



*Review of the Council's Home  
to School Transport Policy in  
relation to Discretionary  
Grammar School Transport*

*A Review by the Children and Young  
People Scrutiny Committee  
March 2016*

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Chairman of the Task and Finish Group

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# Introduction

## ***Foreword by Councillor Mrs Jackie Brockway, Chairman of the Task and Finish Group***



This review has looked at the current policy for home to school transport to grammar schools to determine whether the policy is fair, affordable and consistent. The Grammar School Transport Policy, which is discretionary and has been in place for over 30 years, is provided as an additional benefit to enable more pupils to access a grammar school education. The review has identified that there are a wide range of views concerning the current Grammar School Transport Policy with some considering it to be fair as it is, but for others it is viewed to be unfair and discriminatory, particularly for those who live in areas not covered by grammar school Designated Transport Areas. The Task and Finish Group has examined

school transport policies at other councils and has found that a number of councils have already decided to stop providing free transport to grammar schools. Several options have been identified for changing the Grammar School Transport Policy to address the issues identified and these are set out later in the report.

Finally, I would like to thank all the Members who took part in this Task and Finish Group for their dedication and support during the review, and to also thank the officers involved, in particular David Coleman, Sally Savage, David Robinson, Vincent Van Doninck, Tracy Johnson and Rachel Wilson for their support throughout the review. I would also like to thank all the Headteachers, Chair of Governors, parents and Youth Cabinet members who met with us, and the parents who took the time to submit a written response to the review.

A handwritten signature in cursive script that reads "J Brockway".

***Cllr Mrs Jackie Brockway***

### ***Task and Finish Group Members***

***The Task and Finish Group also consists of the following Members:***



Cllr Chris Brewis



Cllr Colin Mair



Cllr Charmaine Morgan



Cllr Mrs Marianne Overton



Cllr Mrs Christine Talbot



Cllr William Webb



Cllr Paul Wood



Cllr Ray Wootten

# ***Executive Summary, Conclusions and Recommendations***

The scrutiny review into the Council's Home to School Transport Policy in relation to Discretionary Grammar School Transport was established in June 2015 with the intention of ensuring that the Council is providing a fair, consistent and affordable discretionary transport policy in relation to grammar schools across the county.

During the previous year, a group of parents in villages north of Grantham had campaigned for changes to the Home to School and College Transport Policy in respect of transport to the county's Grammar Schools. Following representations by the parents, and meetings with their representatives and the local MP, Councillor Mrs P A Bradwell, Executive Councillor for Adult Care and Health Services, Children's Services, asked the Children and Young People Scrutiny Committee at its meeting on 24 April 2015 to review the grammar school entitlement policy and consider whether any changes could and/or should be made to meet the parents' requests, and what the implications of changing the policy would be on schools, cost, and parents.

This review was carried out between September 2015 and February 2016. As part of the review, the Task and Finish Group met eight times, during which it has reviewed the current discretionary Grammar School Transport Policy and the costs involved in providing this policy, examined grammar school transport policies at other councils with grammar schools, and held an engagement day with Headteachers and Chair of Governors of a selection of grammar and non grammar schools, parents, campaign groups, and the Youth Cabinet. The Task and Finish Group has also examined a range of options for changing the current Grammar School Transport Policy to address the issues and concerns raised by parents, schools and young people.

The Council's Executive is not able to review the statutory elements of the Home to School and College Transport Policy, and as other discretionary elements of the policy are considered minor and as it is believed that the transport policy as presently constituted meets the needs of pupils, parents and young learners in the county, this review was limited to an examination of the efficacy of the Grammar School Transport Policy in meeting the needs of parents and children in the county and whether the scope of the present Grammar School Transport Policy should be changed.

## ***Conclusions***

From the evidence and findings detailed in the report, the Task and Finish Group has drawn a number of conclusions:

- The current Grammar School Transport Policy is lawful and is being administered correctly within the law.
- There is a wide range of views regarding the fairness of the current Grammar School Transport Policy. The majority of the stakeholders who met with the Task and Finish Group consider the current policy to be unfair for those who live in the areas not covered by grammar school Designated Transport Areas (DTAs). Some of those who attended the Engagement Day represented parents living in non-grammar school DTAs. There are also a number of parents who currently receive free transport to a grammar school who are concerned about losing their free entitlement if the policy was changed.
- Amending the Grammar School Transport Policy to include those areas outside the designated transport areas for grammar schools could potentially have a negative impact on the all ability schools in those areas. Expanding the Designated Transport Areas for the grammar schools into these areas could result in the all ability schools losing some of the more able pupils that they would currently attract which would have an adverse effect on those schools' examination results, pupil numbers and in turn, the level of funding received.
- The long term affordability of the current Grammar School Transport Policy is a concern, especially with the increase in the number of primary school pupils in certain areas of the county which in the next few years will start to come through into secondary schools. In addition,

grammar schools that have converted to academies are able to increase their Published Admission Number (PAN) which the Council has no control over and could potentially impact on the future affordability of the policy.

- The Council is under severe financial pressure and there is no extra funding available to extend the policy to areas currently outside the grammar school Designated Transport Areas. A number of other councils with grammar schools in their areas have now stopped providing free transport to grammar schools, except to fulfil a statutory duty, in order to deliver savings.
- There was no consensus reached by the Task and Finish Group on whether the policy should remain the same or be amended. Two members of the Task and Finish Group objected to the recommendation to the Executive.

## ***Recommendation***

The Task and Finish Group submit the following two options to the Executive for its consideration:

- Option 1 - To leave the Grammar School Transport Policy as it is, but review it in two years.
- Option 5 - Charge pupils living in grammar school DTAs 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.

## ***Establishment of the Task and Finish Group***

Councillor Mrs P A Bradwell, Executive Councillor for Adult Care and Health Services, Children's Services, asked the Children and Young People Scrutiny Committee at its meeting on 24 April 2015 to review the Grammar School Transport Policy and consider whether any changes could and/or should be made, and what the implications of changing the policy would be on schools, parents, and costs. The Children and Young People Scrutiny Committee agreed at its meeting on 5 June 2015 that there was a need for a scrutiny review to investigate the current Grammar School Transport Policy to ensure the Council's home to school transport policy for grammar schools complies with legislation, is perceived as fair, and is consistent and affordable.

The Overview and Scrutiny Management Committee agreed at its meeting on 18 June 2015 to establish a Task and Finish Group to conduct this scrutiny review, and the following objectives were approved:

*To review Lincolnshire County Council's present policy on free transport to the County's grammar schools in respect of:-*

- a) The existing entitlement criteria for home to school transport for grammar schools and the need for any geographical or other changes;*
- b) Children across the County have access to grammar school education – does this automatically mean they are entitled to free school transport;*
- c) Whether the policy creates any unfairness, real or perceived;*
- d) The cost of the present policy;*
- e) The potential costs or savings resulting from any changes; and*
- f) Potential implications for all schools as a result of any changes.*

## ***What is the National Policy on Home to School Transport?***

The Education Act of 1996, as amended by the Education and Inspections Act of 2006, section 508, 509 and Schedule 35B puts forward the statutory requirements that all councils within England responsible for school transport must follow regardless of the circumstances (hereafter referred to within this report as the statutory proximity rules).

A council has a statutory duty to make such travel arrangements as it considers to be necessary to ensure an eligible child's attendance at school. In general terms, under the 1996 Act a Council must provide transport to and from school for a child aged 5 to 16 between its home address and the nearest qualifying school, under certain conditions. It states that children are eligible to free transport if they are attending their nearest qualifying school and their address is located further than the statutory walking distance (2 miles for children up to age 8 and 3 miles for children aged 8-16). The statutory walking distance is dis-applied if the child could not be expected to walk a distance due to a disability or learning disability.

Furthermore, children entitled to free school meals and from low-income families are eligible to free transport if they attend a school between 2 and 6 miles and one of their three nearest suitable qualifying schools. If the child attends a faith school and they are from a low-income family, then the distance increases to between 2 and 15 miles. Children from low-income families have been defined in multiple ways within the Councils' home to school transport policies, but generally they can be described as such: in order to be qualified as a child from a low-income family, the parent or carer has to be receiving either Income Support, Income-based Job Seeker's allowance, Child Tax Credit whilst having an income below £16,190 per annum, State Pension Credit or the maximum level (i.e. not reduced to income) of Working Tax Credit. These children are therefore entitled to an additional level of transport assistance.

Paragraph 15 of Schedule 35B of the 1996 Education Act (inserted by the Education and Inspections Act 2006) defines the meaning of a qualifying school and lists them as:

- Community, foundation or voluntary schools;
- Community or foundation special schools;
- Schools approved under section 32(non-maintained special schools);
- Pupil referral units;
- Maintained nursery schools or
- City technology colleges, city colleges for the technology of the arts or academies

Statutory Guidance ("Home to School Travel and Transport Guidance – Statutory Guidance for Local Authorities") issued in July 2014 expands this statutory definition by stating that the duty extends to the nearest suitable school which it describes as the nearest qualifying school with places available that provides education suitable to the age, ability and aptitude of the child and any special educational needs of the child.

In law, a qualifying school is simply a school falling within the list set out in the Act.

Although grammar schools are not explicitly listed as a qualifying school they do not need to be. A grammar school is a qualifying school if it falls into one of the categories of school organisation set out in the list of qualifying schools. A grammar school is not a different category of school organisation. It is simply a school designated as such by the Secretary of State by order, under section 104 of the School Standards and Framework Act 1998.

The Department for Education has attempted to clarify the relationship between a grammar school and the concept of a suitable school introduced in the statutory guidance with the statement that a grammar school can be considered a suitable school in appropriate circumstances. The Department for Education's advice to the Ombudsman is:

*"If a parent has a particular interest in their child attending a grammar school or the child has an aptitude for a subject, then a grammar school, or a school that specialises in the subject for which the child has an aptitude, may be more suitable for the child than others, but it doesn't mean that it is the only suitable school or that a non-grammar school or a school without that specialism is unsuitable."*<sup>1</sup>

A council has discretion to provide transport to those children who do not qualify under the statutory duties (Section 508C of the 1996 Act as amended). The guidance issued to local authorities gives them discretionary powers to provide transport to children who are not automatically entitled to free transport. The guidance states that it is for local authorities to decide whether and if it will apply its discretion and offer transport support to non-entitled learners. Discretionary transport support does not have to be provided free of charge. It is under this discretionary power that the Council provides grammar school transport to a grammar school which is not a child's nearest school.

## ***What is the Local Policy on Home to School Transport?***

The Home to School and College Transport Policy is published annually by Lincolnshire County Council, in line with statutory requirements. It is amended as required by changes in the law or by decisions taken by the Council to change aspects of the policy. The Council may only amend those elements of the policy which are at its discretion. Statutory requirements in respect of school transport must always be met.

Entitlement to school transport in Lincolnshire is based on the statutory duties outlined above, and the Council's own policy to provide free transport to a school from an address in a Designated Transport Area (DTA) for a particular school, subject to the walking distance criterion of 2 or 3 miles being met. A DTA is an area around a school, indicating a transport entitlement. The Council has DTAs for:-

- Primary mainstream schools
- Secondary grammar schools
- Secondary non-grammar mainstream schools
- Sixth form centres
- Colleges of further education

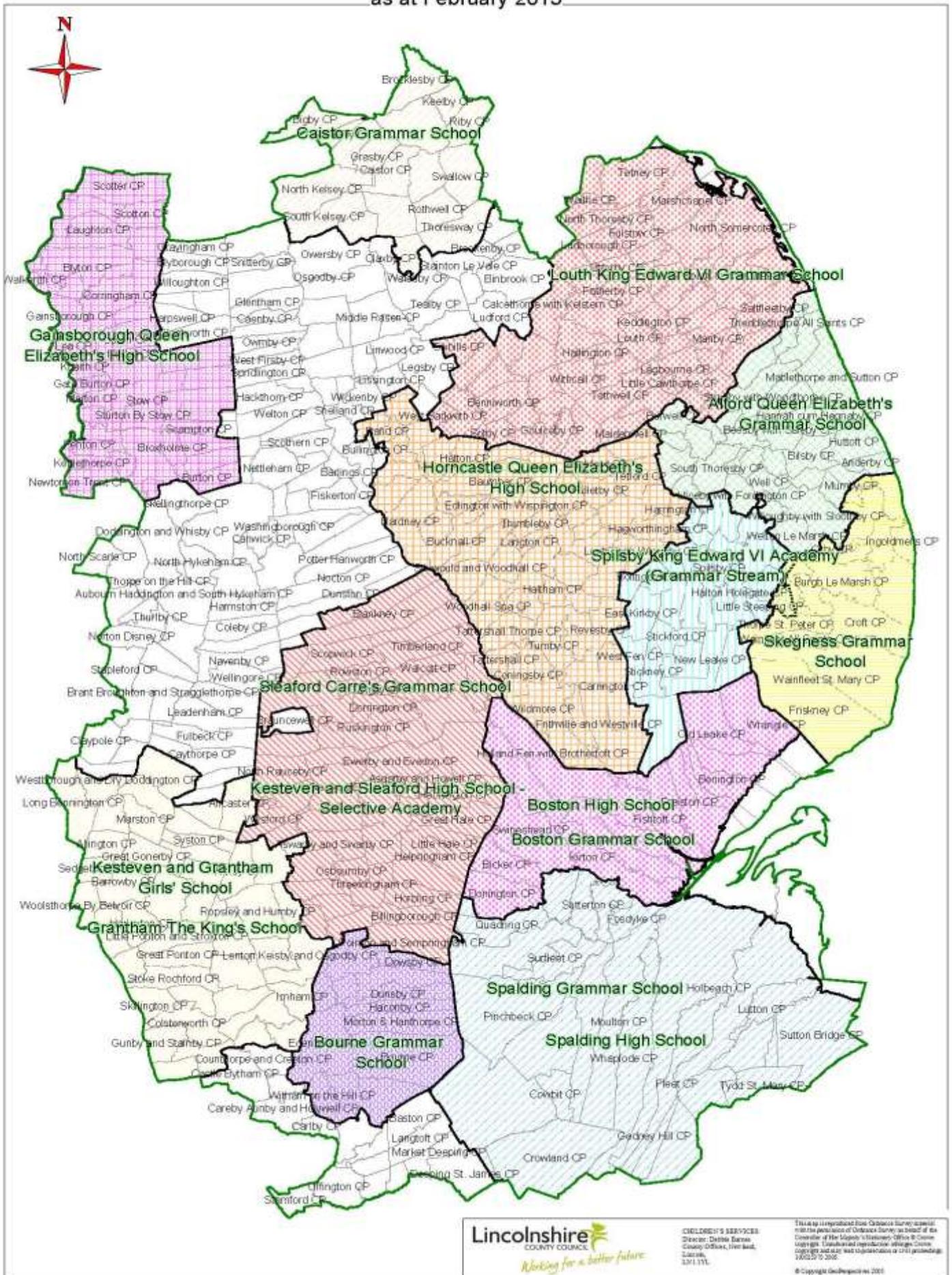
Each of Lincolnshire's 16 grammar schools has their own DTA. The DTA map for grammar schools is set out on the next page. Parents of children in any part of Lincolnshire (or beyond) can elect for their children to sit the 11+ test for entry to a grammar school, but qualification for free transport provision depends on meeting the policy criteria. However, approximately 25% of the county does not have DTAs for grammar schools. These areas are in the DTAs for non-grammar secondary schools. This policy is of long-standing, and dates back at least 30 years, possibly more.

Some members of the Task and Finish Group felt that the boundaries between the grammar school DTAs and the 25% not covered by the grammar school DTAs could not be rationally justified. Others felt that they accurately reflected the fact that Lincolnshire has selective and non-selective areas. It was noted by the Task and Finish Group that on occasions when individual challenges for grammar school transport had been raised, the home address was nearer to a non-selective school than to the nearest grammar school.

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<sup>1</sup> Ombudsman Letter to Lincolnshire County Council 13 November 2013

**Grammar School Designated Transport Areas  
as at February 2015**



Although the Council's policy comprises both statutory requirements and discretionary provision, the Council's Grammar School Transport Policy is within the discretionary area of the policy. Grammar school transport and post 16 transport are examples of discretionary transport support provided by Lincolnshire County Council. There is no statutory requirement to provide or pay for transport to a grammar school, unless the school is the nearest school over 3 miles to a pupil's home. Otherwise, grammar school transport is discretionary transport provided free of charge to pupils qualifying under the policy up to the end of year 11. Post 16 transport to a school or a college is discretionary transport supplied to pupils/students qualifying under the policy provided a student/parental contribution is made towards the cost.

The Council is able to create a charge within its transport policy for any and all discretionary transport, and does so for post 16 transport and also for concessionary transport, which is the provision of spare seats on Council-contracted transport services for non-entitled pupils. There is no specific guidance on the level of transport charges in the guidance to local authorities, but the guidance does say that any charges levied should be 'affordable'. It is also a general principle in public service provision that a Council should not make a profit on charging for its discretionary services. The Council does not make any profits on the transport services it provides.

The current annual cost of grammar school transport, projected to the 31/03/2016, is £2,484,183.50 as set out in the table below. With a total of 3871 pupils currently receiving free grammar school transport, this works out at an approximate average cost of £640 per pupil.

	Daily Total @ 16/12/15	Annual Total (based on 190 days)	Min	Max	Average	Pupils On Transport @ 26/01/2016
Alford QE Grammar	£ 672.08	£ 127,695.20	£ 3.24	£ 31.20	£ 6.17	217
Boston Grammar	£ 566.24	£ 107,585.60	£ 2.05	£ 20.10	£ 3.13	186
Boston High School	£ 637.72	£ 121,166.80	£ 2.05	£ 12.00	£ 3.01	224
Bourne Grammar School	£ 619.13	£ 117,634.70	£ 1.63	£ 14.32	£ 2.68	251
Caistor Grammar	£ 537.87	£ 102,195.30	£ 2.43	£ 60.00	£ 4.01	138
Grantham The Kings	£ 736.71	£ 139,974.90	£ 2.50	£ 23.58	£ 3.56	232
Horncastle Q.E Grammar	£ 1,546.54	£ 293,842.60	£ 2.63	£ 19.50	£ 5.02	377
Grantham KGGS	£ 819.82	£ 155,765.80	£ 1.82	£ 69.20	£ 3.53	260
Kesteven & Sleaford Selective Academy	£ 823.05	£ 156,379.50	£ 1.40	£ 13.77	£ 3.00	297
Gainsborough Q.E	£ 1,480.65	£ 281,323.50	£ 3.50	£ 25.00	£ 4.84	340
Skegness Grammar	£ 426.94	£ 81,118.60	£ 3.20	£ 12.25	£ 3.99	133
Sleaford Carres Grammar	£ 887.65	£ 168,653.50	£ 1.40	£ 64.00	£ 3.31	304
Spalding Girls High	£ 1,414.33	£ 268,722.70	£ 2.39	£ 29.50	£ 3.80	421
Spalding Grammar	£ 1,238.89	£ 235,389.10	£ 2.64	£ 35.90	£ 3.68	426
Spilsby King Edward VI Academy	£ 667.03	£ 126,735.70	£ 3.66	£ 134.71	£ 13.90	65
<b>£ 2,484,183.50</b>						<b>3871</b>

Until recently, there has been little or no criticism or complaint about the policy, since all children are entitled to transport to a DTA or nearest school if that school is over 3 miles. However, in the last two years there have been complaints from people in a few areas in the south of the county and north of Grantham claiming that the policy is unfair and discriminatory, because, although they have gained a place for their child, they do not live in a grammar school DTA and therefore have to pay for transport.

The Council has successfully defended its policy to the Ombudsman in the recent past. In January 2016, the Ombudsman has provided a decision on two complaints it received which claimed that the policy was unfair and discriminatory. The complainants did not live within the DTA for a grammar school and therefore were not entitled to free transport. As a result, they claimed that they were treated unfairly when the Council refused them free transport to a grammar school and were discriminated against as they lived in one of the few areas that do not provide free transport to a grammar school. The Ombudsman found no fault on either complaint as the policy is publicly available on the Council's website which also includes maps that clearly show which areas are in and out of DTAs for grammar schools.

# *What have we found out?*

## ***Grammar School Transport Policies at Other Councils***

There are currently 163 grammar schools within England, of which 16 are located within Lincolnshire. The remaining 147 grammar schools are located within 34 other local authority areas which are as follows:-

1. Barnet Borough Council (London)
2. Bexley Borough Council (London)
3. Birmingham City Council
4. Bournemouth Borough Council
5. Bromley Borough Council (London)
6. Buckinghamshire County Council
7. Calderdale Council
8. Cumbria County Council
9. Devon County Council
10. Enfield Borough Council (London)
11. Essex County Council
12. Gloucestershire County Council
13. Kent County Council
14. Kingston-upon-Thames Borough Council (London)
15. Kirklees Council
16. Lancashire County Council
17. Liverpool City Council
18. London Borough of Redbridge (London)
19. Medway Council
20. North Yorkshire County Council
21. Plymouth City Council
22. Poole Borough Council
23. Reading Borough Council
24. Slough Borough Council
25. Southend-On-Sea Borough Council
26. Sutton Borough Council (London)
27. Telford and Wrekin Council
28. Torbay Council
29. Trafford Council
30. Walsall Council
31. Warwickshire County Council
32. Wiltshire Council
33. Wirral Metropolitan Borough Council
34. Wolverhampton City Council

An overview of these councils can be found in Appendix 1. A comprehensive analysis has been undertaken of all the councils responsible for arranging transport to at least one grammar school. Their respective home to school transport policies have been examined, with particular attention placed on finding special transport provisions for selective schools. The use of transport areas to decide transport eligibility was another point of analysis, due to the extensive Designated Transport Areas used in

Lincolnshire County Council's Grammar School Transport Policy and the need to compare Lincolnshire's policy with other councils' home to school transport provisions.

Lincolnshire County Council has a particular form of Grammar School Transport Policy that is unique within England. Not only do grammar schools within the region have their own Designated Transport Areas (DTA) to determine transport eligibility, they are also created on a separate map, distinguishing themselves from other secondary schools and their DTAs. This analysis will demonstrate the uniqueness of this extensive discretionary policy.

Of the 34 councils, 7 were disregarded after the first stage of the analysis. The London Boroughs [Barnet (Hertfordshire), Bexley, Bromley, Enfield (Hertfordshire), Kingston-Upon-Thames (Surrey), Redbridge (Essex) and Sutton (Surrey)] were not examined any further, due to the London Mayor's Oyster Card Initiative. Children aged between 11 and 15 years old are eligible for an 11-15 Zip Oyster Photo card which enables them to travel free on buses and trams. The Oyster card also permits the user to pay a child rate on Tube, DLR, London Overground, TfL Rail and most National Rail services in London.

Of the 27 remaining councils, 16 councils explicitly mention grammar schools or selective schools within their respective Home to School Transport Policy document. This signifies that 11 councils solely follow their statutory requirements in regards to school transport for grammar school pupils and do not specify whether they regard a grammar school as the nearest qualifying school in any situation.

The other 16 councils do refer to 'grammar schools' or 'selective schools' within their policy. The majority of these policies make it clear within their wording that they do not provide any discretionary provisions for grammar school pupils. These include Devon County Council and Walsall Council which are highlighted below:

*"There is no additional entitlement to transport on the grounds that the school attended is selective. The Local Authority is not obliged to have regard to a parent's preference for the child to attend a selective school when arranging transport."*<sup>2</sup>

*"Travel assistance for children attending a selective school is only provided where the child meets the eligibility criteria because of the home to school distance requirement or low family income."*<sup>3</sup>

In other words, their policies regard a grammar school as the nearest qualifying school only if the pupil has been accepted into the school, and the proximity rules (that is, it is the nearest school further than 3 miles from the pupil's home address) have been followed.

Buckinghamshire County Council, which is entirely selective, does not feel it needs to provide any additional transport measures because it believes an *"upper school provides adequate education for a GS qualified pupil"*<sup>4</sup>.

Some councils no longer provide discretionary transport services designed for grammar school pupils. Poole Borough Council in Dorset discontinued their discretionary services to selective schools in 2006 and fully implemented the statutory proximity rules.

This research has only been able to locate 6 other councils that provide specific discretionary measures for grammar school qualified pupils, creating additional levels of transport eligibility. These councils are Kent County Council, Essex County Council, Southend-On-Sea Borough Council, Trafford Council, Medway Council and Warwickshire County Council. An analysis of their policies is set out

<sup>2</sup> Devon County Council, Education Travel Policy, April 2015

<sup>3</sup> Walsall Council, Home to School Travel Assistance Policy, May 2015

<sup>4</sup> Buckinghamshire County Council School Transport Policy and Guidance, September 2015

below. Southend-On-Sea Borough Council has not been expanded upon due to its similarity in policy with Essex County Council.

### **Essex County Council**

Essex County Council can be defined as a council responsible for a large area, covering 1,338 square miles and including approximately 1,396,600 people. This large area contains just four selective grammar schools. Nevertheless, special provisions have been put forward for grammar school qualified pupils within the Essex Education Transport Policy.

The policy mainly tends to follow the statutory requirements in regards to transport, with the general proximity rules also applying for selective schools:

*"If your chosen selective school is closer than your designated (catchment) secondary school, as measured by the nearest road route, and you reside at least 3 miles from the school, then you will qualify for free transport."<sup>5</sup>*

However, the policy exceeds its statutory requirements by creating a discretionary policy for children from low-income families attending grammar schools. Free transport to selective schools will be given to children either entitled to free school meals, where the child's household is in receipt of Income Support or Income Based Job Seekers Allowance, or the family is in receipt of Child Tax Credit and the annual household income does not exceed £16,190, regardless of where the child's address is located. The only other official requirement is that the child should live further than 2 miles away from its preferred selective school.

In 2014, only 77 grammar school pupils benefitted from this additional discretionary transport. Nevertheless, it is important to note the potentially high cost arising from this provision regardless of the number of students using this measure. The omission of proximity rules signifies that a grammar school pupil from a low-income family can be funded for free transport to any grammar school of its choosing regardless of the distance that the child lives away from the school and regardless of whether this child attends the nearest qualifying school. This creates the potential for excessive transport costs for a small number of children.

A consultation in 2013 proposed to ban a range of discretionary transport provisions, which were not solely related to grammar schools. However, out of the six proposals made within the consultation to reduce discretionary provisions, the transport scheme for low-income children to selective schools was the only scheme eventually rejected by the Council. All other measures, which would create a smaller, less inclusive yet more cost-efficient transport policy, were accepted at that time.

Catchment areas, formerly a vital part of the transport policy, are now no longer mentioned within the policy document. Over the last two years, Essex County Council has moved from using either catchment areas or the nearest qualifying school as a guideline, to only the nearest qualifying school.

Southend-On-Sea, a former component of Essex County Council, has a similar policy arranging free transport for students from low-income families attending a selective school, provided that they live further than 2 miles away from their preferred school.

### **Kent County Council**

A large area (1,368 square miles) comprising of approximately 1,466,500 people, Kent is known as the largest remaining grammar school area in the country, with 33 wholly selective grammar schools and

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<sup>5</sup> Essex Education Transport Policy, August 2015

four partially selective schools. It is therefore not surprising to find special provisions for grammar schools within the County Council's transport policy.

There are many similarities to be found between Kent County Council's policy and Essex County Council's policy. In most circumstances, transport assistance to a grammar school will only be appropriate if it is the nearest secondary school and the child meets the entry requirements.<sup>6</sup> However, their policy adds, comparable to the Essex policy, that the Council will provide transport to grammar schools for children from low-income families regardless of whether the school can be qualified as the nearest secondary school.

Kent's policy does however differ in two ways when compared to the Essex County Council's arrangements. Contrary to Essex, Kent's Home to School Transport policy puts a limit on the distance between the child's address and the nearest grammar school. It is also important to note that the Council only provides free transport to the nearest grammar school and does not simply provide transport to a preferred grammar school for children from low-income families.

In summary, children in the care of Kent County Council and children from low-income families who are entitled to free school meals will receive transport assistance to the nearest grammar school provided that the distance between their home and the school is between 2 and 15 miles.

Another key component of the policy is the 'Kent Young Persons Travel Pass'. The Young Persons Travel Pass replaced the Kent Freedom Pass<sup>7</sup> from September 2014. The Young Persons Travel Pass enables students who are not directly eligible for free transport, in years 7-11, to use the public bus network of Kent, with no need to present cash on services. On production of a pass, a student can travel at any time between 06.00 and 19.00 Monday to Friday, during the academic year (until 31 July). It is a discretionary travel scheme provided by Kent County Council to promote sustainable home to school travel on the public bus network and has been taken up by 25,000 users across Kent.

Since the introduction of the pass, Kent County Council has struggled to maintain the service and its low costs for service users. Originally, a Young Persons Travel Pass would cost the user £200 per annum, which was reduced to £100 for low-income families and carers. However, increasing demand, budget miscalculations and increasing financial pressures have resulted in a budget deficit of £1.43m and subsequently an increase of the cost to £250 per annum starting from September 2015. The cost for low-income families, carers and those working in the local authority will remain at £100 per annum.

### **Medway Council**

Medway Council is defined as a unitary council within the county of Kent. It has responsibility for a relatively small area (74.14 square miles) containing approximately 274,015 people. There are six grammar schools located within the area.

Medway Council deems grammar schools to be a different category compared to other secondary schools. In other words, a Medway grammar school will always be considered as the nearest qualifying school for a child who has been deemed to be of selective ability under the Medway Test Assessment procedures. However, Medway Council will usually reject most appeals for free transport to a grammar school that is not the nearest grammar school from the child's address, unless it can be proven that the child has previously unsuccessfully applied to the nearest grammar school and is requesting transport to the second nearest grammar school.

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<sup>6</sup> Kent County Council Home to School Guidance 2015/2016

<sup>7</sup> £100 per pass and unlimited travel for students. The Kent Freedom Pass (KFP) was in deficit in both 2012/13 and 2013/14 and this trend continued into 2014/15 with increased journey numbers. There were in excess of 29,000 KFP passes in issue – each pass heavily subsidised by Kent County Council, with an average subsidy per pass of £450. It was a very generous and popular scheme, yet unsustainable in the long-term for Kent County Council.

Medway Council runs a similar scheme to Kent County Council with its own version of the Kent Young Persons Travel Pass, the Medway Youth Pass. The Youth Pass allows young people to receive a 50% discount on adult fares when travelling on any local bus service in Medway, with a one-off payment of £5.90 required.

### **Trafford Council**

Another small area authority (40.94 square miles and around 232,450 people) that has created special arrangements for grammar school pupils similar to Medway is Trafford Council. Within this area, seven grammar schools can be found.

This Council also considers selective schools to be a different category compared to other secondary schools. This indicates that free transport will be provided to the nearest grammar school for which the child is eligible.

Within their Home to School Transport Policy, Trafford Council states that

*"as a Local Authority that operates a selective system, all pupils are within the selective system whether they choose to be or not."*<sup>8</sup>

### **Warwickshire County Council**

The fifth and final notable council policy is the Warwickshire County Council Transport Policy. The Warwickshire area can be described as a medium sized area (763 square miles) with the Council responsible for providing services to around 546,500 people. There are six grammar schools within the area.

Special discretionary provisions are in place for students attending grammar schools in East and South Warwickshire. These pupils can consider a selective school to be the "nearest qualifying school" no matter what their location.

The Council currently works with two priority areas establishing transport boundaries for the six grammar schools. If a child resides in the Eastern Priority Circle it can receive free transport to Ashlawn Selective, Lawrence Sheriff School or Rugby High School. If the child resides in the Southern Priority Circle, it is eligible for free transport to Alcester Grammar School, King Edward VI School, or Stratford upon Avon Grammar School.

These two priority areas represents the closest resemblance to a separate grammar school mapping system such as the one created by Lincolnshire County Council. It could be argued that this policy is even more inclusive, due to it adding multiple grammar schools within one priority circle making the child's home address almost irrelevant as long as it is in either East or South Warwickshire.

However, Warwickshire County Council is currently in the process of decreasing its discretionary transport. A proposal was made in June 2015 to withdraw a number of discretionary provisions due to the current financial pressures. The discretionary element within their policy amounts to £2.9 million. The changes would save the Council up to £1.6 million if fully implemented. One of these proposed changes was to *"assess students attending grammar schools against the same criteria as all other children when assessing entitlement."*<sup>9</sup>

The Council undertook a formal consultation which proposed that a change in policy should occur and that the current discretionary policy should be phased out. This implies that current policy recipients will continue to benefit from free transport until they finish their education.

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<sup>8</sup> Trafford Home to School Transport Policy, January 2014

<sup>9</sup> Consultation on Home to School Transport, Warwickshire County Council, June 2015

On 8 October 2015, the Warwickshire County Council Cabinet approved the proposed changes within the policy. An extract from the minutes of this meeting reads as follows:

*"... from September 2016 new applications for free transport to grammar schools are assessed against the statutory eligibility criteria. Free transport to a grammar school would only be available if it was the nearest school to home with spaces and other relevant criteria were met – such as the distance from home to school."*<sup>10</sup>

It is expected that 76% of students will lose their free transport benefits to grammar schools. Their calculations assume that 681 out of 892 students will no longer be eligible after the policy changes. However, due to the policy being phased out on a yearly basis, these numbers cannot be considered wholly accurate.

The changes would result in potential savings amounting to £342,000 per annum when the new policy is fully implemented. This full implementation is expected to happen from the 2020/2021 school year. The Council will continue to work with geographical priority areas alongside the statutory proximity rules, but the grammar school transport priority circles will no longer be applied from September 2016.

### ***Catchment vs. Proximity***

Despite the clarity of the rules set out in the Education Act of 1996, as amended by the Education Inspection Act 2006, complications occasionally arise when transport areas are operational within a region. Considering the high importance of the Designated Transport Areas in Lincolnshire, it is pertinent to examine the use of transport areas compared to the statutory rules outlined in the aforementioned Act.

In Lincolnshire, Designated Transport Areas (DTAs) are the cornerstone of the Home to School Transport Policy. Not only do they far exceed the old catchment areas from several years ago, they are separated into multiple distinctive maps. This has created a singular grammar school map, calculating the various DTAs for each one of the 16 selective schools in Lincolnshire. These DTAs overlap numerous comprehensive school transport boundaries, and cover around 70-75% of the entire Lincolnshire territory.

Throughout the last few years, a national shift away from transport areas towards the statutory proximity rules can be observed. Along with Lincolnshire County Council, only five other councils with grammar schools are shown to have a preference towards using transport areas, who are Bournemouth Borough Council, Devon County Council, Gloucestershire County Council, Torbay Council and Wolverhampton City Council.

There are six councils found within this research that use both the statutory rules and designated areas to determine transport eligibility. Evidence has been found in Warwickshire, Reading, Slough, Cumbria, North Yorkshire and Telford & Wrekin transport policies that these councils feel both systems have equal merit and can be used effectively as a combination.

The majority of councils responsible for grammar school transport do not expand their policy beyond the statutory requirements. Indeed, certain councils specifically stress within their policy document that *"there is no direct entitlement linked to catchment..."*<sup>11</sup>

When examining school transport policies, it is noticeable that there is a shift away from transport areas (i.e. the old catchment areas) towards the proximity rules implemented from the amended Education

<sup>10</sup> Minutes of the meeting of the Warwickshire Cabinet held on 8 October 2015.

<sup>11</sup> Buckinghamshire County Council School Transport Policy and Guidance, September 2015

Act. Lancashire County Council and Wiltshire Council are two examples of this shift. Lancashire County Council and Wiltshire Council currently work with geographical Priority Areas and Designated Catchment Areas respectively, alongside the proximity rules regarding transport eligibility. However, they are both currently in the process of phasing out the Priority Areas of the transport policy in favour of the statutory proximity rules.

Wiltshire Council's Designated Catchment Areas, as long as they are still operational, can serve as an example of DTAs creating unintentional discretionary transport services. Transport could technically be provided for a child to a grammar school that is not the nearest qualifying school. These catchment areas are all drawn out in different ways, creating an asymmetrical structure. Potentially, a child living in a grammar school 'Designated Catchment Area' could have another secondary school that is also further than 3 miles from its address yet closer than the designated grammar school for this location. This entails that legally the Council would not be obliged to provide free transport to this grammar school, yet provides discretionary transport for the child by using the old catchment areas to determine eligibility.

Another observation that can be made is that it is seemingly the preference of large areas (i.e. areas larger than 1000 square miles) to maintain the use of transport areas and 'transport area mapping tools' to determine transport eligibility. Of the four large statistical neighbours to Lincolnshire, when looking at transport statistics relevant within this analysis, only Wiltshire is moving away from transport areas towards the proximity rules. Cumbria County Council, Devon County Council and North Yorkshire County Council have all used transport areas as a central component within their policy.

Overall, it is clear that the old catchment areas and their former adoption within general transport policy documents have created some confusion. Certain councils have attempted to put together the statutory proximity rules from the 1996 Education Act with the former catchment areas. Bournemouth Borough Council is a prime example of a muddled policy originating from this confusion. Bournemouth claims within its guidance document that it provides transport only to the catchment school from the child's address if the address is further than 3 miles away from the school. It does not provide transport to any other school, according to this policy. However, this guidance document does not take into account the possibility of a child going to a school nearer to its address that has not been designated as the catchment school.

## ***Stakeholder Views on Current Grammar School Transport Policy in Lincolnshire***

The Task and Finish Group was keen to seek the views of different stakeholders on the current Grammar School Transport Policy to help inform its recommendations to the Executive. The Task and Finish Group initially planned to conduct surveys of parents and schools across Lincolnshire and meet with the campaign groups and youth groups. However, after consulting with the Community Engagement Team, the Task and Finish Group was informed that if the Executive agree to undertake a formal consultation on any policy changes, then there was a risk that the level of consultation which the Task and Finish Group wanted to undertake could jeopardise this formal process.

As a result, the Task and Finish Group decided to reduce its level of consultation to an Engagement Day which was held on 9 December 2015, with invitations sent to a sample of Headteachers and chair of governors from grammar and non-grammar schools, parents, campaign groups and Youth Cabinet representatives. The aim of the engagement was to find a sample of Lincolnshire residents that would put forward various differing points of view on the subject matter. Furthermore, the Task and Finish Group also collated the written views received from parents throughout the review. In addition, two of the Task and Finish Group members, Councillors Mrs Jackie Brockway and Chris Brewis, attended a meeting of the Youth Cabinet on behalf of the Task and Finish Group to hear wider views of young

people on grammar school transport.

This engagement centred mainly around two questions put forward by the Community Engagement Team, which the participants were encouraged to respond to.

### **Question 1:**

**In relation to the Council's Grammar School Transport Policy, have you any views/observations? Please explain any views you have.**

### **Question 2:**

**On balance, have you any suggestions about whether any changes would make the policy better, clearer or fairer?**

## ***Headteachers' Views***

During the Engagement Day, Steve Baragwanath (Principal of University Academy Holbeach), Shaun Barton (Assistant Headteacher of Spalding Grammar School), Andrew Fulbrook (Headteacher of Boston High School), Nick Law (Headteacher of Carres Grammar School), Roger Moore (Chair of Governors of Stamford Welland Academy), Anthony Partington (Principal of Stamford Welland Academy) and David Scott (Headteacher of Kesteven and Grantham Girls' School) attended to express their opinion on grammar school transport.

With regards to the first question, the Headteachers commented that they believed DTAs to be the primary issue within the County Council's policy and also felt it necessary for the policy document to provide more clarity in terms of what a suitable school would be in relation to grammar schools. Furthermore, there were concerns that if free grammar school transport was extended, grammar schools would have more pupils applying for places and some children who currently would be able to obtain a place at a grammar school would subsequently miss out. Finally, some of the participants felt uncomfortable by the notion that children from areas outside the grammar school DTAs are currently being excluded from getting into grammar schools on the basis of cost.

When asked to respond to the second question, one recurring point of view amongst the Headteachers was to remove all transport areas and create a policy which established free transport only to the nearest school. However, within the group there was also support for extending the DTAs to cover the whole county. The group did acknowledge the unintended consequences that this policy could create, and felt this could lead to the closure of many schools, with the most vulnerable schools around the edges of the county most at risk. In terms of funding, it was commented that selective schools were worse off and that all schools do not receive the same level of funding.

Within their final arguments, the group of Headteachers recognised that any change in policy would affect all schools in the county, and that the County Council needed to proceed with caution.

## ***Parental Views***

### **Written Statements**

Throughout the process of this Task and Finish Group, parents have had the opportunity to comment on the possibility of any changes to the policy.

The majority of the responses received were from parents with children attending a grammar school. These parents tend to support the notion of maintaining or expanding the current DTAs. Outlined below are excerpts from some of the written parental responses which demonstrate some of the arguments

put forward by parents:

*"The current Grammar school transport policy seems a sensible and fair solution for pupils that have gained entrance to Grammar schools. The distinct transport policy for Grammar schools allows greater access to such schools for pupils of lower income parents. I will soon have two children in sixth form education; the annual cost of the "contribution" required by the council will be nearly £1,000 a year. I have no doubt that some parents are unable to meet such expense and their children are disadvantaged - this is where the real discrimination rests in the council's policy on school transport."*

*"This system enables our children, and other children, of a similar financial background to attend Grammar School...If this was taken away, many parents, including ourselves, would not be able to afford to send their children to Grammar School which would then make the 11+ not only based on academic ability but on economic stature which is not only blatantly unfair but also discriminates against the child based on the parents income."*

*"Children have a right to get to school, and I feel the local authority should cover these costs, especially as the number of grammar schools in Lincolnshire is limited."*

Other parents supportive of the current policy put forward other arguments. One parent reasoned that they believe the policy should remain in place due to the fact that if a child has been proven academically able to attend a grammar school, it seems to be the logical choice to send their child to this school due to the fact that this school can offer positive challenges. In addition, if the child was to lose its place, this would have an enormous detrimental effect on the child due to the emotional and personal issues they have had to face over the last few years.

Another parent put forward accessibility, financial issues, distance, environmental issues, traffic congestion, and the recognition that children are the future as possible reasons for maintaining the current transport provisions.

One parent argued that removing the DTAs would put unhealthy pressure on other secondary schools:

*"Our local school is an incredibly well recognised Academy and is seriously oversubscribed every year already. There is simply not a large enough capacity within this school to accommodate those extra children whose families may choose not to allow them to sit the 11+ due to future cost implications."*

Finally, a number of parents highlighted the possible financial implications that policy changes would create. Some of these parents have calculated the possible costs and stated that the abolition of free grammar school transport would amount to an annual fee of around £500 for each child.

However, several other parents sending their children to other secondary schools and even to grammar schools responded by arguing that an equal system for all students in Lincolnshire could be an option. One citation from a parent is as follows:

*"I think that children should only receive free school transport (additional needs children excepted) if they live 3 miles or more from their NEAREST school (regardless of whether the school is grammar or non-selective). This means that if a parent chooses to send their child to another school (be this a grammar school or otherwise) they would have to pay... The reason I feel this way is that grammar schools do not offer a specialist or different education to non-selective schools, children must take a test to get in but that does not mean they are taught a different syllabus. Because of this I feel it would be discriminatory to have a policy for children who have passed a test and one for those who have not passed or taken a test."*

A final statement received from a parent also supports a decrease in County Council support due to the financial pressures imposed on Local Government. This parent recommends phasing out the current policy:

*"I understand that the county needs to make cuts to travel costs. I feel the fairest way to do this would be to phase out the transport as in all current students from year 7 to 11 would receive it still any current year 6 would know about the costs before they started."*

### Engagement Day

At the Engagement Day on 9 December 2015, thirteen parents attended to debate and share their views on the Grammar School Transport Policy. These parents had children in either grammar schools or in other secondary education.

The parents commented that this was a system of financial selection rather than educational selection. They highlighted that 25% of the county was not covered, and as there was a county wide policy that supported selective education then not having DTA's in some areas was not fulfilling the policy.

In response to the first question, the parents declared that the policy was unfair and created unequal opportunities for people within the county. They believed that the amount of comprehensive schools available in the areas outside the grammar school DTAs is simply a natural evolution from the way the policy has been throughout the years. According to the participants, all of this has created an unequal system with parents backing the claim that the money currently used for grammar school transport should be spread equally throughout the county, even if this signifies that parents would then have to pay an additional charge.

With regards to question two, the primary response to this question was to continue reviewing the grammar school transport guidelines, and then to alter them to allow for a more inclusive policy. This, in reality, would result in the expansion of the DTA boundaries until they extend to the full county. The parents did not seem fully opposed to the notion of creating a charging system and making a financial contribution as long as this would create equality within the policy.

The parents felt the Council should undertake a substantial data analysis exercise to ascertain the costs and benefits of the current transport provisions. According to the parents, this would primarily be done to determine whether a policy that was created 40 years ago had not lost its relevance. They questioned whether such a long-established policy should not be radically altered to fit the current modern time, demanding creativity in the process of change. The parents also expressed their wish to see a fully operational and dedicated school transport bus service.

### ***Campaign Groups***

During the Engagement Day, the Task and Finish Group heard the views from representatives of the two campaign groups. These campaign groups had been created by concerned parents who lived in areas not covered by grammar school DTAs and therefore had to pay for transport to grammar schools.

In answer to the first question, it was highlighted that the campaign groups did not question the accuracy of the policy or how it was implemented, but that they felt the policy itself was flawed and outdated. It was recognised that there were considerable budget pressures facing the Council, but they argued that the choice of whether a child goes to grammar school should not be a financial one. The campaigners reflected that grammar schools were an integral part of the education system and that grammar school transport should cover the whole county.

Their main issue concerned the current grammar school DTA system operating within Lincolnshire. According to the campaign groups, DTAs need to be reviewed on a regular basis to ensure that they were keeping up with educational changes and that all educational needs were being met. The campaign groups argued that free grammar school transport should be provided to all of the eligible children, or to none of the children. According to the campaign groups, some children were paying £7.70 per day to get to school. It was highlighted that transport costs paid by some parents included £500 per child per year and £80 per month.

The campaign groups did seem open to the idea of means-testing, yet questioned at what level people would then be required to pay if such a policy was put in place. However, they believed that there would be a need to create a new policy for those on low incomes. The campaign groups seemed to believe that an advantage existed when attending a grammar school. Finally, these concerned parents argued that if more grammar school pupils were sent to comprehensive schools instead, then some local comprehensives would be overwhelmed by the amount of pupils, eventually reaching an unsustainable rate.

In response to the second question, the campaign groups highlighted four options that they felt the Council could look at in more detail:

1. Part funding for all pupils living more than three miles away at a flat rate
2. Part funding for those at a rate proportional to distance travelled
3. Flat rate travel card
4. Division of budget equally amongst all grammar school children so each family gets the same amount towards travel

The campaign groups' preference would be for every part of the county to be covered by a DTA regardless of cost. However, the campaign groups recognised that Lincolnshire County Council had sizeable savings to make in the future and that the reduced funds could not be used on this discretionary transport.

In summary, the campaign groups would like to achieve the following:

- A policy that was fair and equitable for all residents
- To eradicate the 'have and have not' system based on cost
- That any changes would be subject to an Equality Impact Assessment (EIA)
- Any changes to be cost neutral or provide cost savings to the Council

## ***Youth Cabinet***

The Task and Finish Group were invited by the Youth Cabinet to listen to a debate concerning grammar school transport. Councillor Mrs Jackie Brockway, Chairman of the Task and Finish Group and Councillor Chris Brewis attended the Youth Cabinet meeting on 7 November 2015. During this meeting, concerns were raised by the Youth Cabinet about reducing current support and how the more disadvantaged will be affected. The Youth Cabinet considered means-testing grammar school transport as an option, despite the acknowledgement that the cost of administration could be severe. The discussion also raised the issue as to whether the contract is with parents or with children/young people.

During the Engagement Day, Youth Cabinet representatives questioned the reasoning behind why some areas are not covered by the grammar school DTAs and were informed that this was an historical event, and several years ago there would have been grammar schools in those areas that subsequently converted to comprehensives.

In response to the questions, the Youth Cabinet representatives suggested whether a scaling of charges could be an option due to some people falling outside of the means-testing policy. They further suggested a system where all transport users pay a fixed amount, and remove the DTAs completely within the school transport policy. The Youth Cabinet members argued that it should be open to all families to attend grammar school, including those who may be coming from poorer families. They also felt the policy should not revolve around whether the relevant grammar school was the nearest school or not.

Finally, the Youth Cabinet representatives asked to be further involved if any proposed alterations to the Grammar School Transport Policy went to formal consultation.

# What are the Options?

## ***Options for changing Grammar School Transport Policy***

The Council's finances are under unprecedented pressure, and home to school transport, which is almost a quarter of the Children's Services budget, is being asked to contribute to the savings required in order to ensure that the Council is able to set a balanced budget. In reality, this means that there is no scope for increased expenditure without impact on other services. The proposed savings from the home to school and college transport budget for 2016/17 is £1.631m, which represents 6.5% of the 2015/16 budget of £25.167m. Despite this reduction, there will be no lessening of policy duties, and several new budget pressures are appearing from April 2016 onwards, whose costs are not budgeted for.

The Task and Finish Group has identified five options for the Grammar School Transport Policy. The benefits, risks and cost implications for each of these options are set out below.

The Task and Finish Group has been mindful of the budget pressures facing the Council and taken into consideration the school transport policies at other councils and the views of the stakeholders when considering the options for the Grammar School Transport Policy.

### **Option 1 - To leave the Grammar School Transport Policy as it is, but review it in two years**

#### Benefits

The current Grammar School Transport Policy is understood and mostly accepted, with the exception of small areas and a number of villages in the south of the county and north of Grantham. There is no evidence that the policy has been applied incorrectly or is unfair or discriminatory, and the recent Ombudsman decisions received in January 2016, regarding parental complaints relating to the Grammar School Transport Policy, considered whether it was unfair or discriminatory and found in favour of the Council.

#### Risks

There is minimal risk of a legal challenge if the policy was left as it is. However, the campaign groups who would like to see a change in the Grammar School Transport Policy would not have their aspirations met and there could be further challenges by parents and campaign groups to the current policy.

#### Cost Implications

There would be no cost implications if the current policy remained as it is. However, the Task and Finish Group does have concerns about whether the current policy is sustainable and affordable in the long term, given that pupil numbers in primary schools have been increasing and these pupils will soon be transferring to secondary schools. In addition, all but one grammar school is an academy, and academies have the discretion to be able to increase their PAN (Published Admission Number) which the Local Authority has no control over.

## Advice of the Task and Finish Group

The Task and Finish Group could not reach a consensus on whether the policy should remain the same or be amended. Some members of the Task and Finish Group felt that they could not support Option 1 as they considered the current system to be unfair due to 25% of the county being excluded from being entitled to free grammar school transport which is why it is currently being challenged. It was also thought that the current policy is not sustainable as it is and that it might be seen as a 'cop out' to leave the policy as it is, and that there would be disappointment that the opportunity to change the policy was not taken.

Other members of the Task and Finish Group felt that the current policy is fair and therefore did not need to be amended. There is no legal duty to provide equal access to all schools. It was also considered by the members that the non-grammar schools who were in the areas not covered by grammar school DTAs were all ability schools and therefore provided suitable education for pupils of all abilities. In addition, members of the Task and Finish Group were very concerned about the impact on the all ability schools in the non-grammar school DTAs if the DTAs were expanded to include these areas, as it could have a negative effect on their pupil numbers, school results and funding.

The Task and Finish Group does recommend Option 1 to the Executive, as the current policy is lawful and there is no evidence that it is legally unfair or discriminatory. The Task and Finish Group recommends that the current policy should be reviewed in two years in order to ensure that it remains financially viable.

## **Option 2 - Extend free transport to nearest grammar school from all addresses in Lincolnshire, by extending grammar school DTAs into the non-grammar school (i.e. all-ability school) DTA areas**

### Benefits

This option would enable all children in Lincolnshire to be entitled to free or subsidised transport to a grammar school. This would address the concerns of those parents who have asserted unfairness of the present grammar school DTAs.

### Risks

There are a number of risks with this option. Non-grammar schools will be adversely affected as their ability to recruit across the ability range will be undermined. This could reduce the number of pupils on roll at non-grammar schools which would then lead to less funding being available, and would also impact on non-grammar schools' examination results. There is also a risk that non-grammar school pupils will be unfairly disadvantaged as they would not have a choice of transport to more than one school. In addition there is a risk to the Council of not being able to finance the increased costs which would be incurred from this option.

### Cost Implications

It is estimated that to implement Option 2 would cost the Council between £2 million and £2.7 million.

## Advice of the Task and Finish Group

The Task and Finish Group does not recommend Option 2 to the Executive, as it is financially unviable to provide this level of free grammar school transport.

### **Option 3 - Remove all secondary school DTAs and offer free transport only to the nearest suitable school**

#### Benefits

The perceived unfairness would be addressed and all pupils' transport needs would be assessed in the same way. It would also lead to savings in the Council's home to school transport budget.

#### Risks

There would be strong opposition from parents and grammar schools currently benefitting from free transport, who would lose their present entitlement if the school was not their nearest suitable school.

#### Cost Implications

It is estimated that Option 3 could save the Council £1.4 million from discontinuing the present entitlement.

#### Advice of the Task and Finish Group

The Task and Finish Group does not recommend Option 3 to the Executive, as it would disadvantage a lot of people in the DTAs for grammar schools and non-grammar schools, and would take away free transport from those who already receive it for a school which is not their nearest suitable school. Lincolnshire does have areas of selective education and the grammar school transport policy does enable access to those selective schools.

### **Option 4 - Amend the grammar school DTA areas only in specific areas to include the areas where the opposition to the policy has been most marked in grammar school DTAs**

#### Benefits

This option would address the perceived unfairness expressed by residents in the areas just outside grammar school DTAs, and would allow their children to benefit from free transport to a grammar school.

#### Risks

This option would require a rational justification not only for extending the current boundaries but also for why they have not been extended further.

There is a risk that other parents living in non-grammar school DTA areas might claim unfairness against themselves and demand the same right to free grammar school transport, which would only be satisfied by the adoption of Option 2 above.

#### Cost Implications

It is estimated that for Option 4 there would be an increase in the transport budget of around £10,000 to £50,000 per annum.

## Advice of the Task and Finish Group

The Task and Finish Group does not recommend Option 4 to the Executive, as it could lead to further challenge from parents who would still be outside of a grammar school DTA. In addition, it would adversely affect non-grammar schools in the areas outside the grammar school DTAs and the Council needs to be mindful of the impact of any policy changes on the wider pupil population.

## **Option 5 - Charge pupils living in grammar school DTAs 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**

### Benefits

This option would enable the Council to raise some funds against the cost of providing the provision.

### Risks

There is likely to be opposition from grammar schools and future parents who would benefit from free transport as they would lose this present entitlement.

### Cost Implications

This option could possibly lead to a net saving of circa £1.5 million per annum after 5 years. If the charge was means tested for low income families, there would be an estimated cost of employing a 1.0 FTE person at grade 4 or 5 to undertake the administration for means testing all grammar school applications.

## Advice of the Task and Finish Group

The Task and Finish Group felt that if a charge was introduced, it should be on a phased basis starting in the 2017/18 academic year, and only applied to new pupils starting secondary school. As a result, the full cost saving would not be realised until five years after it was introduced. The Task and Finish Group also felt that any charge should not be applied to new pupils who already had an older sibling at the same grammar school.

However, the Task and Finish Group was concerned about low income families being able to afford to pay a charge and felt that there should be some means of ensuring that those that could not afford to pay were still able to access grammar schools. The Task and Finish Group felt that a reduced rate for pupils in receipt of free school meals should be considered as part of this option.

For comparison, the Task and Finish Group considered the charging system for post 16 transport which was introduced in 2008. A detailed analysis of the current post-16 transport policy is attached at Appendix 2. In 2015/16, the charge for post 16 transport was £418. It is proposed that this charge will increase to £500 for September 2016 and to £570 for September 2017. Even with these increases, the cost for post 16 transport will still be subsidised by the Council by circa 50%. It is worth highlighting that the Council does not means test for post 16 transport, so there is a flat rate charge for all post 16 transport regardless of income.

The Council does not, in law, have to provide free home to school transport to a grammar school if it not the nearest suitable school to the child's home. Conversely, if the grammar school was the nearest to the child's home, the Council would almost certainly have to provide the transport free of charge.

The Council provides transport to secondary age pupils to grammar schools on the basis of its DTAs. The Council's DTA approach does not require the grammar school to be the nearest school to the pupil's home, merely that the pupil lives in the school's DTA area and is over three miles from the school.

Since the grammar school transport areas are larger than those of the non-grammar schools, the majority of pupils qualifying for transport to grammar schools would not automatically qualify for transport to their DTA grammar school if the Council did not have DTAs as the basis of transport entitlement.

Therefore, it is clear that the Council could introduce a charge for students attending a grammar school where it is not their nearest secondary school.

The Task and Finish Group also considered the possibility of removing the grammar school DTAs and introducing a charge for grammar school transport for the whole of Lincolnshire. However, this was not supported by the majority of the Task and Finish Group due to the potential implications on the all ability schools in the non-grammar school DTAs.

The Task and Finish Group does recommend Option 5 to the Executive, as it would address the issue of perceived unfairness by charging pupils living in a grammar school DTA for transport who attend a grammar school which is not their nearest school. In addition, it would help to raise funds to offset the cost of this discretionary provision. As part of this option, the Task and Finish Group also recommends that the Executive considers phasing in the charge from 2017/18 to new secondary school pupils only; the possibility of some level of financial support for pupils on free school meals; and providing free transport to grammar schools for those pupils with siblings already at the same school.

## ***Recommendation***

The Task and Finish Group submit the following two options to the Executive for its consideration:

- Option 1 - To leave the Grammar School Transport Policy as it is, but review it in two years.
- Option 5 - Charge pupils living in grammar school DTAs 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.

## Appendix 1 - Other Local Authorities

<i>Home to School Transport Policy</i>	<b>Number of GS<sup>12</sup></b>	<b>Mention of GS in its Policy</b>	<b>What sort of GS Policy?</b>	<b>Further information on the Policy</b>	<b>Transport Area?</b>	<b>Size of Area</b>
<b>Essex County Council</b>	4	Yes	Statutory rules for all schools, with notable exception: Free transport for children going to GS from low-income families <sup>13</sup> living further than 2 miles away.	2013: A consultation to reject discretionary GS transport for low income families was met with fierce opposition, and the policy remained.	From September 2015, children starting secondary school will only receive free transport if they go to closest school (using the statutory proximity rules <sup>14</sup> )	Large Area <sup>15</sup>
<b>Kent County Council</b>	33	Yes	Statutory rules for all schools, with notable exception: Free transport for children going to GS from low-income families living between 2 & 15 miles.	A Young Person Travel Pass is possible for children not eligible to free transport (standard fee is £200-half for low income families).	Works with the statutory proximity rules.	Large Area

<sup>12</sup> Grammar Schools (Selective Schools)

<sup>13</sup> Usually policies define low-income families as such: receive free school meals or parents are in receipt of one of these benefits: Income Support, Income based jobseekers allowance, Child Tax Credit (and with an annual income of no more than £16,190), a guaranteed element of state pension credit, income related employment and support allowance or maximum level of Working Tax Credit. Essex County Council however only mentions Child Tax Credit and an annual household income below £16,190.

<sup>14</sup> Children are eligible for free transport if they are attending their nearest qualifying school, and their address is 3 miles walking distance away from the school (2 miles if under 11); For children from low-income families, they can be eligible if they attend a school between 2 and 6 miles and one of the three nearest suitable qualifying schools. If it is a faith school and the child is from a low-income family, then the distance increases to between 2 and 15 miles; the provision of Free Post 16 Transport is not a statutory requirement. (as stated by the Education Act 1996 amended by the Education inspection act 2006, section 508, 509 and Schedule 35B).

<sup>15</sup> Small area: 0 to 100 sq miles; Medium area: 100 to 1000 sq miles; Large area: over 1000 sq miles.

<i>Home to School Transport Policy</i>	Number of GS <sup>12</sup>	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
<b>Medway Council</b>	6	Yes	<p>GS are a different category compared to mainstream schools: grammar schools will always be considered the "nearest qualifying school" regardless of its location, if the child qualifies for entrance.</p> <p>Therefore, free transport will always be provided to the nearest grammar school (does not have to be nearest school)</p>	<p>No plans to change policy at this time, next review will be in 2016.</p> <p>A Medway Youth Pass is available for non-eligible students to save costs.</p>	Purely statutory proximity rules.	Small Area
<b>Trafford Council</b>	7	Yes	<p>GS are a different category compared to mainstream schools: grammar schools will always be considered the "nearest qualifying school" regardless of its location, if the child qualifies for entrance. Free transport will therefore be provided to these schools.</p>	<p>Quote from Policy: TC "recognises that as a Local Authority that operates a selective system, all pupils are within the selective system whether they choose to be or not."</p>	Purely statutory proximity rules.	Small Area

<i>Home to School Transport Policy</i>	<b>Number of GS<sup>12</sup></b>	<b>Mention of GS in its Policy</b>	<b>What sort of GS Policy?</b>	<b>Further information on the Policy</b>	<b>Transport Area?</b>	<b>Size of Area</b>
<b>Warwickshire County Council</b>	6	Yes	Currently, students residing in East and South Warwickshire who have obtained a place in a selective school can consider their selective school to be the 'nearest qualifying school' no matter what their location would be.	Recent proposal & consultation has recommended removing all discretionary transport for GS students.  The proposal entails assessing grammar school students against the same criteria as other children attending other schools. It has been approved by the Cabinet in October 2015, and would signify that 76 % <sup>16</sup> of GS students would lose their free transport whilst saving the Council £342k each year from 2020/2021. <sup>17</sup>	Works with priority areas alongside the proximity rules.  This means that a child living within a priority area but with a school in closer proximity than the designated school (and further than 3 miles away) could potentially be eligible for transport to both schools.	Medium Area
<b>Birmingham City Council</b>	8	No	Standard statutory policy without mentioning GS	/	Purely statutory proximity rules.	Medium Area (just: 103.39 sq miles)

<sup>16</sup> 892 pupils (calculated April 2015)

<sup>17</sup> This will affect only the new secondary students (coming into year 7). Grammar school students currently enjoying free transport services will continue to receive this service until they are 16.

<i>Home to School Transport Policy</i>	Number of GS <sup>12</sup>	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
<b>Bournemouth Borough Council</b>	2	No	No special provisions for selective schools	/	Catchment areas seem more important than the proximity rule.	Small Area
<b>Buckinghamshire County Council</b>	13	Yes	No entitlement for GS specifically. Proximity determines free transport.	They believe an "upper school" is able to provide adequate education for a grammar qualified pupil. <sup>18 &amp; 19</sup>	Catchment areas are no longer part of the policy (since 2003), proximity is only factor.	Medium Area
<b>Calderdale Council</b>	2	No	No special provisions for selective (grammar) schools.	The Council fulfils only its statutory requirements.	No catchment area mentioned, only proximity rules apply.	Medium Area
<b>Cumbria County Council</b>	1	Yes	No special provisions for selective (grammar) schools.	A selective school can be ignored, if it is the "nearest qualifying school" but you do not want to join a selective school (You do not need to apply).	Catchment area or nearest qualifying school determines eligibility for free transport. Only if a catchment is not in place, then the nearest school will be considered for free transport.	Large Area & Statistical Neighbour of Lincolnshire <sup>20</sup>

<sup>18</sup> Buckinghamshire is one of the last remaining counties where education is fully selective (all students are expected to take the 11-plus). Along with 13 GS, there are also 21 upper (modern) schools in the County.

<sup>19</sup> Also, a paid-for travel scheme exists in Buckinghamshire just as it does in most councils, where children who do not qualify for free transport could apply for spare seats within already created bus schemes for the children who do qualify for free transport under the policy. This provides children with more accessible transport.

<sup>20</sup> Based on 'Passenger Transport' comparison.

<i>Home to School Transport Policy</i>	<b>Number of GS<sup>12</sup></b>	<b>Mention of GS in its Policy</b>	<b>What sort of GS Policy?</b>	<b>Further information on the Policy</b>	<b>Transport Area?</b>	<b>Size of Area</b>
<b>Devon County Council</b>	1	Yes	"No additional entitlement" if the preferred school is a selective school.	The Council provides "transport to a single school designated for the home address where this is not the nearest school to the home address" <sup>21</sup>	Clear school Designated Areas for Transport (online interactive map); The (catchment) areas clearly outweigh the proximity guidelines as the dominant rule.	Large Area & Statistical Neighbour of Lincolnshire
<b>Gloucestershire County Council</b>	7	No	No special provisions for selective (grammar) schools.	Free transport can be arranged to either nearest school OR School agreed by County through address (i.e. DTA) <sup>22</sup>	Works with Designated Transport Areas, but there is no specifically designed map for GS (interactive map on website).	Large Area

<sup>21</sup> Preference for Catchment Areas: "Where the designated school is unable to admit a child, free transport will be available to the nearest school able to offer a place. Evidence must be provided by the parent that the school was unable to admit the child." = CATCHMENT > PROXIMITY

<sup>22</sup> If the child is not accepted at the nearest school, the next school will be a possibility.

<i>Home to School Transport Policy</i>	<b>Number of GS<sup>12</sup></b>	<b>Mention of GS in its Policy</b>	<b>What sort of GS Policy?</b>	<b>Further information on the Policy</b>	<b>Transport Area?</b>	<b>Size of Area</b>
<b>Kirklees Council</b>	1	Yes	No special provisions for selective (grammar) schools.	Quote from policy: "Grammar school is not included within 'belief' category. In other words, free transport would not be provided to a grammar school based on the statutory requirements for a child on low income attending a certain belief school (e.g. faith school)."	In previous years the Council worked with catchment areas to determine transport eligibility, but the policy on transport now only mentions proximity rules.	Medium Area
<b>Lancashire County Council</b>	4	Yes	No special provisions for selective (grammar) schools	Quote from Policy: "Grammar schools are under the same policy as the other schools."	Works with Geographical Priority Areas, but they will be phased out from September 2015 in favour of the statutory proximity rules.	Large Area
<b>Lincolnshire County Council</b>	16	Yes	Transport for GS students if they live in the appropriate DTA, or it is the nearest qualifying school and further than 3 miles.	Separate grammar school DTAs set up, overlapping other secondary transport areas. Two different maps.	DTAs determine transport eligibility. The Council is also required to provide free transport using the statutory proximity rules.	Large Area

<i>Home to School Transport Policy</i>	Number of GS <sup>12</sup>	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
<b>Liverpool City Council</b>	1	No	No special provisions for selective (grammar) schools	Pre-paid Merseytravel SOLO zone bus ticket is a cheaper alternative.	Purely statutory proximity rules.	Small Area
<b>North Yorkshire County Council</b>	3	No	No special provisions for selective (grammar) schools.	/	Provides transport to either nearest qualifying school <i>or</i> the 'normal school' (the school allocated to the geographical area within the home address of the child = catchment area)	Large Area (largest) & Statistical Neighbour of Lincolnshire
<b>Plymouth City Council</b>	2	No	No special provisions for selective (grammar) schools, purely following statutory policy.	No Parental Preference option (so no additional entitlement for GS pupils)	Purely statutory proximity rules.	Small Area
<b>Poole Borough Council</b>	2	Yes	No longer provides (discretionary) transport to grammar schools (cancelled in 2006).	"There is no automatic entitlement for a pupil attending a grammar school to receive free transport, unless: It is geographically their nearest school (> 3 miles + statutory low-income provisions)."	Proximity rules (usually nearest school is placed within the old catchment area)	Small Area

<i>Home to School Transport Policy</i>	Number of GS <sup>12</sup>	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
<b>Reading Borough Council</b>	2	No	No special provisions for selective (grammar) schools	"Reading has the lowest proportion of children living inside its borough attending its grammar schools" <sup>23</sup>	Designated areas for schools, unclear whether these areas are more relevant than the proximity rules.	Small Area
<b>Slough Borough Council</b>	4	Yes	Only mentions that GS do not qualify as the nearest school.	No special provisions for selective schools, only statutory requirements.	Catchment <i>or</i> nearest qualifying school can be considered for free transport.	Small Area
<b>Southend-On-Sea Borough Council</b>	4	Yes	"Children from Low Income that have been awarded a place at a selective school are eligible for free transport, even if it is not nearest school."	Similar to Essex County Council policy.	Purely statutory proximity rules.	Small Area
<b>Torbay Council</b>	3	Yes	Only mention of grammar schools is that a GS is "suitable" if the child is of selective ability.	/	DTAs <sup>24</sup> that are also created for GS but they do not overlap with the mainstream school areas.	Small Area

<sup>23</sup> Get Reading Newspaper (15 November 2013).

<sup>24</sup> Designated Transport Areas

<i>Home to School Transport Policy</i>	Number of GS <sup>12</sup>	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
<b>Walsall Council</b>	2	Yes	No special provisions for selective schools (they consider it a parental preference choice and will therefore not provide free transport to GS students).	Quote from Policy: "Travel assistance for children attending a selective school is only provided where the child meets the eligibility criteria because of the home to school distance requirement or low family income."	Purely statutory proximity rules.	Small Area
<b>Wiltshire Council</b>	2	Yes	Currently, GS have their own catchment areas which create certain discretionary provisions <sup>25</sup> , but the Council is moving towards purely statutory requirements.	"From September 2015 new applications for transport to either of the Salisbury grammar schools will incur a charge, unless the low household income provisions of the 2006 Education and Inspections Act are applicable or it can be demonstrated that the school attended is the closest school to the applicant's address."	Proximity rules are more relevant than the old catchment areas to determine transport eligibility (but these catchment areas are also used as designated transport areas, only proximity is more important when determining free transport).  Catchment areas are being phased out from 2015.	Large Area & Statistical Neighbour of Lincolnshire

<sup>25</sup> Transport could be provided to a grammar school that is technically not the "nearest Qualifying school"

<i>Home to School Transport Policy</i>	<b>Number of GS<sup>12</sup></b>	<b>Mention of GS in its Policy</b>	<b>What sort of GS Policy?</b>	<b>Further information on the Policy</b>	<b>Transport Area?</b>	<b>Size of Area</b>
<b>Wirral Metropolitan Borough Council</b>	6	No	No special provisions for selective (grammar) schools.	Recently limited their discretionary travel support (did not include any grammar school provisions).	Purely statutory proximity rules.	Small Area
<b>Wolverhampton City Council</b>	1	No	No special provisions for selective schools. No transport for a preferred school.	/	Designated schools are put forward (catchment > proximity).	Small Area
<b>Telford and Wrekin Council</b>	2	Yes	No special provisions for selective schools.	/	Catchment or nearest school can be considered for free transport.	Medium Area
<b>London Boroughs:</b> Barnet (Hertfordshire), Bexley, Bromley, Enfield (Hertfordshire), Kingston-Upon-Thames (Surrey), Redbridge (Essex) and Sutton (Surrey)	19	/	Transport is provided through the London Mayor Initiative with the Oyster Card for students.	/	/	/

## Appendix 2 – Post 16 Transport Policy

Lincolnshire County Council will provide or subsidise transport to the nearest Sixth Form, College of Further Education or other licensed providers over 3 miles from the student's home. To qualify, a pupil or student must: live in Lincolnshire, be at least 16 years and under 19 years of age (on 1 September in the year the course starts), study a full time course (i.e. minimum of 12½ hours of taught study) and attend its nearest or designated school with a sixth form provision, or nearest or designated college. The transport provision is one outward journey and one return journey, timed for the start and finish of the school or college day.

### Legal requirements

Section 509AA - The legislation recognises that a local response to transport arrangements is important in enabling young people's participation in education and training. A local approach allows local circumstances to be taken into account. The legislation therefore gives local authorities the discretion to determine what transport and financial support are necessary to facilitate young people's attendance. The local authority must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters. A failure to make arrangements would amount to a failure to meet the duty.

The law therefore does not define precisely the circumstances which make assisted transport necessary for post-16 students who are above the statutory age for schooling. It is for the LA to decide, against the statutory guidance on post-16 transport support published annually by the Education Funding Agency (EFA) whether transport needs to be provided and under which circumstances assistance with travel should be available.

### Background to Post 16 Transport Provision

Until 2008, all education transport provided in Lincolnshire for pupils and students who qualified for assistance under the policy was provided free of charge. In that year there was policy change which restricted the entitlement of students post 16 to a nearest or designated college (previous to that time they could receive free travel to any school or college of choice for a post 16 course), and the introduction of a charge for the provision of post 16 transport and for concessionary transport, which was set at £180 for the following school/college year.

Prior to the decision being taken, a consultation took place with stakeholders and interested parties. There were many responses, and it is fair to say that the majority of the responses were opposed to the introduction of the charge. However, a large minority of respondents accepted that charging was not unfair, understanding that the Council had to restrain its costs, and also that the Council was not obliged to pay the costs of sixth-form transport. A sizeable minority responded to say that they did not feel that the Council should have been providing any free transport that was not required in law.

The representations were collated and summarised in a report which went to the Council's Children and Young People Scrutiny Committee and Executive before being confirmed. There was a general consensus that the Council's policy was generous and fair, even after the introduction of charging, and that the policy for post 16 transport support would be better able to withstand future financial pressure if there was a parent/student contribution towards its costs.

### Current Policy

- The support is subject to an annual contribution by the user of £418 (2015/16).
- Contribution can be paid in three instalments of £141 by September, January and April each year, totalling £423.
- Includes an administration charge of £5.

- Schools with sixth form provision and colleges of further education have some bursary funding available to help students of sixth-form age (16-18).
- Bursary funding is paid to schools and colleges who decide how to allocate their funds.
- Transport support for learners with learning difficulties/disabilities is available under the policy until they are 21 years, or 25 years if necessary, in order to complete an appropriate programme of study.

### **Future Proposals**

- Increase the charge to £500 from September 2016 for post-16 transport.
- Increase the charge to £570 from September 2017 for post-16 transport.
- Facilitated in payments of 7 instalments.
- Still leaves the cost over 50% subsidised on average.
- This is to ensure the medium-term sustainability of the policy.
- A school-based approach to the procurement of home to school transport for special schools is intended to make cost savings.

## Appendix 3 - Contributors to the Review

The Task and Finish Group would like to offer their sincere thanks to all the parents and campaign group representatives who attended the Engagement Day and who have provided written responses to the review.

Furthermore, the Task and Finish Group would like to extend their thanks to the following people who attended the Engagement Day:

- George Baker, Youth Cabinet
- Steve Baragwanath, Principal of University Academy Holbeach
- Shaun Barton, Assistant Headteacher of Spalding Grammar School
- Andrew Fulbrook, Headteacher of Boston High School
- Kian Hearnshaw, Youth Cabinet
- Nick Law, Headteacher of Carres Grammar School
- Roger Moore, Chair of Governors of Stamford Welland Academy
- Anthony Partington, Principal of Stamford Welland Academy
- David Scott, Headteacher of Kesteven and Grantham Girls' School

In addition, the Task and Finish Group would like to extend their gratitude to the Youth Cabinet and all the following people who have contributed to this review:

- Debbie Barnes, Executive Director of Children's Services, Lincolnshire County Council
- Councillor Mrs Patricia Bradwell, Executive Councillor for Adult Services, Health and Children's Services, Lincolnshire County Council
- David Coleman, Chief Legal Officer, Lincolnshire County Council
- Andrew Garbutt, Participation Officer, Lincolnshire County Council
- Rob Hewis, Programme Officer, Community Engagement Team, Lincolnshire County Council
- Colin Hopkirk, Programme Officer, Community Engagement Team, Lincolnshire County Council
- Tracy Johnson, Senior Scrutiny Officer, Lincolnshire County Council
- Teri Marshall, Principal Transport Officer - Review and Local Bus, Passenger Transport Unit, Lincolnshire County Council
- Andrew McLean, Children's Service Manager - Commissioning, Lincolnshire County Council
- David Robinson, School Services Manager, Lincolnshire County Council
- Sally Savage, Chief Commissioning Officer (Children's), Lincolnshire County Council
- Vincent Van Doninck, Graduate Management Trainee, Lincolnshire County Council
- Rachel Wilson, Democratic Services Officer, Lincolnshire County Council

### ***More Information***

If you would like any more information about the work of Overview and Scrutiny at Lincolnshire County Council then please get in touch with the Scrutiny Team by calling 01522 552164 or by emailing the Team at [scrutiny@lincolnshire.gov.uk](mailto:scrutiny@lincolnshire.gov.uk)