



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Growth & Development Executive Member for Children, Young People and Education
<b>LEAD OFFICERS:</b>	Strategic Director of Environment & Operations Strategic Director of Children, Young People and Education
<b>DATE:</b>	Thursday, 6 July 2023

<b>PORTFOLIO/S AFFECTED:</b>	Children, Young People and Education
<b>WARD/S AFFECTED:</b>	Blackburn South and Lower Darwen; Darwen South; West Pennine;
<b>KEY DECISION:</b>	YES

**SUBJECT: Consultation on and proposed changes to school transport bus services to Bolton Schools.**

## 1. EXECUTIVE SUMMARY

The Council has a statutory duty to provide free home to school transport services to school age children in the Borough who meet the relevant criteria. The Council's policy on home to school transport and the services provided to pupils in the Borough have undergone significant reviews and changes over the last decade to ensure that transport arrangements continue to meet statutory requirements, whilst remaining a cost effective, appropriate use of public funds.

In light of recent changes in local transport arrangements, in terms of equity and consistency, there is a clear need to review the Council's school bus arrangements for pupils travelling from this Borough to schools in Bolton. Details of the current services are set out in the "School Bus Services for Bolton Schools" leaflet. As this is an existing service, it is felt appropriate that the pupils and families currently using these services (or likely to do so in the future) should be consulted about any proposals for changes to those services. The Executive Member for Children, Young People and Education gave approval for the consultation on 10 February, 2023.

<https://democracy.blackburn.gov.uk/ieListDocuments.aspx?CId=164&MId=3486&Ver=4>

The consultation took place between 6<sup>th</sup> March 2023 and 19<sup>th</sup> May 2023. Three statements were consulted on (see Section 3 below). These consultation responses and proposals were considered by officers, Executive Member and the independent consultant for this process. The outcomes of these discussions are recommended below.

An Equality Impact Assessment has been completed. Making the proposed changes would have a negative impact on the south of the Borough because that would remove the favourable arrangements this area currently enjoys, which the Council does not provide elsewhere in the Borough. However, the proposed changes would ensure that the Council's arrangements for and provision of designated home to school transport services treated pupils equally across the Borough.

## **2. RECOMMENDATIONS**

That the Executive Board:

- Agree that home to school transport provision to Bolton Schools should be amended to bring it in line with provision across the Borough.
- Agrees to remove the 480 and 925 Designated School Bus Service routes by the end of summer 2028 (or sooner, if not required).
- Agrees that fare-paying pupils who desire to use these designated school bus services should continue to be allowed to do so.

## **3. BACKGROUND**

All education authorities have a duty to provide free home to school transport to pupils in their area who meet the statutory eligibility requirements. Since 2010, the Council has reviewed and amended its home to school transport policy and transport provision several times. Discretionary home to school transport for pupils choosing to attend faith schools was withdrawn many years ago, although some pupils still retain a statutory entitlement to home to school transport to faith schools provided/arranged by the Council (on low income criteria). In addition, some faith schools in the Borough have chosen to provide the necessary funding themselves to enable school bus services to run which many of their pupils can access.

The Council currently provides four designated school bus services that carry pupils living in the south of the Borough to Bolton schools. Although some of these services carry paying passengers, the financial cost of those services is heavily subsidised by this Council. On review, it became apparent that some of these services are no longer required in order for the Council to fulfil its statutory duties regarding home to school transport provision.

The current provision of these school transport services gives pupils who are able to access them a level of service that the Council does not provide to pupils across the rest of the Borough and also clearly exceeds our statutory home to school transport duties, and our policy. In recent months, this disparity in provision has been raised with the Home to School Transport Team by a number of families in the Borough. In light of the important need to treat pupils equally (and bearing in mind current and likely future budget pressures) it was proposed that the Council should review its current bus services for pupil's resident within the Borough's boundaries who attend schools in the area of Bolton.

This review potentially highlighted a need to alter some of the existing provision to ensure a consistent approach across the whole Borough, so that all pupils are treated fairly in terms of the home to school transport services directly provided by the Council.

However, before making any changes, the Council needed to consult with parents of current and prospective pupils using existing transport, and other bodies, including the Manchester Diocese (as one of the schools currently served by the existing transport arrangements is a Church of England high school). The consultation asked for responses on three statements. Those statements and the responses received are set out in Appendix 1.

Although the majority of online consultees (63%, 70 respondents) were in favour of the Council continuing to provide transport for children who are not eligible for free transport, this is not the Council's policy or practice elsewhere in the Borough and is thus an inequality. This paper therefore recommends that the Council should amend this element of current home to school transport provision.

Again, the majority of online consultees (86%, 70 respondents) disagreed with the proposal for the Council to revise or withdraw routes that are not required to transport children who are eligible for free home to school transport. The provision of discretionary transport routes for non-eligible children is

counter to the current home to school transport policy and not necessary to enable the Council to comply with its policy or to fulfil its statutory duty.

This report therefore recommends the withdrawal of designated school bus routes 925 and 480 given they are not required to fulfil the Council's statutory home to school transport duties. The 925A and 975 school services transport children who are entitled to receive home to school transport from the Council and it is proposed that these routes should remain unchanged.

However, the 925 and 480 routes are being used by current pupils, who have a legitimate expectation that these services will continue to be available for the remainder of their compulsory school education. Therefore, the 925 and 480 routes can only be withdrawn when legitimate expectations have been fulfilled. As the September 2023 Year 7 cohort may have taken the existence of these routes into account in their applications for secondary school places, they also have a legitimate expectation. Therefore, these services will continue to run until the end of summer 2028. Running these services will allow for the new Year 7 pupils and existing pupils to continue to travel with NO impact over the next 5-years.

The majority of online consultees (76%, 70 respondents) agreed with the Council's proposal to allow fare paying children not eligible for free transport to continue to use its Bolton school bus services until they complete their secondary education in summer 2028 (where there is space on those services, as first priority must be given to children who are owed the statutory duty). This is in line with practice across the Borough, where fare paying pupils are permitted to travel on designated school transport to other schools. Therefore, it is fair and reasonable to apply the same practice to the designated school bus services for Bolton schools.

#### **4. KEY ISSUES & RISKS**

There is a clear risk of unequal treatment if a limited number of pupils effectively have access to discretionary transport arrangements made and subsidised by the Council which are not available to all pupils across the Borough. There is also a risk of complaints about the Council arranging and providing services which fall outside its current home to school transport policy.

There is a risk of complaint from parents of current or future pupils who would wish to attend one of the schools served by the current arrangements if the Council withdraws that service in the future. However, the Council will continue to fulfil its statutory duty to provide the required home to school transport for all eligible pupils in this Borough.

The Council embarked on a partnership working with schools in Blackburn with Darwen that benefit from having a designated school transport bus service to which schools contribute to their transport costs taking on their own subsidy balance or their own transport arrangements. Schools in Bolton have always declined this approach to partnership working.

School transport will not be removed completely from this area as some pupils in this area qualify for free home to school transport to their nearest suitable school, which the Council has a statutory duty to provide. Therefore, appropriate school transport will continue to be provided in this area to enable the Council to fulfil its statutory duties. Transport will not be available to all schools which pupils might prefer to attend, but transport to their nearest suitable school will be available for all eligible pupils.

#### **5. POLICY IMPLICATIONS**

There are no policy changes relating to this decision. This report seeks to ensure consistency and fairness in the application of its Home to School Transport policy.

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## 6. FINANCIAL IMPLICATIONS

The total current cost of the four routes concerned is £128,580. Some of the existing routes carry children with a statutory entitlement to free home to school transport, so the Council will continue to incur much of the existing cost of school transport services in this area. However, one route in its entirety could potentially be removed which could enable an annual cost saving of £29,000 from September 2028 onwards.

Due to the current economic climate and the fact the routes have been awarded for a 3 year period the above contracts are subject to an annual review.

## 7. LEGAL IMPLICATIONS

The Council's Home to School Transport policy is in line with the statutory home to school transport duties mandated in the Education Act 1996 (as amended). Any changes decided upon by members following officer recommendations will not impact on any statutory aspects of the transport provision and the Council will continue to ensure that it fulfils its statutory home to school transport duties to all eligible pupils.

It is lawful and appropriate for the Council to seek to ensure parity of treatment for all its school age pupils by reviewing and amending its home to school transport arrangements, where this is necessary in order to ensure that its provision of services is equal and fair to school age pupils across the whole Borough.

## 8. RESOURCE IMPLICATIONS

None.

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## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1 ☐ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 ☒ In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

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## 10. CONSULTATIONS

A process of extensive consultation from the 6<sup>th</sup> March 2023 until 19<sup>th</sup> May 2023, informing interested parties of the review of the provision of school bus services to Bolton schools in line with the current

Home to School Transport Policy. An online consultation was opened from Monday, 6<sup>th</sup> March 2023 and concluded on Friday, 19<sup>th</sup> May 2023.

Headteachers of Secondary and Primary schools in the area were informed of this and asked to advise families of children attending their schools, through their existing communication channels, of the online consultation's location on the Council's website. Details of the consultation were advertised on the School Transport page of the Council's website and advertised by the Council's Communications service. In addition to the online consultation, a wide range of stakeholders was also invited to state their views. These included:

- Headteachers of Primary and Secondary schools in Darwen and the south of the Borough;
- Headteachers of Bolton Schools: Canon Slade School, Turton School, Sharples School and Thornleigh Salesian College;
- The Church of England Dioceses of Blackburn and Manchester;
- The Roman Catholic Diocese of Salford;
- The two Members of Parliament.

A reminder email was sent to all parties on Friday, 5<sup>th</sup> May 2023.

All responses have been received either online or sent directly. The Council summarised the responses and has published every response which accompanied the decision (attached as Appendix 1).

If a decision is taken to amend existing arrangements, the outcome will be communicated to pupils and families via schools and information provided to fare payers using these services. Information will also be provided via the school admissions prospectus to enable parents to make informed decisions in the light of that information when selecting school preferences for the secondary school admissions round from September 2023 onwards.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	Jackie Clarkson – Transport Team Leader  John Threlfall – Consultant for the Consultation on Home to School Transport
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	Gina Smith – Senior Transport Officer
<b>DATE:</b>	12 <sup>th</sup> June 2023
<b>BACKGROUND PAPER:</b>	<p>Appendix 1: Consultation and Consultation summary.</p> <p>Appendix 2: Blackburn with Darwen's Home to School Transport Policy.</p> <p>Appendix 3: Bolton school bus services leaflet.</p>