

**CHILDREN AND YOUNG PEOPLE
 SCRUTINY COMMITTEE
 4 MARCH 2016**

PRESENT: COUNCILLOR J D HOUGH (CHAIRMAN)

Councillors R Wootten (Vice-Chairman), B Adams, W J Aron, Mrs J Brockway, S R Dodds, B W Keimach, Ms T Keywood-Wainwright, Mrs H N J Powell, Mrs S Ransome, Mrs L A Rollings, Mrs N J Smith, S M Tweedale, M A Whittington, L Wootten and Mrs S M Wray.

Added Members

Church Representatives: Mr P Thompson.

Parent Governor Representatives: Dr E van der Zee.

Councillors A M Austin, Mrs P A Bradwell (Executive Councillor for Adult Care and Health Services, Children's Services), D Brailsford (Executive Support Councillor for Children's Services), Mrs M J Overton MBE and P Wood were also in attendance.

Officers in attendance:-

Debbie Barnes (Executive Director of Children's Services), Keith Batty (Director of Programme, CfBT Education Services), Stuart Carlton (Assistant Director Children's Lead Early Help), David Coleman (Chief Legal Officer), Cheryl Hall (Democratic Services Officer), Tracy Johnson (Senior Scrutiny Officer), Mary Meredith (Children's Services Manager, Inclusion), Wayne Oldfield (Inclusion Vice-Principal), Ben Pearce (Headteacher at Skegness Academy), David Robinson (School Services Manager), Heather Sandy (Chief Commissioning Officer for Learning), Sally Savage (Chief Commissioning Officer - Children's) and Vincent Van Doninck (Graduate Management Trainee).

The Chairman welcomed the Headteachers, pupils and parents who were in attendance at the meeting for Minute 62 – Review of the Council's Home to School Transport Policy in relation to Discretionary Grammar School Transport – Draft Final Report.

**62 REVIEW OF THE COUNCIL'S HOME TO SCHOOL TRANSPORT POLICY
 IN RELATION TO DISCRETIONARY GRAMMAR SCHOOL TRANSPORT -
 DRAFT FINAL REPORT**

Consideration was given to a report by Tracy Johnson (Senior Scrutiny Officer), which presented the report of the Task and Finish Group on the Council's Home to School Transport Policy in relation to Discretionary Grammar School Transport. The

Task and Finish Group was proposing to submit the following two options to the Executive for its consideration: -

- “Option One – To leave the Grammar School Transport Policy as it is, but review it in two years;
- Option Five – Charge pupils living in grammar school Designated Transport Areas for transport to a grammar school where it is not the nearest suitable school. This should be introduced to new pupils, excluding pupils with siblings at the same grammar school, on a phased basis with some level of financial support for pupils in receipt of free school meals.”

The Chairman referred to a letter from the Chair of the Lincolnshire Consortium of Grammar Schools, which outlined concerns about the review and the Report. The Committee was advised that a response had been sent to the Chair of the Lincolnshire Consortium of Grammar Schools from the Chairman of the Task and Finish Group. The correspondence had suggested that the Council had a statutory duty to transport children to their nearest grammar school because for a child with the necessary aptitude that was the nearest suitable school. As a result, the Executive Director of Children’s Services provided advice on the relevant provisions of the Education Acts.

The legal advice concluded that the existence of a grammar school in an area did not change either the nature or the obligations of other schools in the area in relation to their responsibilities to teach pupils across the ability range. Since that responsibility existed it would be very difficult to argue in law that the provision made by non-selective schools was unsuitable, since the law would expect those responsibilities to be fulfilled. Therefore a non-selective school in a selective area would have to offer teaching across the ability range and would be considered to be a suitable school.

The Chairman of the Task and Finish Group presented the Report to the Committee and in doing so, referred to an email from one of the campaign group members which had also highlighted concerns with the review and the Report. In response to the points raised, the Chairman highlighted the following: -

- The Task and Finish Group had examined the Designated Transport Areas for grammar schools in detail and had reflected on the fairness of the policy, and the differing opinions of the members were reflected in the Report;
- The Task and Finish Group did not have access to parental contact details, owing to data protection provisions. All the schools who were invited to participate were asked to let their parents know of the parental meeting. The extent of the engagement of the Task and Finish Group and the rationale for this were detailed in the Report;
- The arrangements for inviting headteachers to participate were explained;
- Four proposals from the campaign groups were considered by the Task and Finish Group and they were detailed in the report. These options were discounted when the Task and Finish Group decided against extending the Designated Transport Areas;

CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE
4 MARCH 2016

- The requirement for an Equality Impact Assessment would only apply for reports for decision either to the Executive or Executive Councillor and did not apply to the Task and Finish Group, which could only make recommendations;
- It was confirmed that all elements of the scoping document had been undertaken as part of the review, with the exception of the Equality Impact Assessment, which legal advice had subsequently indicated was not required;
- It was reiterated that the Task and Finish Group had considered the questions of fairness and they had also considered the Designated Transport Areas;
- It was confirmed that the reason for the proposals for a review in two years' time was owing to the current financial position of the Council; and
- In relation to option five in the Report, it was clarified that any charge would not cover the full cost and that the cost for transport would still be subsidised by the Council. However, it was reiterated that the level of any charge would be a matter for the Executive to decide.

The Chairman invited other Members of the Task and Finish Group to speak, where the following points were noted: -

- The Chairman of the Task and Finish Group was thanked for her chairmanship of the Task and Finish Group;
- It was reiterated that the Task and Finish Group had examined all facts put before it and considered the legalities of each option;
- It was stated that the County Council provided free transport to 3871 grammar school pupils at an average cost of £640 per pupil, per year. One member of the Task and Finish Group therefore supported Option Five of the Report;
- One of the Members questioned the extent of the engagement with stakeholders and also questioned whether the Task and Finish Group had fulfilled the objectives, as set out in the scoping document. It was alleged that Option 1 of the Report was unfair and would not eliminate discrimination across the County. It was also alleged that Option Five would not meet the needs of the 25% of the County which fell outside the Designated Transport Areas;
- Two Members of the Task and Finish Group urged the Committee to amend Option Five, as follows: 'Charge pupils for transport to a grammar school where it is not the nearest suitable school. This should be introduced to new pupils, excluding pupils with siblings at the same grammar school, on a phased basis with some level of financial support for pupils in receipt of free school meals';
- One of the Members of the Task and Finish Group alleged that the Recommendations in the Report did not remove disadvantage in some instances. The same Member stated that every child should be able to attend the school that was best for them and families should not feel that they have to move to obtain a place in a school of their preference.

A County Councillor representing an electoral division in Boston addressed the Committee and suggested an alternative approach whereby the funded entitlement to transport to a pupil's nearest school would be put towards the cost of travel to a grammar school at a further distance, with the parents paying the difference.

Members of the Committee were invited to ask questions, where the following points were noted: -

- It was stated that the County Council had an equal commitment to pupils in any type of school, and it should not be seen to be harming the viability of other schools by just supporting grammar schools alone;
- Pupils could flourish in other types of schools to the same level as those who attend grammar schools;
- It was commented that although the County Council had followed legislation, it was felt that the legislation was dated;
- It was also commented that although the County Council was obliged to support all schools, parents should still have a right to decide which school their child should attend. Therefore, the Task and Finish Group was urged to reconsider its recommendations;
- A view was put forward that in the future only those parents who could afford it would send their children to grammar schools;
- A Member of the Committee expressed their support for Option One within the Report;
- It was stressed to the Committee that there were a number of high quality secondary modern and comprehensive schools operating in Lincolnshire and grammar schools benefited from a traditional position of superiority; and
- The Chairman of the Task and Finish Group reiterated that a wide range of views were taken into account as part of the Review, which had included views from schools, parents, chair of governors, members of the public and groups such as the Youth Cabinet.

The Committee agreed by a majority decision to support the recommendations in the Report.

The Committee thanked the Members of the Task and Finish Group and supporting officers for their hard work on the Review.

RESOLVED

- (1) That the draft final report on the Review of the Council's Home to School Transport Policy in relation to Discretionary Grammar School Transport be approved.
- (2) That approval be given to the submission of the final report to the Executive on 5 April 2016 for its consideration and response.