

Consultation questions

1. Do you agree that the existing school transport legislation, which assumes that it is reasonable for pupils to walk 3 miles to school (2 miles for under 8s), accompanied if necessary by their parents, is outdated, and contributes to increasing levels of car use?

Undoubtedly the legislation is outdated and leads to unfairness due to the statutory distances. To this can be added factors such as safety of routes where judgements are made based on historical provision – a pavement has always been there so it is safe whereas routes without pavements may be unsafe irrespective of the distance. However it is doubtful that this in itself contributes to car usage. The key issue is the inability to differentiate the subsidy provided for school transport under current regulations. Admissions legislation related to 'choice' has had a greater impact on parents using cars since children are attending more distant schools rather than the local school.

2. Do you agree that any new school travel schemes should be based on an assessment of the travel needs of **all** pupils in a local travel scheme area (from nursery to age 16)?

School travel schemes need to be based around the journey between home and individual schools. Each school will have its own characteristics and it may not be possible to introduce a local travel scheme across a whole area – what is right for one school may not be right for another.

3. Do you agree that in drawing up school travel schemes LEAs should have the widest possible discretion to make appropriate travel arrangements?

No. National legislation currently exists. It would not be right to charge parents in East Sussex whilst children doing a similar journey in another county are provided with free transport. The law needs to continue to provide a national background against which local variations may be possible.

4. Are the proposed scheme objectives (para 8 of draft prospectus) drawn widely enough?

Yes but as stated above there needs to be core legislation. Current legislation is not clear enough (for example on denominational transport, safe routes, SEN) and the opportunity should be taken by Parliament to provide core legislation which is clear, unambiguous and not open to interpretation.

5. Do you accept the principle that affordable fares could be charged if this secured more comprehensive and higher quality school transport provision?

Yes but this needs to be a national decision which applies equally to all. Fares need to be pitched at a level which does not lead to a greater use of the car.

6. Are the proposals relating to charging fair, in that they protect children from low income families who attend their nearest suitable school from paying fares?

Yes but this needs to take into account the poverty trap and factors such as length/cost of journey and the number of children in a family for whom parents might

have to pay for transport – for example a family of four might be inclined to use the car rather than pay four bus fares.

7. Should the legislation or individual scheme authorities do more to protect vulnerable groups?

This would require careful definition of ‘vulnerable groups’. Left to individual schemes will result in children with similar backgrounds potentially being charged in some LEAs but not in others. That in turn could lead to internal arguments about which department should fund transport – should, say, LAC transport be funded by Social Services or Education?

8. Should there be protection for children who have been unable to gain a place at a school within walking distance from home, where they are sent to a school that their parents did not choose some distance away?

This in itself will lead to inconsistencies. Two children living next door to one another. One opts for a more distant school (school A) and has to fund transport. The other opts for a nearer school (school B) but cannot gain a place and is placed at school A with entitlement to free transport. Does parent 1 then ask for a place at School A in the full knowledge the application will be refused and the LEA then ends up funding transport? Should parental choice therefore be funded in full anyway although the cost factor would be significant? The proposed legislation fails to address choice, attendance at specialist schools, denominational schools, grammar schools etc.

9. Should any compulsory school age pupils educated full time at FE colleges or otherwise outside school be treated in the same way as pupils of compulsory school age registered at school, or are their needs best met through a locally tailored package of support?

Under current legislation provision must be made to the establishment attended at which education is being delivered. That might be a FE college and if over the statutory distance provision has to be made. Changes to legislation must address this as must any local travel schemes.

10. Are the proposals for the core minimum provision (i.e. for children of compulsory school age who live beyond walking distance from the nearest suitable school at which places were available) fair?

No. This suggests current legislation is still acceptable. The fact a child is one side of a line leads to unfairness when the child has to do the same journey but at cost as a child the other side of the line who gets free provision. However what is outdated and needs changing is the expectation that a child age 8 or over is expected to be able to walk potentially six miles a day to and from school.

11. Should schemes also make provision (possibly on a fare paying basis) for transport to denominational schools or Welsh medium schools, even when they are not the nearest, provided the distances pupils travel and the cost of provision are reasonable?

As stated above the revised legislation needs to make clear what is expected of LEAs in relation to denominational schools.

12. Does the prospectus do enough to ensure that there is good integration between school travel schemes and post-16 transport policy statements?

The opportunity should be taken to pull together post 16 transport legislation with other transport legislation. A student reaching sixth form wanting to continue at the same establishment using the same vehicle doing the same journey suddenly finds themselves subject to different arrangements (despite Government wishing to increase staying on rates). Current post 16 grant has helped but there is no clear indication from the DfES as to what will happen when grant ceases to be available from 2006/07. Local schemes should be required to address post 16 transport as well.

13. Are the proposed scheme start dates (September 2006 or 2007), end date (2010) and evaluation timetable (2011) reasonable? Does the option to extend schemes to 2016 provide LEAs with sufficient stability to make long term plans?

The proposed timetable is already lengthy. It is only possible to agree to extend pilot schemes until 2016 if there is confidence that schemes will be regarded as a success.

14. Do the proposed changes to transport legislation address the concerns of LEAs wishing to run local travel schemes?

Yes.

15. Are any further legislative changes needed to give LEAs the freedom they need to run innovative local travel schemes?

The legislation gives enough flexibility, possibly too much (with a lack of national guidance), to enable LEAs to introduce whatever scheme they believe to be appropriate.

16. Does the draft prospectus provide sufficiently clear and appropriate guidance for LEAs putting together applications to become scheme authorities? Are the evaluation criteria clear and appropriate?

Yes but what has been underestimated is the considerable work LEAs and their partner transport departments will need to put in to enable a successful bid to be submitted.

17. Please comment on the application form (is it clear, is the content right, is it easy to complete, is the application timetable achievable and matched to other related dates (eg local transport plan applications, schools admissions round))?

Yes but comments made in response to the previous question remain valid.

18. What more could government do to encourage better integration in local transport scheme areas between all types of publicly funded transport, to achieve better value for the more than £2bn which is spent annually in England and Wales on publicly funded transport?

Give authorities a role of managing all transport which operates in its area – for example transport provided by colleges which may be duplicating current public service provision.

19. Is it necessary for the Secretary of State and the National Assembly to have the power to direct LEAs to revoke or amend aspects of their travel schemes, once approved?

No – the Secretary of State, having approved schemes, should have confidence in Authorities to deliver what is in the scheme.

20. Are you content for this Bill to provide both for pilot schemes, and for the local travel scheme approach to be rolled out to more LEAs on a permanent basis, without further primary legislation, if it is a success?

No – a more sound base related to national standards is required.

21. Any further comments?

Consistency in schemes as they affect individual schools is needed – for example how are cross border/cross pilot schemes to be addressed to ensure children/parents receive equality of treatment?

Any extra costs resulting from legislation or local schemes need to be properly funded. There is an issue of conflicting resources related to school expenditure given that transport costs are part of the Section 52 statement.

Finally the County Council recognises the need to reduce the use of the car for the home to school journey. The issue will be considered by Cabinet on 29 June and a copy of the report can be provided on request. We believe that there needs to be core legislation setting minimum standards which will apply nationally. We also believe that greater emphasis should be placed on the use of school travel plans related to individual schools as a way of reducing the use of the car in relation to the home to school journey.