

**Report of: The Director of Children’s Services**

**Report to: Executive Board**

**Date: 22 June 2016**

**Subject: Children’s Transport Changes – deputation to Full council**



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):Harewood	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The council’s Children’s Transport Policy was changed in 2013. Over a two year period of phasing, discretionary transport assistance for school children and young people was withdrawn.
2. A number of applications from families in Bardsey and East Keswick with children attending Boston Spa were refused prior to September 2015. Some families unsuccessfully appealed the decision not to provide transport assistance. A public meeting was convened by Cllr Robinson in July 2015, which was attended by officers. A report was subsequently presented to the Outer North East Community Committee on 7<sup>th</sup> March 2016.
3. On 23<sup>rd</sup> March 2016 there was a deputation to Full Council on behalf of families in the area. A motion was carried that a response to the matters raised by the deputation be provided by way of a report to the Executive Board.

**Recommendations**

4. That Executive Board receives and notes the content of this report.

## **1 Purpose of this report**

- 1.1 The purpose of this report is to provide Executive Board with a response to points raised at Full Council by a deputation representing families of Bardsey and East Keswick.

## **2 Background information**

- 2.1 Before the 2013 changes to the Children's Transport policy, in cases where the authority was unable to offer a school place less than three miles from home, transport assistance was provided to any school within a reasonable distance. Following the policy changes assistance is provided to children who attend the nearest school over three miles.
- 2.2 Families in Bardsey and East Keswick frequently prefer their children to attend Boston Spa High School. Prior to the policy change transport assistance would have been provided to Boston Spa School and Wetherby High School. Following the change to the policy the nearest school over 3 miles is Wetherby High School and transport assistance is only provided for children attending that school (subject to meeting other relevant policy criteria).
- 2.3 Extended rights provision remains for children from low-income families, meaning that eligible children depending on where they live in Bardsey or East Keswick will receive assistance to either Boston Spa or Wetherby HS.
- 2.4 Leading up to September 2015, a number of applications for transport assistance from the area for children attending Boston Spa were refused. Some families unsuccessfully appealed and a public meeting was convened by Cllr Robinson in July 2015, which was attended by officers. A report was subsequently presented to the Outer North East Community Committee on 7th March 2016.
- 2.5 On 23<sup>rd</sup> March 2016 there was a deputation to Full Council on behalf of families in the area and a motion was carried that a response to the matters raised by the deputation be provided by way of a report to the Executive Board. A copy of the deputation speech is attached at Appendix 1.

## **3 Main issues**

- 3.1 The deputation stated that the policy changes were unfair to families in the Bardsey / East Keswick area. This is because the difference in distance from the villages to Boston Spa high school and Wetherby high school is narrow. It is indeed the case that the difference in distance is in some cases narrow. However, the distance eligibility criteria is clearly defined within the policy and is used when assessing eligibility for assistance. In the interests of fairness to all families in Leeds it is important that these distance parameters are consistently applied to remove any uncertainty and ensure fairness to all families in Leeds.
- 3.2 In the speech to Full Council the deputation stated that the Leeds Schools website referred to Boston Spa School as being a designated recommended school. No school in Leeds is referred to as a designated recommended school. Families were advised of their 'nearest priority school' for admissions purposes.

Information made available to parents during the school selection process explains the meaning of the term 'nearest priority school' and how distances are calculated. It is important to note that whereas the council historically applied a single admissions policy, schools increasingly apply their own admissions policies which the council has no jurisdiction over. However, legislation requires that distances are measured according to the shortest available routes when applying transport policy. The information sent to families therefore also contains advice about the need to consult the children's transport policy where transport may be something that families need to consider before making their school preferences.

- 3.3 The deputation speech also stated that parents were unable to exercise an option to move their children to a qualifying school as there were no available places at Wetherby High School. No parents cited this as an issue in any of the appeals that were heard and enquiries by Children's Transport confirmed that places were available. Subject to meeting any other eligibility criteria, assistance continues to be made available to children who are unable to secure a place at their nearest qualifying school. In the case of most families in Bardsey and East Keswick it is the case that assistance would be provided for children attending Boston Spa if Wetherby high school had no capacity to accept them.
- 3.4 In response to the statement, that families felt it would be unfair to move children part way through secondary education, the position is that families would not be required to do this. The impact on families is the need to pay for their child's bus fares rather than have them paid for by the council. The cost of a weekly ticket is £9.50 per week, which permits transport across West Yorkshire for seven days (rather than being limited solely to free school services as before). For pupils whose schools are served by the operator 'First', the cost of a weekly pass is £7.50. The policy changes were phased in over two years and were communicated in advance in order that families had choice and control in their forward planning. This was in keeping with national good practice following changes to transport policies.
- 3.5 In response to the statements that parents were unable to verify the applicable distances themselves; that measurements on Googlemaps showed Boston Spa to be the nearer of the two schools and that Leeds City Council used a Dutch mapping system to which the public has no access and therefore no right to challenge: Assessment Officers use specialist software, Easy Travel, that is used as an industry standard where precision is required. Unlike Google Maps and similar applications, Easy Travel software ensures that distances can be measured precisely from the 'garden gate' to the nearest available school entrance. Google Maps and similar applications do not easily facilitate this and instead offer up routes from the centres of postcodes; quickest rather than shortest routes and; routes using only roads or footpaths rather than a combination of the two. It is therefore important that software is used that ensures all applications are assessed fairly and with precision. In addition, using Googlemaps, officers measured the home to school distances from 14 addresses provided at the public meeting in July 2015. Although there were cases where the margins were narrower when measured on Google Maps, there were no cases where the council's assessment of the shortest distances were contradicted.

- 3.6 In response to the statement made by the deputation that council officers had advised families that the definition of nearest school might be down to as little as 50 yards difference, and that measurements were going down to the exact distance: in examining applications from the area there were no cases identified where the margin of difference was less than 0.1 mile. In addition, as described above, officers use precise measurements in determining a child's eligibility for assistance, and if necessary will individually measure routes with a surveyor's wheel to ensure that families are treated fairly.
- 3.7 A proposal was put forward by the deputation to extend the availability of discretionary assistance to some families. This would involve "allowing a margin of tolerance of half a mile where two schools are nearly equidistant to the communities". It would not be possible to consider every possible variable in terms of the extent to which the policy should be extended and the possible number of families anywhere in the city who may make requests for similar discretionary decisions. In the interests of fairness to all families in Leeds it is important that these distance parameters are consistently applied to remove any uncertainty and ensure fairness to all families in Leeds
- 3.8 It was stated in the deputation speech that the Local Government Ombudsman (LGO) had found against the council following complaints. It is the case that at the time there was a draft decision by the LGO in favour of one family with two children. At that time as the ruling was only draft the LGO stated that information about the complaint could not be disclosed. The LGO has now issued the final decision. The decision is that although the school transport policy had been correctly applied the Council did not clearly explain to the parents their nearest priority school for admissions purposes may not be their nearest qualifying school for transport purposes. This issue had already been addressed before the complaint to the LGO and clearer information is now provided to parents.
- 3.9 The LGO has recommended that the Council should provide a refund of travel costs and free school transport for a period of time to the children of the family concerned. The Council has agreed with the LGO's recommendations. The LGO has also noted that the Council has agreed to apply the recommendations to other families in identical circumstances who unsuccessfully appealed.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The policy proposals that were approved in July 2013 were subject to a full public consultation.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 The policy proposals that were approved in July 2013 were subject to a full equality impact assessment

### **4.3 Council policies and Best Council Plan**

4.3.1 The implementation of the policy has to date contributed to the intended outcome of delivering a substantial reduction in discretionary spending, thus ensuring money is spent wisely. However, children from low income families who live in East Keswick or Bardsey remain entitled to Zero Fare passes to both Boston Spa School and Wetherby High School. The policy therefore supports the Best Council Plan aim of tackling poverty and reducing inequalities.

#### **4.4 Resources and value for money**

4.4.1 As noted above, the changes to the policy were introduced in 2013 to reflect the council's value of spending money wisely and our aims in the Best Council Plan to be efficient and sustainable, by reducing the level of discretionary spending on children's transport. The policy changes have resulted in a significant reduction in discretionary spending, conservatively estimated at over £2m. In respect of limiting transport assistance to the nearest school over three miles away, original estimates based on the data available at the time (prior to the 2012/13 academic year) forecast a reduction of £120k in discretionary spending.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The decision made by the LGO has been accepted by the Council and the recommended actions are being followed. There are no other legal implications.

#### **4.6 Risk Management**

4.6.1 There are no anticipated risks to the content of the Children's Transport policy or the 2013 changes.

### **5 Conclusions**

5.1 The July 2013 Executive Board approved a number of policy changes that resulted in a significant reduction in spending on discretionary transport assistance. The changes resulted in the phased removal, over a period of two years, of assistance that had historically been provided.

5.2 Additional 'extended rights' have been retained for families who can provide evidence of low means.

5.3 The policy changes have resulted in a significant reduction in discretionary spending, conservatively estimated at over £2m. In respect of limiting transport assistance to the nearest school over three miles away, original estimates based on the data available at the time (prior to the 2012/13 academic year) forecast a reduction of £120k in discretionary spending.

5.4 For a number of families in Bardsey and East Keswick the nearest school over three miles is Wetherby High School. Families with children at Boston Spa must now fund their own home-to-school transport costs which were previously funded on a discretionary basis by the Council. This resulted in some complaints being made by families in the area and, subsequently, a deputation to full council where a proposal was made to extend discretionary support.

5.5 A proposal was put forward by the deputation to extend the availability of discretionary assistance to some families. This would involve “allowing a margin of tolerance of half a mile where two schools are nearly equidistant to the communities”. It would not be possible to consider every possible variable in terms of the extent to which the policy should be extended and the possible number of families anywhere in the city who may make requests for similar discretionary decisions. In the interests of fairness to all families in Leeds it is important that these distance parameters are consistently applied to remove any uncertainty and ensure fairness to all families in Leeds

## **6 Recommendations**

6.1 That Executive Board receives and notes the content of this report.

## **7 Background documents<sup>1</sup>**

None

## **Appendices**

Appendix 1: Script of Deputation to Full Council

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.