

promoting quality public transport.....

17th April 2008

**Response by TWNW to consultation by the House of Commons
Transport Committee on Part 6 (School Travel Schemes) of the
Education and Inspection Act 2006**

1. Introduction

1.1 TravelWatch NorthWest (TWNW) represents all public transport users in North West England. In giving evidence to this inquiry TWNW has considered the following -

- pupils are also passengers, and indeed public transport's passengers of the future,
- there is a synergy between public and education transport.
- pupils and the travelling public often share the same vehicle
- in some authorities the schools transport budget dwarfs and also significantly affects the public transport budget – so that changes in school travel legislation are of more significance than new public transport legislation. Part 6 of the much wider Education and Inspection Act 2006 is truly, in these instances, the “elephant in the room”.

2. Background.

2.1 Local Education Authorities (LEAs) have a duty¹ to prepare and publish sustainable school transport strategies and annual schools' travel needs analysis. This duty² will pass to the Learning and Skills Council (LSC) in respect of scholars aged 16-19.

2.2 School bus services will no longer have to be registered as local services³.

2.3 Under the 1996 Transport Act pupils under the age of 16 had an entitlement to free home to school travel over distances exceeding three miles (two miles for the under 8s). Part 6 of the Education and Inspection Act 2006 extends this by creating an additional but means-tested entitlement to free home to school travel⁴ over distances exceeding two miles but not exceeding six miles (15 miles in the case of attendance at “faith schools”).

¹ S76(1)

² s83

³ s85 amends the PPV Act 1981 and TA 1985 s6

⁴ s78 entitlement for eligible pupils in “pathfinder” areas

2.4 Further it allows LEAs to apply to become “pathfinder” authorities able to propose innovative changes in their areas to the current statutory⁵ school travel scheme to support greater parental choice of school. Unlike the current scheme these need not contain any universal free travel entitlement, although pupils from low income families will continue to be protected by the extended entitlements.

TWNW’s response

3. General

3.1 The NW Region currently comprises two PTE areas, four Unitary Authorities and three “two-tier Shire” County Councils. It is these latter, whose schools’ travel budgets are much greater than their public transport budgets, who are likely to be most affected by the provisions of Part 6 of the Education and Inspection Act 2006. In general the average length of home to school journeys is greater than in the other authorities and so consequently is the proportion of ‘entitled’ pupils.

3.2 The consultation does not mention the transfer⁶ of responsibility for “scholar” (16-19) travel from LEAs to the LSC.

3.3 TWNW approves this provision, which can only help reduce the wasteful expenditure by LEAs and Colleges for Further Education on dedicated buses which are often unavailable, even when they have the capacity, to scholars attending competing establishments⁷, or to the general public.

3.4 Entitlement to free home to school transport beyond two or three miles has long been surrounded by anomalies and uncertainties; for example -

- definitions of “nearest suitable routes”
- attendance by choice at private schools, out of area schools or ‘faith’ schools.
- the power, but not the duty, of LEAs to make discretionary arrangements (e.g. charging non entitled pupils for places on free school buses, or making provisions for “scholars” aged 16-19)
- the use of school buses belonging to LEAs to carry fare paying passengers whilst being used to provide free transport for entitled pupils or to provide a local service⁸

3.5 “Pilot” Pathfinder schemes may be able to explore innovative ways of overcoming some of the constraints attending these anomalies and

⁵ Education Act 1996 s444 (as amended)

⁶ s83

⁷ e.g. College A runs a service to B, whilst College B runs to A, each with scholars studying the same subjects! Both could run to C (half way) and exchange scholars.

⁸ which must be registered - PPV Act 1981.

uncertainties, and TWNW welcomes this approach, especially as the Education and Inspection Act 2006 retains the Secretary of State's veto over each scheme.

4. What progress has been made by local authorities in carrying out their duties to assess the travel and transport needs of pupils and to promote sustainable travel? How effective can school travel plans be? Are they adequately linked with other transport initiatives? Are benefits successfully maintained?

4.1 We are not well enough informed to answer this and suggest that ATCO would be in a better position to respond.

5. Are appropriate arrangements in place to accommodate pupils' extended entitlements to free school transport?

5.1 LEAs have had in place since 1944 effective strategies to meet the demands of the current entitlements, and purely from an organisational perspective should be able to adopt these to comply with their new duties. However, the number of new entitlements at the margins (from three to two miles and over six or, in the case of faith schools, 15 miles) will vary significantly between authorities, and may severely stretch some of their budgets.

5.2 There is, especially in rural areas, considerable synergy between the procurement of education transport and public transport, with both tenders often being co-ordinated and let jointly. TWNW consider that the easement in the requirement to not have to register schools services could have a detrimental effect on such sensible co-ordination.

5.3 Many rural communities rely on school buses in term time and if these are not registered their details may be lost to sites like Traveline.

6. What is the status of applications to undertake pathfinder schemes? What is the nature of the proposals? Will any of the pathfinder schemes be able to demonstrate effective integration of school transport with the general public transport network?

6.1 Anecdotal evidence in the NW points to no Metropolitan Boroughs applying. This might be expected as the revenue risk to them, where most free transport is procured via the issue of free passes for use on registered local services, would initially be unquantifiable, until it became apparent how many pupils would actually make use of their new entitlements⁹. It is believed that at least one County Council in the NW is considering applying for Pathfinder status.

⁹ There is a clear parallel here with the as yet unquantified financial effects of the new concessionary travel entitlements.

6.2 The assumption has generally been that Pathfinder authorities would seek to abolish all but protected free travel and instead substitute an average or “flat” home to school fare. However, some urban Local Transport Authorities¹⁰ are arguing strongly (in their response to the Local Transport Bill) for children to have similar concessions to OAPs, or at least for there to be a subsidised low flat national child fare, which would have the same effect (except where a change of vehicle is necessary between home and school so creating an “interchange penalty”). Pathfinder status might be one way of testing this proposal.

6.3 Although the provisions of Part 6 of the Education and Inspection Act can be expected to have most impact on Local Transport Authorities and Bus Operating Companies, TWNW would caution that cognisance needs to be given to its possible effects on rail services which often cater for quite heavy but localised and time sensitive pupil flows. Any adjustments to travel entitlements will need to be “mode impartial” to avoid migration between modes¹¹.

7. Is the general public transport network suitable for pupils who do not use dedicated school transport? Are Local Transport Plans appropriate in relation to home to school journeys?

7.1 Current public transport networks do not adequately cater for pupils who do not use dedicated schools transport. Apart from in London, such networks are not integrated¹², and the present privatised and deregulated public transport industry, together with the dead hand of competition law, makes this all but impossible. However, the provisions of the Local Transport Bill should go a long way to addressing this fundamental deficit.

7.2 Currently, operators, in pursuit of their commercial objectives, tend to serve “honeypot” radial and arterial routes at high frequencies, whilst simultaneously abandoning and deregistering¹³ marginal unremunerative but socially desirable services. Many of the latter serve the more remote educational establishments.

7.3 It is also often difficult for operators to serve schools where uncoordinated planning of housing and educational “re-organisations” have resulted in relocations or concentrations of sites in greenfield or dispersed locations. This is inevitable as long as parental choice, the *raison d’être* of the Act, replaces zoning.

¹⁰ E.g. GMPTE

¹¹ as is already observable with OAP concessions and might also happen if free school travel in a pathfinder area were to be by bus only

¹² “Integration – are we getting there” Challis and Fawcett, RPCNW 2003

¹³ “tactical” deregistrations are a ploy used by operators to try to force Local Transport Authorities to put these out to tender in the hopes of winning them back at a subsidy,

8. Will the new provisions reduce car use and congestion on the home to school journey? Will they prove to be affordable and cost effective?

8.1 TOWNW expects there to be different effects in urban and rural areas.

8.2 Whilst the provisions may extend parental choice by encouraging -

- a) 'protected'/entitled pupils to attend more distant schools and
- b) non entitled pupils to attend more distant schools at an effectively subsidised lower average or 'flat fare'

in so doing they could increase the length of the average school journey.

8.3 Encouraging dispersed school travel patterns must make it harder to serve these by public transport and so create a car dependency culture.

8.4 Pupils' social and school 'friendship' networks will not be synonymous at 11+, especially if siblings attend different schools. Parents may end up ferrying children to both schools and friends.

8.5 The extension of entitlement for some pupils by reducing the statutory walking distance from three to two miles could encourage obesity.

8.6 In some rural areas a new entitlement to free school transport is worthless if no public transport exists until the LEA procures or provides dedicated transport.

8.7 In this connection the easements in the Local Transport Bill relating to the use of small passenger carrying vehicles at separate fares could be helpful to LEAs¹⁴.

8.8 Affordability and cost effectiveness are relative terms. TOWNW would merely argue that the costs and benefits of schemes should be measured as widely as possible against NATA¹⁵ criteria and not against such narrow criteria as the perceived costs of motoring.

9. How successful are existing innovative school transport schemes, such as those utilising dedicated "yellow buses"?

9.1 The answer to this question depends on how success is measured. Some schemes may be relatively expensive, but deliver big, although not financially quantifiable, cross sector benefits¹⁶.

¹⁴ Local transport Bill cc 46-49 re use of PHVs as taxi buses and the use of 'Permit' minibuses.

¹⁵ New Approach to Appraisal – DfT 1978

¹⁶ e.g. a reduction in anti social behaviour. Mitchell, M, "Effectiveness of CCTV in reducing ASB" MSc dissertation, Sheffield Hallam University, 2007

9.2 In the NW, for example, the numbers of pupils using Yellow School Buses is greater than in WYPTE which has many more Yellow Buses.

10. Are education, health and social services working in sufficiently joined-up ways in relation to school travel, nationally and locally?

10.1 No. Despite a duty of co-operation in the Transport Act 1985¹⁷, this has not been evident in many authorities. However, there are many examples, too numerous to cite, of good practice in attempting to perform this duty.

10.2 What makes it so hard is the difficulties which Local Transport Authorities experience in capturing “cross sector benefits”. For example, the savings which LEAs are able to make in their transport budgets in areas where there is a low flat child fare are rarely quantified or refunded to the LTA where this is not the same authority. The proposed ability of PTEs to own PSVs¹⁸ may be helpful in this respect, especially in the provision of “Yellow Buses”.

11. Conclusion

11.1 TOWNW considers the provisions to be far reaching and that they deserve testing. Representatives will be willing to expand orally on their views. They are also keenly interested in the outcomes of pathfinder trials, and prepared eventually to comment on these.

¹⁷ s88

¹⁸ Local Transport Bill c57.