondents referenced The Blue Coat School and 2 referenced All Saints Catholic College.

- 2.3 85.91% (61 of 71) of respondents agreed or strongly agreed that Tameside Council should regularly review all its spending, in particular discretionary spending, to ensure it meets its financial obligations. And 46.48% (or 33 of 71) respondents (to that question) agreed or strongly agreed that Tameside Council is right to review its Home to School Transport Policy to ensure it complies with statutory obligations and is fair to all children, irrespective of faith.

2.4 The majority of respondents, 64 of 67 (or 95.52%), would prefer the Council to implement Option 2, a phased approach but many commented in their narrative that they actually do not prefer either option but had no choice but to select one of the options as the survey did not allow them to progress without picking one of the responses. The table below provides a breakdown of preference by option.

**Table 2:**

Respondents preference by option.

Option	% (number) preferred
Option 1 – immediate implementation	4.48% (3)
Option 2 – phased implementation	95.52% (64)

2.5 Below is a summary of the responses collated in response to the consultation process .The number of comments is split between those from the Big Conversation webpage and those through other channels. Other channels include comments through letters and e-mails.

**Table 3**

CONSULTATION FEEDBACK THEME	COUNCIL'S RESPONSE
<b>GENERAL OPPOSITION</b>	
Concerns about: <ul style="list-style-type: none"> <li>• Loss of an important subsidy</li> <li>• Proposals are unfair</li> <li>• Plans are ill-conceived / poorly thought out</li> <li>• Impact and consequences of the plan has not been considered fully</li> <li>• Consultation (timing &amp; format) poor</li> </ul>	The Council took the decision to consult on changes to the Home to School Transport Policy in May 2016. Unfortunately, there is never a good time to consult on proposals where there is a potential impact on pupils and families. The school application process starts in the summer and end the following September so there is no point in the year that is better than any other.
44 (61.9%) – Big Conversation	The consultation process has followed Department for Education guidance in its timescale and format and has been extensive. The potential impact was outlined in advance of the consultation and was included in the documents available for all to read before submitting a response.
14 (77.7%) – other channels (e.g. letters)	
58 (63.7%) – total	The impact of the proposed changes are subject to a comprehensive Equalities Impact Assessment which carefully considers the impact on equality groups and the impact is clearly articulated to decision makers in this report.

CONSULTATION FEEDBACK THEME	COUNCIL'S RESPONSE
	<p>In order to ensure that the questionnaire is completed by as many respondents as possible some questions were set so they could not be left blank. However, the Council accepts that not everyone who answered question 8 was in favour of the option they picked.</p> <p>The Council noted that there was an error on the downloadable version of the questionnaire. This mistakenly said that the consultation closed on Friday 13 July 2106 at 5pm rather than Wednesday 13 July. A decision was made to accept as on time any paper questionnaire that was received on both Thursday 14 July and Friday 15 July 2016.</p>
<b>NEED FOR CHANGE</b>	
Acceptance of the need for change due to funding cuts and the financial situation (both specific to TMBC and general climate of 'austerity')	Noted
8 (10.9%) – Big Conversation	
6 (33.3%) – other channels (e.g. letters)	
14 (15.3%) – total	
<b>SPENDING PRIORITIES</b>	
<p>The Council should review its spending priorities and savings plans. Savings achieved from removing discretionary financial assistance for pupils attending denominational schools are not significant and money should be found from other areas.</p> <ul style="list-style-type: none"> <li>• Statues</li> <li>• Staff/Councillor hospitality, allowances, expenses.</li> <li>• TfGM subsidy</li> </ul>	<p>The Council is constantly reviewing its spending priorities across all services and has made significant savings already, however, due to the scale of budget cuts it is inevitable that some policy changes to reduce discretionary support will be unpopular.</p>
11 (15%) – Big Conversation	

CONSULTATION FEEDBACK THEME	COUNCIL'S RESPONSE
4 (20%) – other channels (e.g. letters)	
15 (16%) – total	
<b>RIGHT TO CHOOSE A FAITH SCHOOL</b>	
It is a parent's right to choose a faith school and faith based education for their children. The proposals impact on this by making faith schools less accessible due to the cost of travel.	There are many reasons why parents select a school for their child and it is acknowledged that in some circumstances the availability of free transport may be a factor. However, there are non-denominational schools that are oversubscribed, with demand for places coming from across a wide area. In these cases, the absence of free transport does not appear to be a barrier to access, or impact on parental demand.
5 (6.8%) – Big Conversation	
3 (16.6%) – other channels (e.g. letters)	There would be nothing to prevent schools providing home to school transport from their delegated budgets, or provide a hardship fund to support parents who do not qualify for support under the low income criteria, if they wished to do so.
8 (8.8%) – total	A review of all applications in the last two years, identified that the provision of discretionary support for transport was not given as a reason for a choice of a school place at a denominational school in any instance.
<b>QUALITY OF EDUCATION</b>	
Faith schools provide the best education. Denominational schools meet the needs of pupils who wish to learn in a faith environment underpinned by a Christian ethos in a way that non-denominational schools can't.	There are many good secondary schools in Tameside and whilst not all provide the same ethos as denominational schools, many provide good or outstanding education for their pupils.
7 (9.6%) – Big Conversation	
7 (38.9%) – other channels (e.g. letters)	
14 (15.4%) – total	
<b>STATUTORY / LEGAL OBLIGATIONS</b>	
By removing discretionary financial assistance for pupils attending denominational schools, Tameside Council is failing in its statutory and legal	Pupils from low income families, whether attending denominational or non-denominational schools, will continue to receive free transport in accordance with the Council's statutory responsibilities. This ensures that those pupils from areas of greatest socio-economic

<b>CONSULTATION FEEDBACK THEME</b>	<b>COUNCIL'S RESPONSE</b>
obligations, and falling short of its corporate responsibilities.	will continue to be supported. The new policy would bring the discretionary support into line with the policy as it applies to non-denominational schools, removing any discrimination that currently exists.
3 (4.1%) – Big Conversation	
5 (27.8%) – other channels (e.g. letters)	
8 (8.8%) – total	
<b>DISCRIMINATION</b>	
The proposals to remove discretionary financial assistance provided to pupils attending denominational schools are discriminatory on the grounds of religion and belief. Other children attending non-denominational schools will still be eligible for a pass if they live over 3 miles from the school	<p>Under the current policy, parents seeking a place for their child in a denominational school benefit from an entitlement for discretionary support for home to school transport that is not available to parents seeking a place at a non-denominational school. The proposed revision seeks to redress this inequity.</p> <p>Parents will still have the right to express a preference for a place at a denominational school of their choice.</p> <p>The Equality Act 2010, Schedule 3, Part 2 provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from school.</p>
3 (4.1%) – Big Conversation	
3 (16.6%) – other channels (e.g. letters)	
6 (6.6%) – total	<p>There is a mistaken belief that children who attend a non-denominational school over 3 miles from their home address will still receive a bus pass and this is discriminatory. Tameside Council does not automatically issue passes to pupils travelling more than 3 miles to a school. The Council's policy reflects the statutory requirement to provide transport a pupil's nearest school if that is more than 3 miles away. Tameside is a compact borough and no pupil lives more than 3 miles from their nearest school. This criterion is only ever used if a pupil moves into the borough and because many high schools are full, the pupil cannot be accommodated in a school that is nearer than 3 miles from home. However, this rarely happens and only one pass has been issued in these circumstances in the last five years.</p>
<b>FAITH SCHOOLS IN TAMESIDE</b>	
There are not enough faith schools in Tameside. The lack of local faith secondary schools, in particular Church of England (CoE) schools (of which there are none), means parents have to send their pupils to schools outside of the Borough.	<p>The suggestion that the policy shouldn't be changed because it is long-standing practice is clearly a difficult one to sustain. There may be historical and geographical reasons why schools were established, and why they are located where they are. Some of these reasons will pre-date the 1944 Education Act, may pre-date the development of comprehensive public transport infra-structure, and there will have certainly been significant demographic change over the years. Therefore, the initial need and justification for the policy</p>

CONSULTATION FEEDBACK THEME	COUNCIL'S RESPONSE
<p>The cost of providing such a school is considerably greater than the cost of bus passes, so TMBC, in lieu of its failure to provide such schooling, should provide financial assistance to attend such schools outside of the Borough as a matter of course</p>	<p>may have long since passed.</p> <p>Voluntary aided schools and the diocese make a 10% contribution to capital building costs, which the Council does not have to find. Equally the Council does not receive capital funding for denominational voluntary aided schools or any revenue or capital funding in respect of The Blue Coat school, so no savings accrue to the Council. In addition, the Council has provided a brand new 750 place school for St Damian's through a PFI contract, which will also ensure that it is maintained to a high standard for 25 years at no cost to the diocese.</p>
<p>29 (39.7%) – Big Conversation</p>	
<p>5 (27.8%) – other channels (e.g. letters)</p>	
<p>34 (37.3%) – total</p>	<p>Denominational schools in Tameside are very popular and there is no reason to believe they will become unviable. We are not in a position to make a detailed judgement on the potential impact of the removal of transport support on parents' decisions as this is currently unknown although local authorities who have already ceased to provide discretionary support confirm that there has been little or no impact on the number of parents expressing a preference for a place at a denominational school. There would be nothing to prevent schools providing home to school transport from their delegated budgets, if they wished to do so.</p> <p>The last major review of secondary places was undertaken in 2006. At no time since then has any diocese proposed the establishment of a new denominational school in the borough. For the avoidance of doubt, the Council cannot propose the establishment of a denominational school.</p>
COST BURDEN	
<p>Concerns about:</p> <ul style="list-style-type: none"> <li>• Inability to afford pass directly following removal of discretionary subsidy</li> <li>• Increased strain on household finances / budget having to find extra transport costs</li> <li>• Children will miss out on other beneficial activities as transport costs eat into household budget</li> <li>• Concern of multiplier effect in transport costs as younger children move through school system</li> </ul>	<p>For those families most likely to face financial hardship as a result of the change in policy, it is expected that many would continue to be eligible for free transport under the low income criteria.</p> <p>There would be nothing to prevent schools providing home to school transport from their delegated budgets, or provide a hardship fund to support parents who do not qualify for support under the low income criteria, if they wished to do so.</p> <p>The cost of bus fares can be reduced by buying weekly discounted tickets. Currently, a weekly pass is £7 per week on First Buses, £6.50 on Stagecoach services and Stott's accept the System One pass which can be used on any bus within Greater Manchester, at any time of the day that is from £9.00 per week.</p>

CONSULTATION FEEDBACK THEME	COUNCIL'S RESPONSE
18 (26%) – Big Conversation	
10 (55.6%) – other channels (e.g. letters)	
28 (30.7%) – total	
<b>WORKING FAMILIES</b>	
<p>The removal of discretionary financial assistance provided to pupils attending denominational schools will hit working families who do not come under the 'low income' category / threshold, disproportionately. Concern and upset, that those who should be supported for 'doing the right thing', and having 'paid into the system', are being penalised</p>	<p>For those families most likely to face financial hardship as a result of the change in policy, it is expected that many would continue to be eligible for free transport under the low income criteria.</p> <p>There would be nothing to prevent schools providing home to school transport from their delegated budgets, or provide a hardship fund to support parents who do not qualify for support under the low income criteria, if they wished to do so. At the end of the last financial year, Voluntary Aided secondary schools had over £500,000 in surplus balances.</p>
13 (17.8%) – Big Conversation	
6 (33.3%) – other channels (e.g. letters)	
19 (20.8%) – total	<p>The cost of bus fares can be reduced by buying weekly discounted tickets. Currently, a weekly pass is £7 per week on First Buses, £6.50 on Stagecoach services and Stott's accept the System One pass which can be used on any bus within Greater Manchester, at any time of the day that is from £9.00 per week.</p>
<b>AVAILABILITY OF PASS WAS PART OF DECISION</b>	
<p>The availability of discretionary financial assistance provided to pupils attending denominational schools in the form of a subsidised bus pass impacts on the school selection process. Concerns about:</p> <ul style="list-style-type: none"> <li>• School choices made taking into account the availability of a pass</li> <li>• Decision wouldn't have been made if change had been known about</li> <li>• Siblings being separated if total cost can't be afforded</li> </ul>	<p>Since 2011 (with the exception of September 2013), the Council's Moving On prospectus that all applicants are encouraged to read before making an application for year 7 has included reference to the fact that the Council is considering reviewing the home to school transport policy for discretionary bus passes. Those pupils who entered year 7 in September 2013 received a letter as part of the consultation that took place in April 2013 when proposals to cease discretionary home to school transport were first considered by the Council. Therefore all families of pupils currently in a denominational school should have been aware that this was a possibility.</p> <p>The consultation also included an option for phasing out the discretionary eligibility criteria meaning pupils currently in receipt of a pass will continue to be so whilst their circumstances remain the same.</p>
8 (10.9%) – Big Conversation	

<b>CONSULTATION FEEDBACK THEME</b>	<b>COUNCIL'S RESPONSE</b>																																
10 (55.6%) – other channels (e.g. letters)																																	
18 (19.8%) – total																																	
<b>DISRUPTION TO EDUCATION</b>																																	
Removal of the discretionary pass for those attending faith schools could lead to children having to move schools where families cannot absorb the cost, leading to disruption of the child's education and a detrimental social and developmental impact	The Executive Decision report dated 18 May 2016 in Section 2.23 - 2.24 considered the availability of places in other schools to accommodate pupils who may wish to transfer following any proposed changes to the Home to School Transport Policy. This showed that there are sufficient places to accommodate pupils wishing to move schools. The Council acknowledges that moving schools would be disruptive to a child's education but would work with families who wished to pursue this route to place pupils in other schools as quickly as possible.																																
5 (6.8%) – Big Conversation																																	
6 (33.3%) – other channels (e.g. letters)																																	
11 (12.1%) – total	<p>Analysis of the impact of similar changes to policy in other Borough's indicates that most parents would not necessarily choose this route. Bury MBC agreed to end discretionary faith transport in September 2013. Following contact with Bury Council in June 2013, a representative said “<i>To date, we have not had any requests from parents to change schools as a result of the change in policy - either for places allocated for September or for those already on roll to move from a denominational school to a school nearer home. We are currently undergoing transfer appeals for admission to secondary schools in September 2013 and the change in our transport policy has not been raised at all as an issue.</i>”</p> <p>Additionally, Oldham MBC made the same changes in 2008. St Damian's RC Science College have traditionally attracted a significant number of applications from Oldham. An analysis of applications from Oldham residents below shows that any impact was temporary.</p> <table border="1"> <thead> <tr> <th>Oldham apps to St Damian's</th> <th>2013</th> <th>2012</th> <th>2011</th> <th>2010</th> <th>2009</th> <th>2008</th> <th>2007</th> </tr> </thead> <tbody> <tr> <td>Requests</td> <td>44</td> <td>51</td> <td>45</td> <td>52</td> <td>35</td> <td>22</td> <td>42</td> </tr> <tr> <td>Allocated</td> <td>40</td> <td>46</td> <td>45</td> <td>45</td> <td>32</td> <td>20</td> <td>40</td> </tr> <tr> <td>Total allocated</td> <td>157</td> <td>160</td> <td>152</td> <td>157</td> <td>152</td> <td>154</td> <td>150</td> </tr> </tbody> </table> <p>The school also did not experience any pupils transferring out of the school due to changes in the policy from Oldham Council.</p>	Oldham apps to St Damian's	2013	2012	2011	2010	2009	2008	2007	Requests	44	51	45	52	35	22	42	Allocated	40	46	45	45	32	20	40	Total allocated	157	160	152	157	152	154	150
Oldham apps to St Damian's	2013	2012	2011	2010	2009	2008	2007																										
Requests	44	51	45	52	35	22	42																										
Allocated	40	46	45	45	32	20	40																										
Total allocated	157	160	152	157	152	154	150																										

CONSULTATION FEEDBACK THEME	COUNCIL'S RESPONSE
<b>AVAILABILITY OF PLACES</b>	
Where the decision is taken to move schools due to affordability of the bus pass, there are concerns about there being adequate provision of spaces at local schools to cater for demand	The Executive Decision report dated 18 May 2016 in Section 2.23 - 2.24 considered the availability of places in other schools to accommodate pupils who may wish to transfer following any proposed changes to the Home to School Transport Policy. This showed that there are sufficient places to accommodate pupils wishing to move schools. The Council acknowledges that moving schools would be disruptive to a child's education but would work with families who wished to pursue this route to place pupils in other schools as quickly as possible.
1 (1.4%) – Big Conversation	
1 (0.5%) – other channels (e.g. letters)	
2 (2.1%) – total	
<b>TRANSPORT PROVISION</b>	
Concerns over existing and future transport provision (occasionally predicated on the belief that where passes are removed, transport will be also). Concerns about:	There seems to be a misconception amongst parents that pupils cannot access school buses unless they have a concessionary bus pass. However, clarification has been sought from Transport for Greater Manchester (TfGM) and this is not the case, as pupils can pay to use the services, either per journey or buy daily or weekly discounted tickets. School buses are organised by TfGM and other areas of Greater Manchester that do not offer denominational school bus passes still have similar levels of school services.
<ul style="list-style-type: none"> <li>• Public transport needs improving</li> <li>• Child safety issues (if have to walk / cycle due to not being able to afford pass)</li> </ul>	
2 (2.8%) – Big Conversation	
0 (0%) – other channels (e.g. letters)	
2 (2.2%) – total	
<b>Concerns about withdrawal of school buses</b>	
Fears that removal of bus pass will result in removal of the bus service to which it relates	Transport for Greater Manchester are responsible for planning school bus provision across the Greater Manchester area and all secondary schools in Tameside benefit from school bus services. It has been confirmed with Transport for Greater Manchester that the proposed change in policy will have no direct impact current school bus provision. Pupils without concessionary bus passes can currently access this provision and will continue to be able to do so.
2 (2.8%) – Big Conversation	
4 (22.2%) – other channels (e.g. letters)	
6 (6.5%) – total	

2.6 Responses were received by letter from the following organisations / bodies:

- Diocese of Chester (Church of England)
- Tameside Catholic Primary School Headteachers' Cluster

**Table 2**

<b>Organisation</b>	<b>Comment</b>	<b>Response</b>
Chester Diocesan Board of Education	The proposals will make it difficult for parents to choose a Church of England school as there isn't one in the borough.	The Council does not agree that the proposals to review the provision of discretionary transport would make it more difficult for parent's to exercise the choice of a faith education. Parents would still be fully able, through the admissions process, to exercise the choice of a faith education. However they would need to be aware, unless they are entitled to free transport by qualifying under the means test (for low incomes), that in making such a choice they would need to meet the cost themselves – just like parents in the vast majority of other circumstances do.
Chester Diocesan Board of Education	Families with a household income just over the threshold for free school meals will be hardest hit.	This concern is partly addressed by the statutory requirement to provide free transport to the nearest school preferred by reason of a parent's religion or belief to pupils who are entitled to free school meals or whose family are in receipt of their maximum level of Working Tax Credit, where that school is between 2 and 15 miles. For other households, this will be a matter of financial prioritisation, just like it is for other households who exercise an alternative school choice, for other reasons.
Chester Diocesan Board of Education	Only the second option, a phased approach, would be acceptable to the Diocese.	Noted
Tameside Catholic Primary School Headteachers' Cluster	Only 2 consultation options available and no option to completely disagree with the proposals.	In order to ensure that the questionnaire is completed by as many respondents as possible some questions were set so they could not be left blank. However, the questionnaire did provide a free text box for respondents to make their views on the process known. The Council accepts that not everyone who answered question 8 was in favour of one of the options available.
Tameside Catholic Primary School Headteachers' Cluster	The preamble to the consultation on the TMBC website states that, 'the changes would also bring greater fairness and equity in how the Council provides financial assistance for pupils using public transport as the current policy gives additional	Charges for appeals in denominational schools are currently the subject of discussion in the Schools Forum, the body that acts as a consultative body on some issues and a decision making body on others. The forum mainly considers matters of school funding.

Organisation	Comment	Response
	<p>entitlements to those pupils attending denominational schools that others do not enjoy.' As oversubscribed voluntary aided schools in Tameside are currently being charged by the council to hear admissions appeals (and non-VA schools are not) this strikes us as a rather disingenuous statement. If part of the council's real motivation were to bring about greater fairness and equity between funding for pupils attending denominational and non-denominational schools, might we suggest that the removal of recharges to VA schools for admissions appeal hearings would be the next most obvious place to review? This would ensure that the money currently being lost to the budgets of VA schools following appeals hearings (and the consequent negative impact on funding these pupils' education) could be re-instated and the current imbalance in funding between denominational and non-denominational schools in this aspect could be corrected.</p>	<p>If a decision was made by the Council to remove the charge for school appeals for voluntary aided schools, this would not result in a saving to the Council as the funding would remain in schools rather than with the Council. The inequity between pupils attending denominational and non-denominational schools would remain.</p>

### **3 ALTERNATIVE OPTIONS**

3.1 The consultation elicited several suggestions for alternative options to the proposals.

**Table 3**

<b>ALTERNATIVE OPTION PROPOSED</b>	<b>COUNCIL'S RESPONSE</b>
Provide a 50% subsidy from the council	One of the main purposes of these proposed changes to the home to school transport policy is to remove an inequity where children attending denominational schools can be eligible for assistance with travel costs that pupils with the same circumstances but attending a non-denominational school would not be eligible. A 50% subsidy would perpetuate this inequity and therefore the Council is unable to consider this alternative option.
Give bus pass to all parents	There are currently (January 2016 census) 12,681 pupils in secondary schools in Tameside. If every child were to be given a bus pass at the current cost of £376 each, this would cost almost £5million per year which is simply not an option for Tameside Council to consider
Open a Church of England school in Tameside	The last major review of secondary places was undertaken in 2006. At no time since then has any diocese proposed the establishment of a new denominational school in the borough. For the avoidance of doubt, the Council cannot propose the establishment of a denominational school.

# APPENDIX 3

## Home to School Transport Policy

**Q1 We want to hear your views. This information will only be used as part of the consultation and will not be used or processed for any other purpose. Thank you for joining in our Big Conversation.**

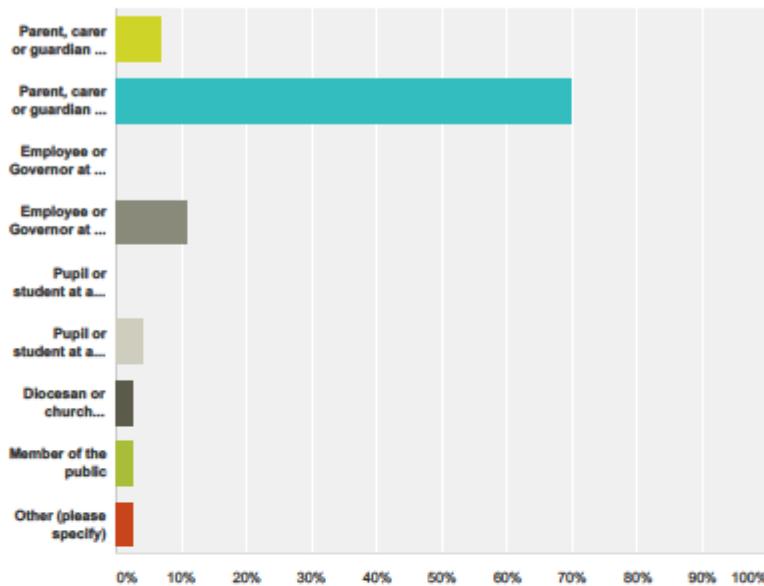
Answered: 73 Skipped: 3

Answer Choices	Responses	
Name	100.00%	73
Address 1	98.63%	72
Address 2	32.88%	24
Town	97.26%	71
Postcode	98.63%	72
Telephone	86.30%	63
Email Address	90.41%	66

## Home to School Transport Policy

### **Q2 Please indicate your interest in this consultation? (Please tick one box only)**

Answered: 73 Skipped: 3

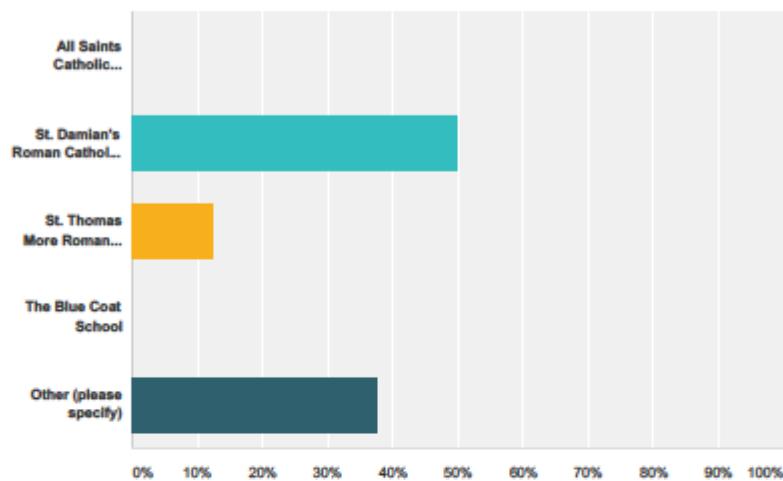


Answer Choices	Responses
Parent, carer or guardian of a child at a non-denominational school	6.85% 5
Parent, carer or guardian of a child at a denominational school	69.86% 51
Employee or Governor at a non-denominational school	0.00% 0
Employee or Governor at a denominational school	10.98% 8
Pupil or student at a non-denominational school	0.00% 0
Pupil or student at a denominational school	4.11% 3
Diocesan or church representative	2.74% 2
Member of the public	2.74% 2
Other (please specify)	2.74% 2
Total	73

## Home to School Transport Policy

**Q3 If you are an employee or governor at a denominational school, please specify which school you are employed with / are a governor for. (Please tick one box only)**

Answered: 8 Skipped: 68

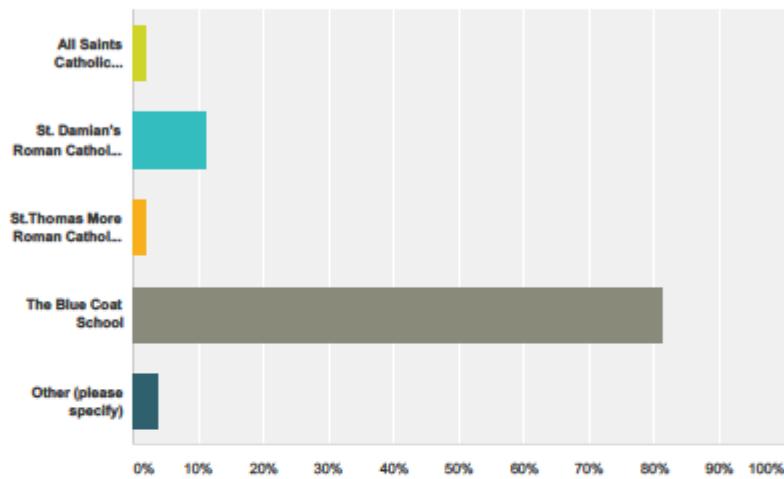


Answer Choices	Responses (%)	Responses (Count)
All Saints Catholic College	0.00%	0
St. Damian's Roman Catholic Science College	50.00%	4
St. Thomas More Roman Catholic College	12.50%	1
The Blue Coat School	0.00%	0
Other (please specify)	37.50%	3
Total		8

## Home to School Transport Policy

**Q4 If you are a parent, carer or guardian of a child / children who attend a denominational school, please specify which school they attend. (Please tick all that apply)**

Answered: 53 Skipped: 23

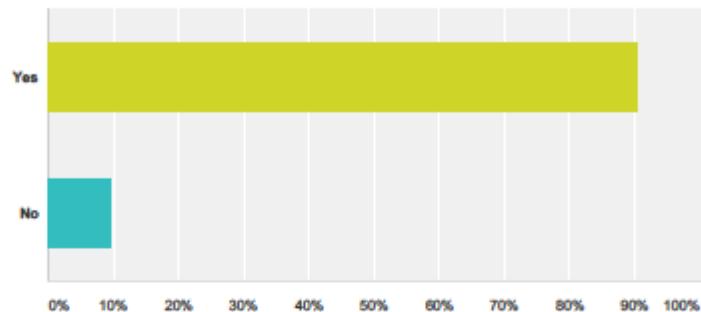


Answer Choices	Responses
All Saints Catholic College	1.89%
St. Damian's Roman Catholic Science College	11.32%
St. Thomas More Roman Catholic College	1.89%
The Blue Coat School	81.13%
Other (please specify)	3.77%
Total Respondents: 53	

## Home to School Transport Policy

### Q5 Are you or your child currently in receipt of a discretionary travel pass on denominational (faith) grounds?

Answered: 52 Skipped: 24

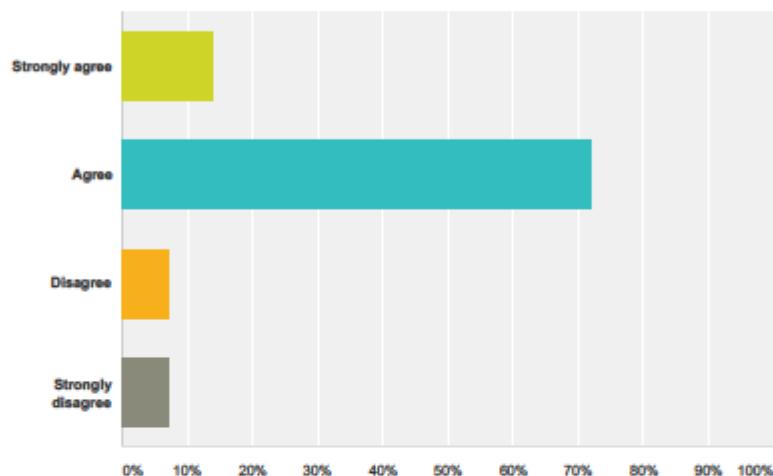


Answer Choices	Responses
Yes	47
No	5
Total	52

## Home to School Transport Policy

**Q6 Do you agree or disagree that Tameside Council should regularly review all its spending, in particular discretionary spending, to ensure it meets its financial obligations? (Please tick one box only)**

Answered: 71 Skipped: 5

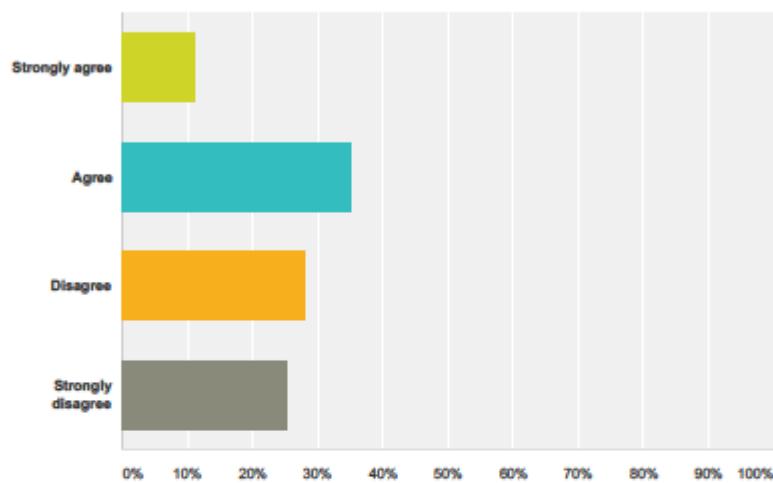


Answer Choices	Responses
Strongly agree	10
Agree	51
Disagree	5
Strongly disagree	5
Total	71

## Home to School Transport Policy

**Q7 Do you agree or disagree that Tameside Council is right to review its Home to School Transport Policy to ensure it complies with statutory obligations and is fair to all children, irrespective of their faith? (Please tick one box only)**

Answered: 71 Skipped: 5

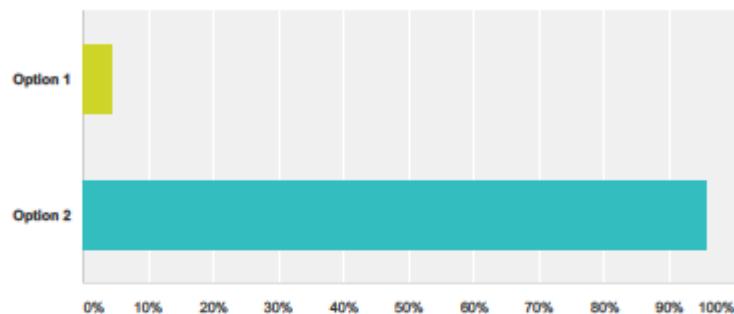


Answer Choices	Responses
Strongly agree	11.27%
Agree	35.21%
Disagree	28.17%
Strongly disagree	25.35%
Total	71

Home to School Transport Policy

**Q8 Which option would you prefer Tameside Council to implement? (Please tick one box only)**

Answered: 67 Skipped: 9



Answer Choices	Responses	
Option 1	4.48%	3
Option 2	95.52%	64
Total		67

Home to School Transport Policy

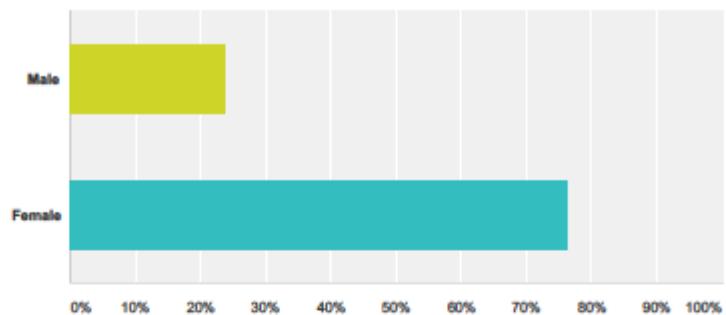
**Q9 Please provide any comments or views you wish to make on the proposals. (Please state in the box below)**

Answered: 48 Skipped: 28

## Home to School Transport Policy

### Q10 What is your gender?

Answered: 59 Skipped: 17



Answer Choices	Responses
Male	23.73%
Female	76.27%
Total	59

Home to School Transport Policy

**Q11 What is your Age? (Please state)**

Answered: 51 Skipped: 25

Home to School Transport Policy

**Q12 What is your Postcode? (Please state)**

Answered: 51 Skipped: 25

Home to School Transport Policy

**Q13 Which ethnic group do you consider yourself to belong to? (Please tick one box only)**

Answered: 54 Skipped: 22

### Home to School Transport Policy



Answer Choices	Responses	
White - English / Welsh / Scottish / Northern Irish / British	92.59%	50

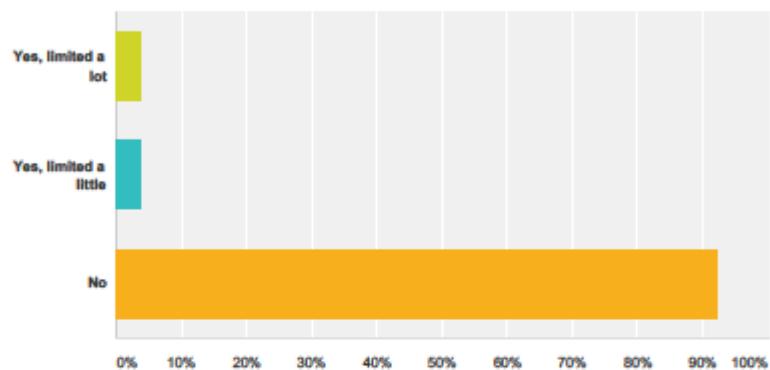
### Home to School Transport Policy

White - Irish	1.85%	1
White - Gypsy or Irish Traveller	0.00%	0
Other White background (please specify in the box below)	3.70%	2
White & Black Caribbean	0.00%	0
White & Black African	0.00%	0
White & Asian	0.00%	0
Other Mixed background (please specify in the box below)	0.00%	0
Asian/Asian British - Indian	0.00%	0
Asian/Asian British - Pakistani	0.00%	0
Asian/Asian British - Bangladeshi	0.00%	0
Asian/Asian British - Chinese	0.00%	0
Other Asian background (please specify in the box below)	0.00%	0
Black/Black British - African	1.85%	1
Black/Black British - Caribbean	0.00%	0
Other Black / African / Caribbean background (please specify in the box below)	0.00%	0
Arab	0.00%	0
Any other Ethnic group (please specify in the box below)	0.00%	0
<b>Total</b>		<b>54</b>

## Home to School Transport Policy

**Q14 Are your day-to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Include problems related to old age. (Please tick one box only)**

Answered: 52 Skipped: 24

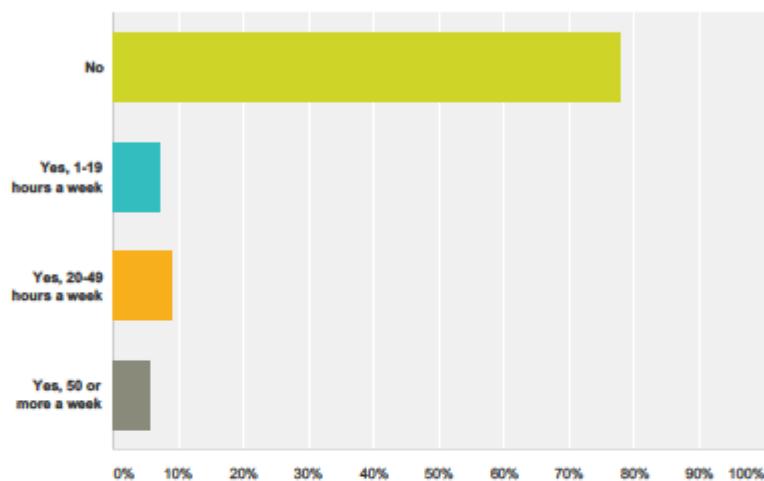


Answer Choices	Responses	
Yes, limited a lot	3.85%	2
Yes, limited a little	3.85%	2
No	92.31%	48
Total		52

## Home to School Transport Policy

**Q15 Do you look after, or give any help or support to family members, friends, neighbours or others because of either, long term physical or mental ill-health / disability or problems due to old age?**  
**(Please tick one box only)**

Answered: 54 Skipped: 22

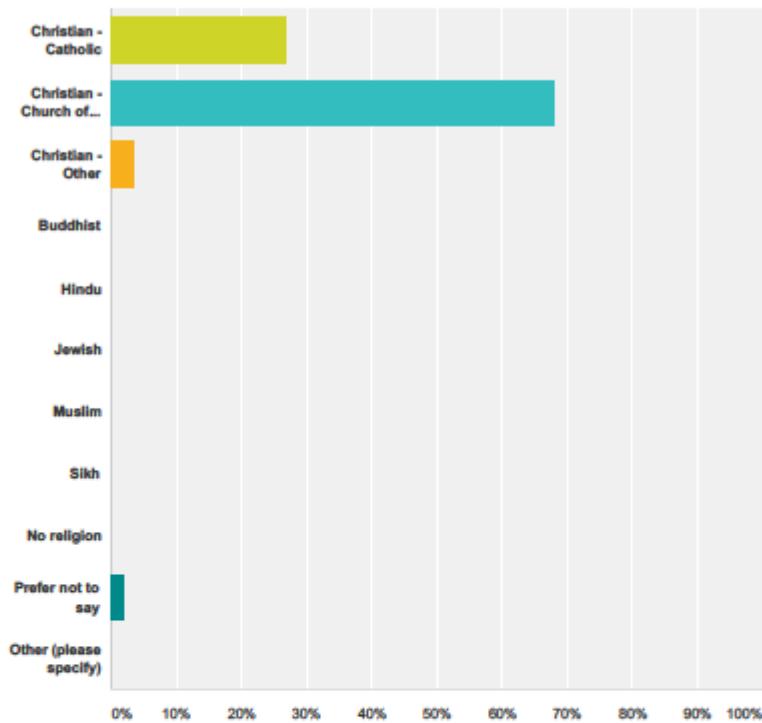


Answer Choices	Responses
No	77.78% 42
Yes, 1-19 hours a week	7.41% 4
Yes, 20-49 hours a week	9.26% 5
Yes, 50 or more a week	5.56% 3
Total	54

**Home to School Transport Policy**

**Q16 What is your religion? (Please tick one box only)**

Answered: 56 Skipped: 20



Answer Choices	Responses	
Christian - Catholic	26.79%	15
Christian - Church of England	67.86%	38
Christian - Other	3.57%	2
Buddhist	0.00%	0
Hindu	0.00%	0
Jewish	0.00%	0
Muslim	0.00%	0
Sikh	0.00%	0
No religion	0.00%	0
Prefer not to say	1.79%	1

### Home to School Transport Policy

Other (please specify)	0.00%	0
Total		56

## APPENDIX 4

### EQUALITY IMPACT ASSESSMENT

<b>Name of EIA</b>	Home to school transport policy (discretionary financial assistance for pupils attending denominational schools).  <u>FINAL EQUALITY IMPACT ASSESSMENT.</u>	
<b>Service / Business Unit</b>	<b>Service Area</b>	<b>Directorate</b>
Access and Inclusion	Education	People
<b>EIA Start Date (Actual)</b>	<b>EIA Completion Date (Expected)</b>	<b>Completion Date (Actual)</b>
May 2016	August 2016	August 2016

<b>Lead Contact / Officer Responsible</b>	Catherine Moseley
<b>Service Unit Manager Responsible</b>	Catherine Moseley

<b>EIA Group</b> (lead contact first)	<b>Job Title</b>	<b>Service</b>
Catherine Moseley	Head of Access and Inclusion	People
Bob Berry	Interim Assistant Executive Director – Education	People
Simon Brunet	Acting Head of Policy Communications	Governance, Resources and Pensions

<b>SUMMARY BOX</b>
At a time when the Council has to make significant financial savings, it is essential that it examines critically its policies and procedures to ensure that it is meeting its statutory duties, and alongside this is using its resources effectively in order to achieve its savings targets.
Cuts in Government funding mean Tameside Council have had to look at all areas of spending especially where that spending is discretionary. The Council's current Home to School Transport Policy goes beyond the statutory requirements in providing discretionary financial assistance to pupils attending denominational schools. Due to significant reductions in funding this position is not sustainable. The Council also needs to ensure equality and fairness in the provision of this support so as not to benefit one group of children above another.

The current policy makes discretionary provision for the Council to provide financial assistance to parents of pupils attending a denominational school because of their faith, regardless of whether there is a nearer non-denominational school with places available and regardless of whether the low income criteria is met.

It is proposed to remove the discretionary provision of financial assistance to those pupils attending a denominational school where there is a nearer qualifying school and where the low income criteria is not met. The Council has consulted on two options.

- Option 1 – full removal from September 2017.
- Option 2 – phased removal from September 2017.

Any change in policy to remove discretionary financial assistance (i.e. free school bus passes) for pupils attending denominational schools could affect up to approximately 307 pupils in 2017/18 if Option 1 was to be implemented. The figure of 307 is based on the number of pupils who received a discretionary denominational pass in 2015/16 and forecasts of natural change in the denominational school population. Removal of discretionary financial assistance could provide an estimated saving of up to £116,077 in 2017/18 academic year if Option 1 was to be implemented. Option 2 would realise estimated savings of £17,771 in 2017/18 academic year rising in later years as the number of pupils affected increases due to phasing.

A potential negative impact has been identified in that any changes will specifically affect parents/carers of pupils attending a school of a denomination to which the child's parents/carers adheres.

Whilst there will be a negative impact on specific groups that currently benefit from financial assistance because of the proposed removal of free travel to denominational schools, the purpose of the change in policy is to remove (or reduce) an existing discrimination in favour of those families of pupils attending a denominational school, which provides them with a benefit that is not available to others.

Mitigations are in place with regards to statutory requirements for distance, low income, Special Educational Needs (SEN) and disability or a mobility problem.

Both of the two options on which the Council has consulted enables the Council to meet its statutory duties. However, Option 2 would perpetuate an identified potential for inequality until July 2021 as pupils currently eligible work their way through school and Option 1 would allow the Council to meet its legal and statutory obligations from September 2017.

## **SECTION 1 - BACKGROUND**

### **BACKGROUND**

Cuts in Government funding mean Tameside Council have had to look at all areas of spending especially where that spending is discretionary. The Council's current Home to School Transport Policy goes beyond the statutory requirements in providing discretionary financial assistance to pupils attending denominational schools. Due to significant reductions in funding this position is not sustainable. The Council also needs to ensure equality and fairness in the provision of this support so as not to benefit one group of children above another.

The current policy makes discretionary provision for the Council to provide financial assistance to parents of pupils attending a denominational school because of their faith, regardless of whether there is a nearer non-denominational school with places available and regardless of whether the

low income criteria is met.

### Current Policy.

#### **Statutory (distance / low income / SEN / disability).**

Under the current policy, financial assistance to meet the cost of travel is provided for all statutory school age children who live in Tameside and who attend their nearest qualifying school, where the distance from home to school is over the statutory walking distance. This is defined as:

- More than 2 miles from home for children aged under 8
- More than 3 miles from home for children aged 8 and over

In addition, where children are in a family with a low income there is additional entitlement where:

- the child is aged 8 or over, but under the age of 11 and is attending their nearest qualifying school over 2 miles
- the child is aged 11 or over, in statutory education, and is attending one of their 3 nearest qualifying schools between 2 and 6 miles from their home
- the child is aged 11 or over, in statutory education, and attending their nearest qualifying school, between 2 and 15 miles, in line with their parent/carer's religion or belief

Support also has to be provided if a child is unable to walk to school due to Special Educational Needs (SEN), a disability or mobility problem (including temporary medical conditions).

#### **Discretionary (denominational).**

The current policy also makes provision for pupils who attend a particular school on the grounds of their parents' religion or belief, to receive financial assistance (i.e. free school bus passes) if that school is more than 3 miles from their home, regardless of whether there is a nearer qualifying school. In considering entitlement to free transport the Council has to take into account any wish of a parent for their child to be provided with education at a particular school on the grounds of the parents' religion or belief. However, there is no statutory entitlement to free transport, as attendance at a denominational school is through parental choice.

### Proposed Policy.

#### **Statutory (distance / low income / SEN / disability).**

Tameside Council is not proposing any changes for children who are provided with free transport on the basis of statutory walking distance, low income, Special Educational Needs (SEN) and disability (or a mobility problem). This is a statutory requirement and not discretionary.

#### **Discretionary (denominational).**

It is proposed to remove the discretionary provision of financial assistance to those pupils attending a denominational school where there is a nearer qualifying school where the low income criteria is not met. The Council has consulted on two options.

- Option 1 – full removal from September 2017
- Option 2 – phased removal from September 2017

Any change in policy to remove discretionary financial assistance (i.e. free school bus passes) for pupils attending denominational schools could affect up to approximately 307 pupils in 2017/18 if Option 1 was to be implemented. The figure of 307 is based on the number of pupils who received a discretionary denominational pass in 2015/16 and forecasts of natural change in the denominational school population. Removal of discretionary financial assistance could provide an estimated saving of up to £116,077 in 2017/18 academic year if Option 1 was to be implemented. Option 2 would realise estimated savings of £17,771 in 2017/18 academic year rising in later years as the number of pupils affected increases due to phasing.

## **SECTION 2 – ISSUES TO CONSIDER & EVIDENCE BASE**

### **ISSUES TO CONSIDER**

#### Legislation / Regulations

##### **Education Act 1996 / Education & Inspections Act 2006**

The Council's statutory duties in respect of the provision of free transport are set out in sections 508A, 508B, 508C, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006.

Section 508A of the Act places a duty on local authorities to assess the school travel needs of all children in their area.

Section 508B of the Education Act 1996 (inserted by the Education and Inspections Act 2006) describes the local authority's duty in providing free travel arrangements for eligible pupils. It places a duty on the local authorities to:

*'make, in the case of an eligible child in the Authority's area such travel arrangements as they consider necessary in order to secure that suitable school travel arrangements, for the purposes of facilitating the child's attendance at the 'relevant educational establishment' in relation to him, are made and provided free of charge in relation to the child.'*

This duty only applies where suitable travel arrangements are not already provided free of charge to the child by any person who is not the authority. This duty applies to travel in both directions between the child's home and the relevant educational establishment at the start and end of the school day. It does not relate to travel between educational institutions during the school day.

Section 508C of the Act gives Local Authorities the discretionary powers to provide free school transport to pupils who are not eligible.

Section 509AD of the Act places a duty on the local authority in fulfilling its duties and exercising its powers in relation to travel, to have regard to, amongst other things, any wish of the parent for their child to be provided with education at a particular school on grounds of the parent's religion or belief.

Schedule 35B of the Act defines the meaning of an 'eligible child' and 'qualifying school' for the purposes of Section 508B.

Section 444 of the Act describes the circumstances under which if a child of compulsory school age who is a registered pupil at a school fails to attend regularly, his/her parent is guilty of an offence. However, the child shall not be taken to have failed to attend regularly if the parent proves that:

1. the school at which the child is a registered pupil is not within walking distance of the child's home, and
2. that no suitable arrangements have been made for any of the following:
  - (a) his/her transport to and from the school
  - (b) boarding accommodation for him/her at or near the school
  - (c) enabling him/her to become a registered pupil at a school nearer to his home.

**Eligible children** are defined as:

- Children unable to walk to school due to Special Educational Needs (SEN), a disability or mobility problem (including temporary medical conditions).
- Children who cannot reasonably be expected to walk to school because of the nature of the

route.

- Children living outside the statutory walking distance, where no suitable alternative arrangements have been made by the Local Authority for them to attend a qualifying school nearer to the child's home.
- Children from low income families. This is defined as children entitled to free school meals, and/or whose family is in receipt of the maximum level of Working Tax Credit.

**Qualifying schools** are defined as maintained schools comprising:

- Community, foundation or voluntary schools;
- Pupil Referral Units;
- Academies, Free Schools, City Technology Colleges, City colleges for the technology of the arts; and
- Maintained nursery schools.

The nearest qualifying school is taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special needs that the child may have (e.g. SEN, disability, Pupil Referral Unit).

**Statutory walking distance** is defined as:

- More than 2 miles from home for children aged under 8; or
- More than 3 miles from home for children aged 8 and over.

The statutory walking distance is measured by the shortest route along which, accompanied as necessary, the child may walk with reasonable safety. The route measured may include footpaths and other paths, as well as recognised roads.

**Low income families** are defined as:

- Families who receive the maximum level of Working Tax Credit and/or they receive free school meals.

Local Authorities have a duty to provide free home to school transport for 'low income' families, defined as those parents/carers in receipt of maximum working tax credit, or their child is in receipt of free school meals, where:

- the child is aged 8 or over, but under the age of 11 and is attending their nearest qualifying school over 2 miles
- the child is aged 11 or over, in statutory education, and is attending one of their 3 nearest qualifying schools between 2 and 6 miles from their home
- the child is aged 11 or over, in statutory education, and attending their nearest qualifying school, between 2 and 15 miles, in line with their parent/carer's religion or belief.

In considering entitlement to free transport the Council has to take into account any wish of a parent for their child to be provided with education at a particular school on the grounds of the parents' religion or belief. However, there is no statutory entitlement to free transport, as attendance at a faith school is through parental choice.

With regard to any phasing out arrangements, Schedule 35 B of the Education Act 1996 says that transport must be provided if no suitable arrangements have been made by the Local Authority for enabling the child to become a registered pupil at a nearer qualifying school. If a child was no longer eligible to receive free home to school transport under any new policy, the Council must demonstrate that it has enabled the child to become a registered pupil at a nearer qualifying school. If the Local Authority is not able to demonstrate this, then the child should continue to receive free home to school transport.

## **Equality Act 2010**

The Public Sector Equality Duty (PSED), section 149 of the Equality Act 2010, requires that the

Council, in the exercise of its functions, has 'due regard' to the need to;

- (a) eliminate discrimination, victimisation, and harassment;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not,
- (c) foster good relations between those who share a relevant protected characteristic and those who do not.

Schedule 3, part 2 of the Equality Act 2010 provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from school.

Local Authorities remain under a general duty to 'have regard' to the wish of a parent for their child to be provided with education at a particular establishment on the grounds of the parents' religion or belief. However, other than the statutory duty towards pupils who are from low income families, there is no statutory duty to provide free transport to denominational schools for children generally.

### Finance

Cuts in Government funding mean Tameside Council have had to look at all areas of spending especially where that spending is discretionary. The Council's current Home to School Transport Policy goes beyond the statutory requirements in providing discretionary financial assistance to pupils attending denominational schools. Due to significant reductions in funding this position is not sustainable.

Tameside Council spent £199,637 on bus passes for school travel in 2015/16. Of this, approximately £111,000 (or 55%) was on discretionary assistance for pupils attending denominational schools. There is a potential for costs to rise in future years as the Government's approach to 'Free School' could lead to an increase in the number of faith schools in Tameside and surrounding areas.

Removal of discretionary financial assistance could provide an estimated saving of up to £116,077 in 2017/18 academic year if Option 1 was to be implemented. Option 2 would realise estimated savings of £17,771 in 2017/18 academic year rising in later years as the number of pupils affected increases due to phasing.

Table 1: forecast annual savings by option from 2017/18 to 2021/22 academic year (in £k, i.e. 000s).

	2017/18	2018/19	2019/20	2020/21	2021/22	5 year total
<b>Option 1</b>	£116k	£116k	£116k	£116k	£116k	£580k
<b>Option 2</b>	£18k	£25k	£20k	£29k	£24k	£332k

### Service users

64% of free school bus passes issued in 2015/16 were for pupils attending denominational schools (341 passes out of a total of 528). Of these 341 pupils who attend denominational schools and receive free school bus passes, 47 (or 9%) received them under the statutory rules regarding low income.

Any change in policy to remove or reduce discretionary free school bus passes for pupils attending denominational schools would affect approximately 323 pupils in 2017/18 if Option 1 were to be implemented. The figure of 323 is based on the number of pupils receiving a discretionary denominational pass in 2015/16 and forecasts of natural change in the denominational school

population. 323 pupils is equivalent to;

- 61.2% of the total number of pupils issued with a free school bus pass in 2015/16 (i.e. 323 of 528 pupils).
- 8.8% of the total number of pupils attending the three denominational schools in Tameside and the Blue Coat School in Oldham (i.e. 323 of 3674 pupils).
- 2.5% of the total number of pupils attending all schools in Tameside (i.e. 323 of 12,681 pupils).

The tables below provide a breakdown by year and option the estimated number of pupils who it is forecast would apply for a pass (i.e. likely demand) and the number who would be affected by changes to provision of discretionary free bus passes for pupils attending denominational schools.

Table 2a: forecast pupil numbers likely to apply for a pass (i.e. demand) by option from 2017/18 to 2021/22.

	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
<b>Option 1</b>	323	-	-	-	-
<b>Option 2</b>	323	260	195	141	63

Table 2b: forecast pupil numbers likely to be affected (i.e. removal) by option from 2015/16 to 2019/20.

	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
<b>Option 1</b>	323	308	330	315	315
<b>Option 2</b>	65	119	197	260	323

The number of passes issued has decreased over recent years (down 50% since 2009/10). Of the 528 passes issued in 2015/16 more than half (64% or 341) were to pupils attending denominational schools. Of the 341 passes given to pupils at denominational schools 56% (or 192) were to pupils attending The Blue Coat School in Oldham and 29% (or 100) to pupils attending St. Damian's. About half of the pupils attending a denominational school and receiving a free school bus pass in 2015/16 were resident in Droylsden (26% or 89) and Ashton (24% or 83) areas of Tameside. 57% (or 304) of the bus passes issued in 2015/16 were discretionary.

Table 3: passes issued 2009/10 to 2015/16 split by denominational and non-denominational schools.

	<b>Denominational schools</b>	<b>Non-Denominational schools</b>	<b>Total</b>
<b>2009/10</b>	579	475	1054
<b>2010/11</b>	536	507	1043
<b>2011/12</b>	459	487	946
<b>2012/13</b>	412	344	756

	<b>2013/14</b>	390	297	687	
	<b>2014/15</b>	336	249	585	
	<b>2015/16</b>	341	187	528	

Table 4: denominational passes issued in 2015/16 split by statutory (i.e. low income) and discretionary.

	<b>Statutory (i.e. low income)</b>	<b>Discretionary</b>	<b>Total</b>	<b>% of total</b>
<b>All Saints</b>	15	14	29	8.5%
<b>St. Damian's</b>	16	84	100	29.3%
<b>St. Thomas More</b>	1	11	12	3.5%
<b>Blue Coat (Oldham)</b>	13	179	192	56.3%
<b>Other</b>	2	6	8	3.4%
<b>Total</b>	47 (13.8%)	294 (86.2%)	341	-

Table 5: denominational passes issued in 2015/16 split by area in which pupils live.

	<b>Statutory (i.e. low income)</b>	<b>Discretionary</b>	<b>Total</b>	<b>% of total</b>
<b>Ashton</b>	13	70	83	24.3%
<b>Audenshaw</b>	0	5	5	1.5%
<b>Denton</b>	0	4	4	1.2%
<b>Droylsden</b>	14	75	89	26.1%
<b>Dukinfield</b>	2	21	23	6.7%
<b>Hyde &amp; Longdendale</b>	9	57	66	19.4%
<b>Mossley</b>	4	17	21	6.2%
<b>Stalybridge</b>	5	45	50	14.7%
<b>Total</b>	47	294	341	100%

Table 6: denominational passes issued in 2015/16 split by school and area in which pupils live.

	<b>All Saints</b>	<b>St. Damian</b>	<b>St. Thomas More</b>	<b>Blue Coat</b>	<b>Other</b>	<b>Total</b>
<b>Ashton</b>	5	0	1	76	1	83

	<b>Audenshaw</b>	0	4	1	0	0	5	
	<b>Denton</b>	0	1	0	0	3	4	
	<b>Droylsden</b>	1	75	5	4	4	89	
	<b>Dukinfield</b>	0	1	2	20	0	23	
	<b>Hyde &amp; Longdendale</b>	18	0	3	45	0	66	
	<b>Mossley</b>	1	10	0	10	0	21	
	<b>Stalybridge</b>	4	9	0	37	0	50	
	<b>Total</b>	29	100	12	192	8	341	

### Consultation & engagement

Tameside Council is committed to seeking and understanding the views of local people and stakeholders before making changes to services it provides to residents and the local community. In this regard the Council used the Big Conversation to consult with the community and engage with relevant parties regarding changes to the Home to School Transport Policy 2008. The consultation period ran from 23 May 2016 to 13 July 2016 (a period of 37 working days, 33 secondary school days and 28 primary school days) in line with the 2014 Statutory Guidance on Home to school travel and transport. Data and feedback has been analysed and the proposed change to the Home to School Transport policy adjusted where appropriate.

People directly affected, relevant stakeholders and other interested parties were notified of the proposed changes to the Home to School Transport Policy 2008 by letter, and were encouraged to take part in the consultation. This included;

- Parents / carers of pupils resident in Tameside currently attending denominational schools and receiving financial support with home to school transport. All parents received an individualised letter to their home address a copy of which can be found at Appendix 1 of the Key Decision report.
- Parents / carers of pupils resident in Tameside who have been allocated a place at denominational schools from September 2016. All parents received an individualised letter to their home address a copy of which can be found at Appendix 1 of the Key Decision report.
- Headteachers and Governors of All Saints Catholic College, Saint Damian's Roman Catholic Science College and Saint Thomas More Roman Catholic College.
- Headteacher of The Blue Coat School (Church of England Academy), Oldham.
- Elected Members of Tameside Council.
- Members of Parliament.
- Diocese of Shrewsbury (Catholic)
- Diocese of Salford (Catholic).
- Diocese of Manchester (Church of England).
- Diocese of Chester (Church of England).
- Teachers Associations and Trades Unions.
- Headteachers and Governing Bodies of all maintained schools in Tameside.

A letter was sent to Headteachers of all schools for onward circulation to all parents signposting them to the consultation. Over 750 letters were sent out.

Meetings were offered to all the governing bodies at All Saints Catholic College, Saint Damian's Roman Catholic Science College, Saint Thomas More Roman Catholic College and The Blue Coat School but they chose not to take up the offer

The following briefing documents were provided on the Council's website to assist people who wished to respond to the consultation to understand the current position and proposed changes.

- Current Policy and Proposed Changes
- Legislative Background and the Consultation Process
- Frequently Asked Questions (FAQs)
- Executive Decision (18 May 2016)

A summary of the findings from the consultation is given below. Further detail is provided in Appendices 2 and 3 of the Key Decision report including a breakdown of results by consultation question, summary of issues / themes raised by consultees and the Tameside Council response.

91 valid responses were received to the consultation. 73 through the Big Conversation website and 18 via other channels such as letters and e-mails direct to the Council. (Note: the figure above for the Big Conversation excludes two responses that were removed as they were blank or duplicates). Responses were received from the following organisations / bodies:

- Diocese of Chester (Church of England)
- Tameside Catholic Primary School Headteachers' Cluster

The key findings summarised in this section are based on those people who answered each question on the Big Conversation webpage. As people were able to skip questions the total number for each question won't be the same. Where a proportion or percentage is used it is of those who answered that specific question or provided a response (i.e. comments).

The majority of respondents, 69.9%, were parents, carers or guardians of children at a denominational school. 81% of respondents were parents, carers or guardians of children at The Blue Coat School in Oldham. The next largest was St. Damian's Roman Catholic Science College with 11%. The table below provides a breakdown of respondents by school their children attend.

Table 7: Respondents by school their children attend.

	% (number) of respondents
The Blue Coat School (Oldham)	81.1% (43)
St. Damian's Roman Catholic Science College	11.3% (6)
All Saints Catholic College	1.9% (1)
St. Thomas More Roman Catholic College	1.9% (1)
Other	3.8% (2)

(Note: Ten respondents through other channels also referenced a particular school. Eight respondents referenced The Blue Coat School and two referenced All Saints Catholic College.)

85.9% (61 of 71) respondents strongly agreed or agreed that Tameside Council should regularly review all its spending, in particular discretionary spending, to ensure it meets its financial obligations. And 46.5% (or 33 of 71) respondents (to that question) strongly agreed or agreed that Tameside Council is right to review its Home to School Transport Policy to ensure it complies with statutory obligations and is fair to all children, irrespective of faith.

The majority of respondents, 64 of 67 (or 95.5%), would prefer the Council to implement changes

on a phased basis. 10 respondents choose not to answer this question. It is worth noting that a considerable number of respondents using the free text box commented that they did not prefer either option but the online survey forced them to make a choice in order to move through the survey. The table below provides a breakdown of preference by option.

Table 8: Respondents preference by option.

	% (number) preferred
Option 1 – immediate implementation	4.5% (3)
Option 2 – phased implementation	95.5% (60)

The vast majority of respondents, 92% (54 of 59), said they would be directly affected by the proposals.

A number of themes were drawn out from the comments provided at Question 9, which was a free text box on the Big Conversation and the responses received via other channels (e.g. e-mails or letters). The issues raised are summarised below. A further more detailed breakdown, including numbers and the Tameside Council response, can be found at Appendix 1.

- General opposition to proposal and challenge of Council's spending priorities

Concerns about loss of an important subsidy; proposals are unfair, plans are ill-conceived / poorly thought out, and the impact and consequences of the plan have not been considered fully. The Council should review its spending priorities and savings plans. Savings achieved from removing discretionary financial assistance for pupils attending denominational schools are not significant and money should be found from other areas.

- Choosing a faith school

Denominational schools meet the needs of pupils who wish to learn in a faith environment underpinned by a Christian ethos in a way that non-denominational schools cannot. It is a parent's right to choose a faith school and faith based education for their children. The proposals impact on this by making faith schools less accessible due to the cost of travel. Concerns about school choices made taking into account the availability of a pass, decision to apply for a place at a denominational school wouldn't have been made if change had been known about and siblings being separated if total cost can't be afforded.

- Changing schools / disruption to education

Removal of the discretionary pass for those attending faith schools could lead to children having to move schools (where families cannot absorb the cost), leading to disruption of the child's education and a detrimental social and developmental impact. Where the decision is taken to move schools due to affordability of the bus pass, there are concerns about there being adequate provision of spaces at local schools to cater for demand

- Statutory / legal obligations / discrimination

By removing discretionary financial assistance for pupils attending denominational schools, Tameside Council is failing in its statutory and legal obligations, and falling short of its corporate responsibilities. The proposals to remove discretionary financial assistance provided to pupils attending denominational schools are discriminatory on the grounds of religion and belief.

- Faith schools in Tameside

There are not enough faith schools in Tameside. The lack of local faith secondary schools, in particular Church of England (CoE) schools (of which there are none), means parents have to send their pupils to schools outside of the Borough. The cost of providing such a school is considerably greater than the cost of bus passes, so Tameside Council in lieu of its failure to provide such schooling, should provide financial assistance to attend such schools outside of the Borough as a matter of course.

- Financial pressures on working families

Inability to afford pass directly following removal of discretionary subsidy, increased strain on household finances from having to find extra transport costs, children will miss out on other beneficial activities as transport costs eat into household budget. The removal of discretionary financial assistance provided to pupils attending denominational schools will hit working families who do not come under the 'low income' category / threshold, disproportionately. Concern and upset, that those who should be supported for 'doing the right thing', and having 'paid into the system', are being penalised.

- Transport provision

Concerns over existing and future transport provision. Comments that school busses should be provided to provide free transport for all pupils, public transport needs improving and child safety issues (if have to walk / cycle due to not being able to afford pass).

#### Benchmarking (Greater Manchester)

Below is a summary of the position for each Greater Manchester authorities regarding discretionary home to school transport for denominational schools. Of the 9 other local authorities in Greater Manchester:

- 8 do not provide discretionary assistance
- 1 does provide discretionary assistance (Stockport)

Table 9: Greater Manchester position on discretionary free bus passes for pupils attending denominational schools.

Local Authority	Does the Local Authority provide <u>discretionary</u> free bus passes for pupils attending denominational (above the statutory requirement regarding low income families)
Bolton	No
Bury	No
Manchester	No
Oldham	No
Rochdale	No
Salford	No
Stockport	Yes

	<b>Trafford</b>	No	
	<b>Wigan</b>	No	

### **LIST OF EVIDENCE SOURCES**

The following data and information sources have been used in the development of this Equality Impact Assessment (EIA).

- Tameside Home to School Transport Policy 2008.
- Education Act 1996.
- Equality Act 2010.
- Guidance on home to school travel and transport. Department for Education. (2007, March 2013 & July 2014).
- Tameside Council systems – data / information regarding the number and type of passes issued.
- Benchmarking against other Councils in Greater Manchester.
- Big Conversation – responses to the consultation (Big Conversation and other channels).

### **SECTION 3 – IMPACT**

#### **IMPACT**

A potential negative impact has been identified in that any changes will specifically affect parents/carers of pupils attending a school of a denomination to which the child's parents/carers adheres.

Whilst there will be a negative impact on specific groups that currently benefit from financial assistance because of the proposed reduction or withdrawal of free travel to denominational schools, the purpose of the change in policy is to remove an existing discrimination in favour of those families of pupils attending a denominational school, which provides them with a benefit that is not available to others.

Local Authorities remain under a general duty to 'have regard' to the wish of a parent for their child to be provided with education at a particular establishment on the grounds of the parents' religion or belief. However, other than the statutory duty towards pupils who are from low income families, there is no statutory duty to provide free transport to denominational schools for children generally.

Mitigations are in place with regards to statutory requirements for distance, low income, Special Educational Needs (SEN) and disability (or a mobility problem).

Both of the two options on which the Council has consulted enables the Council to meet its statutory duties. However, Option 2 would perpetuate an identified potential for inequality until July 2021 as pupils currently eligible work their way through school and Option 1 would allow the Council to meet its legal and statutory obligations from September 2015.

As part of the consultation process, respondents who completed the questionnaire either online or in paper format were asked to provide equalities information

#### Gender

Q10 What is your gender?		
Male	23.73%	14
Female	76.27%	45
Total		59
Skipped		17

It is unlikely that either gender will be more adversely affected by the proposals as none of the schools of religious character are single sex.

#### Ethnicity

Q 13 Which ethnic group do you consider yourself to belong to?		
White - English / Welsh / Scottish / Northern Irish / British	92.59%	50
White - Irish	1.85%	1
White - Gypsy or Irish Traveller	0.00%	0
Other White background (please specify in the box below)	3.70%	2
White & Black Caribbean	0.00%	0
White & Black African	0.00%	0
White & Asian	0.00%	0
Other Mixed background (please specify in the box below)	0.00%	0
Asian/Asian British - Indian	0.00%	0
Asian/Asian British - Pakistani	0.00%	0
Asian/Asian British - Bangladeshi	0.00%	0
Asian/Asian British - Chinese	0.00%	0
Other Asian background (please specify in the box below)	0.00%	0
Black/Black British - African	1.85%	1
Black/Black British - Caribbean	0.00%	0
Other Black / African / Caribbean background (please specify in the box below)	0.00%	0
Arab	0.00%	0
Any other Ethnic group (please specify in the box below)	0.00%	0
Total	100%	54
Skipped		22

The vast majority of respondents who chose to answer this question were white with one respondent being Black / Black British – African. It is reasonable to assume that pupils in receipt of a bus pass would have a similar ethnic profile to that of their parents and so the proposals contained in the home to school transport report will have an impact on white people.

#### Disability

Q 14 Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Include problems related to old age		
Yes, limited a lot	3.85%	2
Yes, limited a little	3.85%	2
No	92.31%	48
Skipped		24

It is unlikely that the children of respondents will share the same profile as their parents however, if pupils have a disability, they may be eligible for assistance with home to school transport under the Council's statutory responsibilities. In cases where pupils cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability, the Council would be obliged to make transport arrangements which are most likely to be in the form of a bus pass. Each case will be assessed on an individual basis.

#### Religion

Q 16 What is your religion?		
Christian – Catholic	26.79%	15
Christian – Church of England	67.86%	38
Christian – other	3.57%	2
Buddhist	0.00%	0
Hindu	0.00%	0
Jewish	0.00%	0
Muslim	0.00%	0
Sikh	0.00%	0
No religion	0.00%	0
Prefer not to say	1.79%	1
Other (please specify)	0.00%	0
Total	100%	56
Skipped		20

It is unsurprising given the nature of the proposals that the majority of respondents are Christian. Section 509AD of the Education Act 1996 requires the Council to have regard to, amongst other things, a parent's wish for their child to be provided with education or training at a school/institution on grounds of the parent's religion or belief when carrying out their duties/exercising their powers relating to travel. Under the European Convention on Human Rights (ECHR), parents do not enjoy a specific right to have their children educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school and the Equality Act 2010 (which places a duty on local authorities not to discriminate against a person on the grounds of their religion or belief), does not apply to the exercise of an authority's functions in relation to transport.

## SECTION 4 – PROPOSALS & MITIGATION

### **PROPOSALS & MITIGATION**

#### Existing / continuing mitigations

- **Distance (Statutory)** – free travel will continue for those pupils whose nearest qualifying school is outside statutory walking distance.
- **Low income (Statutory)** – free travel will continue to be provided to pupils from low income families.
- **SEN / Disability (Statutory)** – free travel will continue to be provided to pupils who are unable to walk to school due to Special Educational Needs (SEN), a disability or a mobility problem.
- **School transfer (Statutory)** – support will be provided to pupils who wish to become registered at a nearer qualifying school rather than pay for the cost of travel. Analysis shows there are sufficient places available within Tameside schools.

#### Proposed mitigations (Option 2)

- **Phasing (Option 2).** The withdrawal of discretionary free travel to denominational schools would be phased over a number of years if the Council chose to implement Option 2. The proposed changes to the Home to School Transport Policy are intended to ensure that all pupils are treated equitably regardless of whether they attend a denominational or non-denominational school. Any measures in mitigation of the withdrawal of free travel for pupils attending denominational schools would in themselves need to discriminate between different groups and would reinforce the inequity that already exists.

#### Possible mitigations for consideration by schools and parents (Both options)

- **Funding.** Alternative funding models could be considered to support the retention of the existing free travel or a reduction to part-funded free travel. This could be a combination of funding from the denominational schools, Diocese authorities and parents.

## **SECTION 5 – MONITORING**

<b>MONITORING PROGRESS</b>
See below.

<b>Issue / Action</b>	<b>Lead officer</b>	<b>Timescale</b>
Support pupils who wish to become registered at a nearer qualifying school rather than pay for the cost of travel.	Catherine Moseley	On-going.
Monitor if any changes to discretionary financial assistance / free travel to denominational schools has an impact on admissions and/or attendance.	Catherine Moseley	September 2017

## **SIGN OFF**

<b>Signature of Service Unit Manager</b>	<b>Date</b>
<b>Catherine Moseley</b>	<b>August 2016</b>
<b>Signature of Assistant Executive Director</b>	<b>Date</b>
<b>Bob Berry</b>	<b>August 2016</b>