

CABINET

30 MARCH 2021

SCHOOL TRANSPORT AND CURRICULUM APPEALS COMMITTEE – REFERRAL TO CABINET

Portfolio Holder: Councillor Mrs Josie Iles, Portfolio Holder for Children’s Services
(Lead Member)

Councillor Martin Potter, Portfolio Holder for Education and Schools

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Summary

This report sets out the School Transport and Curriculum Appeals Committee’s (STCAC) recommended change to the Education Travel Assistance Policy (ETAP), which asks Cabinet to consider whether pupils who secure a place at a Medway grammar school on appeal should also be classed as grammar ability under the policy and provides officer advice on the proposal.

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 a 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 didn't pass the Medway Test, the STCAC recommended that a report be presented to Cabinet to review the 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.
- 2.2. Officers have explored this recommendation and, have concerns around the implications of the proposed change. This report includes those concerns.

3. Options

- 3.1. The options are:

To approve the STCAC's recommendation and approve the commencement of a period of consultation to gauge views on the proposal to consider whether pupils who secure a place at a Medway Grammar School on appeal should also be classed as grammar ability under the policy, or;

- 3.2. To not approve the recommendation from the STCAC and leave the ETAP as it currently is.

4. Advice and analysis

- 4.1. 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).
- 4.2. This would potentially create a situation where the local authority would only be able to assess the pupil acquiring a place on appeal against one school as it would be the only suitable qualifying school i.e., 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.
- 4.3. This could, for example, mean that 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 could 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.

- 4.4. The change could impact upon boys, for whom there is minimal opportunity for appeal as places fill in the main round of admissions, and therefore may not be assessed on an equal footing with the girls who did not pass the test but acquired a place through the appeals process. However, the Council is working with grammar schools to address this.
- 4.5. As numbers of pupils grow, there will be a reduced opportunity for successful appeals at grammar schools from those deemed as non-grammar, which will result in a smaller number of appeals through the STCAC, meaning that the impact of any change to the policy regarding this matter will reduce over time. The officer recommendation therefore is to continue to consider each transport appeal on its merits and retain the ETAP in its current form.
- 4.6. No Diversity Impact Assessment will accompany this report, however one would be provided should the recommendation 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.	Cabinet do not agree to the recommendation of the STCAC.	B2

6. Consultation

- 6.1. Should the Cabinet agree with the recommendation from the STCAC, 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 currently an additional 44 pupils would initially be eligible for assistance costing up to £29,000 per year. This number could increase throughout the year as families move into the area.

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 school travel assistance is 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. Recommendation

- 9.1. The Cabinet is asked to consider the following recommendation from the School Transport and Curriculum Appeals Committee and agree a way forward:

“to review the Education Travel Assistance Policy 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”.

10. Suggested reason for decision

- 10.1. Amending the ETAP and making related budgetary decisions are matters for Cabinet.

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Appendices

None.

Background papers

[Education Travel Assistance Policy](#)