

## Appendix A

### **Scrutiny Consideration Part 1 - Consultation & Consequences**

#### **The consultation process - General Points**

- money had been removed from the budget approved in Feb 2013, before the council went to consultation
- the council state (in documents pre-dating the consultation, consultation documents and consultation report) that “all elements” of discretionary funding were consulted on. This is not true.
- Timing of the consultation – created a lot of uncertainty and stress for families who close to the end of the academic year do not know what is happening in September.
- possible bias in the consultation in the wording of the documents
- families of SEN students leaving a special school this month have been told that they will have to transport their children to college themselves for at least the whole of September because the consultation delay meant that transport contracts were not organised in time. They will apparently be reimbursed, but this is not a burden that such vulnerable families need at such a difficult time for them. It is envisaged that some families will then reach a financial crisis point due to cash flow in September and October as they have further cost implications as they access other service essential services.
- The scrutiny panel are asked to consider whether the consultation report sufficiently reflects the content of responses to the consultation and consider the minutes of meetings with stakeholders referred to in the report and whether the report accurately reflects these meeting.

#### **Key stakeholders excluded.**

- The review of discretionary school transport funding affected 7,376 pupils but only 1,190 of adult responses to the consultation questionnaire stated that they would be affected by the proposed changes in some way. When compared to the numbers affected and considering that 2,000+ signatures were collected for the petition on one aspect of discretionary transport it would appear that although interest in the issues is high access to the consultation process was inhibited.
- Families affected by the proposed changes were not informed by Council (or Metro, until after the consultation closed) that a review of school transport provision was taking place. Reliance on school notification systems proved to be inadequate as many affected families did not become aware of the consultation until either very late in the process or after it had closed. As all families currently in receipt of assistance received notification from Metro that the consultation *had* taken place after the process had closed it should have been possible for Metro to have contacted these families at the outset of the process instead.

#### **Barriers to access.**

- Hard copies of questionnaire were not easily accessible e.g. by download from council webpages. Such provision would have made it possible for schools/individuals to distribute hard copies to interested parties rather than rely on individuals having access to internet facilities or making their own enquiries with the Council by email/telephone. Consultation questionnaire and accompanying documents focused on savings to be made by reductions in funding of discretionary school transport.

#### **Lack of data.**

- Inadequate information was provided for respondents to form an opinion as to whether spending on statutory transport was being adequately controlled or used in the most efficient/cost effective manner.

#### **Areas excluded from consultation.**

- No review was made of provision of discretionary transport to single-sex schools or for traveller children. No data was presented to respondents in respect of spending in these areas of discretionary school transport.
- No mention was made in the consultation documents of provision in the current policy for free transport on the basis of non-belief to the nearest non-faith school. No data was provided as to spending on this area of discretionary transport.

### **Bias.**

- The exclusion from consideration/lack of information regarding provision of transport assistance on the basis of non-belief could lead to bias in responses as it appears from the documents that provision is made on the basis of faith but not on the basis of non-belief (which would be discriminatory).
- Statements such as “free non-statutory travel for children attending faith schools, could be viewed as being discriminatory” are leading statements without evidence as well as inaccurate. There never has been free travel provided for all children attending faith schools, only those who reside more than the statutory safe walking distance from their nearest faith school have been eligible for assistance in order to travel to that school in recognition of the small number of faith schools serving a large metropolitan area.
- “those holding a desire for a faith school education” on the grounds of their faith are not afforded greater choice than the majority. In practice, they are limited in their choice of school – usually to one faith school for which their child (ren) would be eligible under the admission criteria/catchment area. Failure to gain a place at their preferred faith school would invariably mean they do not have access to another faith school as all faith schools have clearly defined catchment areas and most are oversubscribed. If they have indicated a preference for a faith based education on the grounds of their faith they will have placed the faith school as their first preference and this will have a negative impact on their likelihood of admission to their second and subsequent mainstream preferences especially if there is a shortage of places.

### **Closed process.**

- The consultation documents and questionnaire repeatedly stated that “no change” was not an option. This makes the process closed and implies that decisions have already been made at some level by Children’s Services as to what to cut and how by much.

### **Insufficient/misleading information.**

- Consultation documents provided insufficient information for respondents to have a clear understanding of the implications of the proposed cuts.
- Of our four immediate neighbouring LA’s, two have removed the subsidy for faith school transport and two retained it. In the case of those who have removed the subsidy it has been removed for new entrants to schools but retained for all current participants until they leave that school. No mention was made in the consultation documents to comparisons with other Core Cities.

### **Issues of equality and diversity:**

- Proposals will reduce the diversity of schools across the city (both faith and non-faith)
- Proposals will reduce parental choice for all
- Some families will not be able to exercise their preference for faith based education for financial reasons
- Recommended policy will create an unfair situation where some faiths/ideologies are treated differently to other.
- The consultation recommendation is unfair in respect of not including all community groups for funding consideration equally. It has been pointed out that the removing for some groups should be due to a lifestyle choice, however funding will still remain in place for:
  - a) Romanian traveller groups
  - b) parents who have refused a place at a faith school on grounds of non-belief
  - c) for parents who have requested a single sex school on the grounds of faith
- No Equality Impact Assessment was carried out prior to the consultation and therefore this information was not available to respondents to assess when considering the proposed cuts in funding.

### **Traffic and Environment:**

- Increased congestion
- Unsafe routes for children
- Spaces on buses are not guaranteed – services are being changed to a more commercial system – some services have already been withdrawn
- Current public bus services cannot cope with the possible increased demand
- Increased CO2 emissions
- Possible future implications for planning, development and the economy in the city

- Consultation lacked a Highways impact assessment despite requests for this during the consultation meetings
- No assessment was made of environmental impact prior to the consultation and has not been carried out to date although Children's Services admit there is a genuine risk of parents opting to transport their children by car rather than pay for a school bus.

#### Economic issues:

- Projected savings are not realistic as there will be unforeseen consequences which will cost the council money such as increased subsidy to Metro as more people take up the concessionary fare pass
- An assessment of consequential costs has not been provided as part of the consultation process. It is unrealistic that there are no consequential costs to the council for implementing a new policy.
- Leeds students not receiving funding will be required to pay an estimated £640 per year. Why is this figure for Leeds nearly double the £380 amount that another council was looking to charge for providing the same service? Has the department responsible achieved best procurement value for money and standards?

#### Accessibility

- Many families wishing to access a faith based education do not have a faith high school within 3 miles of their home address. Should they wish to avail themselves of their right of **access to a faith based education on the grounds of their faith** (a right protected by the Education Act 2006) they must travel beyond the statutory safe walking distance in order to do so.

#### Education Quality for Leeds Students:

- In the full council meeting on 1<sup>st</sup> July 2013 The Lord Mayor of Leeds addressed the chamber to remind the councillors that there are approximately 10,000 pupils attending underperforming schools. Implementation of the proposal will result in students moving from well performing schools to underperforming schools.

## **Scrutiny Consideration Part 2 - Report to Executive 17 July 2013 and Draft School Transport Policy**

#### Inadequate response to concerns raised.

- Issues raised by respondents to the consultation have not been adequately addressed by outlining proposals to mitigate against these. The concerns are merely "noted" as genuine risks.

#### False identification of respondents/response.

- The petition is described as having been submitted on behalf of/by "a faith group". This is factually incorrect.
- The petition has been included within the statistical analysis as a single response rather than as representing the views of over 1,400 individuals. This amounts to manipulation of the statistics in relation to the responses received.

#### Litigation risks.

- "Providing only statutory services would reduce the risk of the Council being faced with future legal challenges with regard to faith transport as it is currently provided in Leeds." Scrutiny should ask to see the evidence (e.g. Legal Counsel's Opinion) that there exists such a continuing risk in light of Court of Appeal Judgments which appear to minimise the future/ongoing risk of legal challenge in this regard.
- Why does the Council believe that the current policy exposes them to a risk of claims of discrimination when statutory free home/school transport for low income families who express a preference for a faith education (Extended Rights Provisions of Education Act 2006) is not deemed to be discriminatory?

### **Discriminatory policy.**

- The draft policy retains provision for free transport on the basis of non-belief where the nearest qualifying school is a faith school and where the nearest qualifying non-faith school is beyond the statutory walking distance whilst removing similar provision for families who express a preference for education at a faith school.
- The draft policy retains provision for free transport for children who need to travel beyond the statutory walking distance from their home to attend the nearest qualifying single-sex school on the basis of their parent's religion or belief whilst removing similar provision for families who express a preference for education at a mixed-sex school on the basis of their religion or belief.

### **DfE Guidance 5 July 2013.**

- Recent amends to DfE guidance and the intention of DfE to bring forward review of guidance to Autumn 2013. It would be prudent to defer removing the current policy and provision in respect of faith school transport until this new guidance has been published.

### **Disproportionate effects.**

- 2600 pupils will be affected by the proposed changes to faith school transport. Current spending on discretionary faith school transport accounts for 7% of total annual spending on pupil transport assistance (excludes Looked After Children and Metro subsidy). Removal of discretionary faith school transport assistance will negatively impact 21% of children currently receiving transport assistance.
- Over the 3 year implementation period the total amount paid by the parents of these children to transport their children to school by bus will be in the region of £1,140,000 (between £1,126,320 and 1,170,520 depending on how individual families choose to pay – per journey, weekly to monthly) against a total saving to the Council budget of £860,000.