

SCHOOL TRANSPORT AND CURRICULUM APPEALS COMMITTEE

14 JANUARY 2021

OFFICER ADVICE IN RESPONSE TO A RECOMMENDED POLICY CHANGE

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Summary

This report sets out the response to the committee's recommendation to Cabinet to review the Education Travel Assistance Policy (ETAP) and consider whether pupils who secure a place at a Medway Grammar School on appeal should also be classed as grammar ability under the policy.

1. Budget and policy framework
 - 1.1. All local authorities have a statutory duty to have in place arrangements for the provision of education travel assistance for children and young people (mainstream and SEND) who meet the published eligibility criteria.
 - 1.2. The Education Travel Assistance Policy (ETAP) is developed within a national legal framework that sets out what local authorities must do to facilitate travel to school and sets out eligibility criteria for granting that support.
 - 1.3. Under Section 7 of the Education Act 1996, it is the responsibility of the parent of every child of compulsory school age, to cause their child to receive efficient full-time education either by regular attendance at school or otherwise. The duties and powers of local authorities to provide education travel assistance are covered in other sections of the Act and its amendments. The provision of travel assistance incorporates consideration for children from low-income families.
 - 1.4. Sections 508B and 508C of the Education Act 1996 (as amended) sets out the local authority's duties and powers respectively, to make such suitable travel arrangements as the local authority considers necessary, to facilitate a child's attendance at school. This applies to home to school travel arrangements and vice versa. They do not relate to travel between educational institutions during the school day.

1.5. Amending the ETAP and related budgetary decisions are matter for Cabinet.

2. Background

2.1. As a result of a number of transport appeals from parents whose children had acquired a place at a grammar school on an independent admission appeal, but who did not pass the Medway Test (and so deemed non-grammar ability), the Committee recommended that a report be presented to Cabinet to review the ETAP to specifically consider whether pupils who secure a place at a Medway Grammar School on appeal should also be classed as grammar ability under the policy.

2.2. Officers have explored this recommendation and, have concerns around the implications of the proposed change. This report sets out those concerns to the Committee for it to reconsider the recommendation, with the benefit of officer advice, prior to presenting a report to Cabinet.

3. Options

3.1. The options for the Committee are:

3.2. To accept the officers' findings and retract the recommendation to proceed to Cabinet or;

3.3. To note officers' findings but remain of the view that the report should proceed to Cabinet for review.

4. Advice and analysis

4.1. The rationale for asking the Committee to reconsider the recommendation is as follows.

4.2. As demand for Medway's grammar schools rises and generally the schools fill from pupils who were successful in the Medway Test, the opportunity for parents whose children were not assessed as grammar through the test itself and the review process, to obtain a place at grammar school on appeal, is restricted to one or two schools which historically have a number of vacant places, and more latterly just the one, Chatham Grammar School For Girls (CGSG).

4.3. This would create an unfair situation as we would only be able to assess the pupil to one school as it would be the only suitable qualifying school ie: the only selective school at which they could have been offered a place, and not a number of schools as would be the case for those pupils who passed the Medway test or were successful at review.

4.4. This would create unfairness; for example, in the case of two pupils who live next door to one another, only one of whom passed the Medway Test. The grammar assessed pupil may not be eligible for transport because they have chosen not to attend their nearest grammar school. The non-grammar pupil would be eligible, as long as the school is beyond the minimum statutory walking distance, because

there would be no other school, apart from the one they were admitted to on appeal, to assess against.

- 4.5. This would result in a potentially unfair process for the pupil who passed the test.
- 4.6. Pupils who acquired a place at CGSG by an independent admission appeal would not be deemed grammar and this proposed amendment would diminish the effort and ability of the pupils who passed the test, as well as potentially disadvantaging them for transport.
- 4.7. The result could be that more pupils are subsequently disadvantaged than benefit from the change and result in further challenge, objection and appeals.
- 4.8. The recommendation is to continue to consider each transport appeal on its merits.
- 4.9. No Diversity Impact Assessment will accompany this report, however one would be provided should the report be approved at Cabinet to consult on the proposed change, as part of the outcomes of consultation report.

5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Additional financial pressures on the home to school transport budget	There could be financial pressure placed on the council from additional requests for reviews for previously deemed non-eligible children.	Additional resources need to be allocated to fund the decision and associated additional administration and transport costs.	C2
A risk that pupils who passed the Medway test are disadvantaged resulting in complaints and appeals from parents whose child did pass the test but was not eligible for travel assistance.	Pupils who pass the Medway Test and who have the choice of a number of schools could be disadvantaged against pupils that do not pass the test and only have the option of one school.	Withdraw recommendation to ask Cabinet to review the policy.	B2

6. Consultation

- 6.1. Should the Committee determine to continue with the request to Cabinet to review the ETAP, and should Cabinet agree, there will need to be a period of consultation to gauge views on the matter. The outcomes of that consultation will be presented to Cabinet for formal decision.

7. Financial implications

- 7.1. There are potentially significant additional ongoing costs if the amendments to the ETAP, as recommend by the Committee, are implemented.
- 7.2. Financial analysis indicates that an additional 15-20% of pupils could be eligible for assistance costing up to £70,000 per year.

8. Legal implications

- 8.1. All local authorities have a statutory duty to have in place arrangements for the provision of home to school transport travel assistance and transport for children and young people with Special Educational Needs and Disabilities (SEND) who meet the published eligibility criteria.
- 8.2. Under Section 7 of the Education Act 1996, it is the responsibility of the parent of every child of compulsory school age, to ensure their child receives efficient full time education either by regular attendance at school or otherwise. The duties and powers of local authorities to provide home to schools travel assistance are covered in other sections of the act and its amendments. The provision of travel assistance support incorporates consideration for children from low-income families.
- 8.3. Sections 508b and 508c of the education Act 1996 (as amended) set out the local authority duties and powers respectively, to make such suitable travel arrangements as the local authority considers necessary, to facilitate a child's attendance at school. This applies to home to school transport.

9. Recommendations

- 9.1. The School Transport and Curriculum Appeals Committee is asked to note the report and retract the recommendation to have the Education Travel Assistance Policy reviewed at Cabinet for the reasons set out in section 4 of this report.

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Appendices

None

Background papers

Education Travel Assistance Policy -

https://www.medway.gov.uk/downloads/file/5576/medway_education_travel_assistance_policy