

Council

19 July 2023

**Call-in of Executive decision made on
14 June 2023 – Home to School
Transport Services – Consultation
Outcomes**



Report of the Corporate Overview and Scrutiny Management Board

Paul Darby, Corporate Director of Resources

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To refer to the County Council consideration of the Executive Decision made on 14 June 2023 in respect of Home to School Transport Services – Consultation Outcomes for which Call-in was exercised and considered at the Corporate Overview and Scrutiny Management Board meeting held on 28 June 2023.

Executive summary

- 2 At its meeting on 14 June 2023, Cabinet considered the joint report of the Corporate Director of Children and Young People's Services, the Corporate Director of Regeneration, Economy and Growth and the Corporate Director of Resources which presented the outcomes of the public consultation on Durham County Council's Home to School Transport Service for Children and Young People.
- 3 On 16 June 2023, the Head of Legal and Democratic Services received a request to call in the item to a meeting of the Corporate Overview and Scrutiny Management Board. In accordance with the Overview and Scrutiny Procedure Rules, the Chair of Corporate Overview and Scrutiny Management Board considered the request on 19 June 2023. Having considered advice from the Council's Monitoring Officer, Statutory Scrutiny Officer and Corporate Director of Resources (s.151 Officer), the Chair determined that the call-in request was reasonable.
- 4 The Corporate Overview and Scrutiny Management Board met on 28 June 2023 to consider call-in of the Executive Decision made on 14 June 2023 in respect of Home to School Transport Services – Consultation Outcomes.

- 5 The Corporate Overview and Scrutiny Management Board voted to refer the matter to full Council for consideration. This report sets out the grounds on which it was proposed Council consider the matter and what the options for Council are in relation to the decision taken by Cabinet.

Recommendation(s)

- 6 Council is recommended to:
- i) consider the executive decision made by Cabinet on 14 June 2023 in respect of Home to School Transport Services – Consultation Outcomes; and
 - ii) Determine whether to refer the matter back to the Cabinet.

Background

- 7 On 14 June 2023, Cabinet considered a joint report of the Corporate Director of Children and Young People's Services, the Corporate Director of Regeneration, Economy and Growth and the Corporate Director of Resources which presented the outcomes of the public consultation on the Council's Home to School Transport Service.
- 8 The Council has a statutory duty to provide Home to School Transport to children and young people who meet circumstances prescribed in legislation. The Home to School Transport offer for eligible children and young people is set out in the Council's "Home to Primary, Secondary and Special School and College Travel and Transport Policy" which mirrors the statutory guidance and also allows for additional discretionary arrangements. The existing Home to School Transport service provides daily transport for over 9,000 children and young people with over 1000 contracts in place with Transport providers.
- 9 In financial year 2022/23, net expenditure on statutory Home to School Transport was £23.4 million, against a net budget of £19.5 million. This represents an overspend of £3.9 million. It is estimated that net expenditure on Home to School Transport will increase to £29.1 million in 2023/24 reflecting the full year impact of price increases experienced in 2022/23 and an estimate for further demand and price pressures in 2023/24. An external review of the Home to School Transport Service was undertaken in 2021 to identify opportunities to transform the service and manage the demand and pressures on the service.
- 10 Following the review, a number of priorities were identified which were the subject of a public consultation which took place between 27 February 2023 and 12 April 2023. The priorities were set out in the report presented to Cabinet, which is attached at Appendix 2. The consultation included a public survey, targeted briefings and meetings, information sheets and an animation and it was promoted through a range of channels. There was a total of 324 responses to the online questionnaire as well as written responses from key stakeholder groups. Relevant feedback was reflected within the Cabinet report which also provided a summary of a number of proposals.
- 11 Having considered the report, Cabinet:
 - (a) Agreed a charge for the Standard and Maintained Concessionary scheme of £2.00 to align to the Bus Service Improvement Plan offer for the 2023/24 academic year;
 - (b) Agreed that in the event of the withdrawal of this fare in the future, that the annual charge for the concessionary schemes is aligned to commercial child travel fares

- (c) Agreed in principle to phase out the Maintained Concessionary scheme subject to further appraisals of the options available to achieve this and their associated impact on stakeholders and transport arrangements, with a further report to Cabinet on the findings and recommendations;
- (d) Agreed to undertake a review of the needs of those individual children who are in receipt of single person transport and/or a passenger assistant to ensure that the most appropriate transport assistance relevant to their needs is provided;
- (e) Agreed to review the existing Personal Travel Budget Scheme and promote this as a travel option to parents;
- (f) Agreed to develop a Travel Training scheme in partnership with schools and parents;
- (g) Agreed to undertake a trial of Pickup Points for Children with SEND to assess the effectiveness of this option, which is developed in co-production with a small number of Special Schools and Parents;
- (h) Agreed to review those routes which are currently assessed as unsafe to determine the feasibility of making them safe and also review the current configuration of school transport journeys with an initial focus on those schools which have the highest number of vehicles and/or cost associated with transporting pupils to their school;
- (i) Agreed to review the suggestions and alternative procurement options raised during the consultation, especially those which can have the most impact on efficiency, effectiveness, safety and environmental issues
- (j) Agreed to receive reports on any future potential changes to Home to School Transport Policy arising from the recommended programme of work outlined in the report.

Call-In request and process

- 12 On 16 June 2023, the Head of Legal and Democratic Services received a request to call in the decisions of Cabinet to the Corporate Overview and Scrutiny Management Board. The call-in request, which is attached at appendix 3, stated that the “below signatories feel that this will impact on people and families across the County in a negative way. We are particularly concerned about the £2 uplift, the move away from single

person transport for children with additional needs, and the safety concerns with active travel to and from school.”

- 13 On 19 June 2023, the Chair of Corporate Overview and Scrutiny Management Board considered the call-in request having regard to the advice of the Monitoring Officer and Corporate Director of Resources (section 151 Officer) in conjunction with the Principal Overview and Scrutiny Officer (on behalf of the Statutory Scrutiny Officer). The request was considered to be reasonable.
- 14 The Corporate Overview and Scrutiny Management Board met on 28 June 2023 to consider the report and decision of Cabinet. In accordance with the Rule 17(i) of the Overview and Scrutiny Procedure Rules, the Chair opened the meeting by asking those who had requested the call in to explain their reasons for the request and what they felt should be reviewed.
- 15 The Portfolio Holders for Children and Young People’s Services, Finance and Economy and Partnerships were invited to make representations. The Corporate Director for Children and Young People’s Services advised the Board on the background and context of the decision and its importance to achieving Service priorities.
- 16 Following extensive questioning of the decision by members of the Corporate Overview and Scrutiny Management Board, a vote was taken and it was resolved that the decision be referred to full Council for consideration on the grounds that:-
 - i) A detailed review of the procurement of Home to School transport provision should be undertaken to establish the potential to reduce budget costs before any changes to the existing scheme are made;
 - ii) A full review of the sustainability of the Home to School Transport services budget in the medium to long term should be undertaken;
 - iii) The proposed increase in the charge for the Standard and Maintained Concessionary scheme to £2.00 will place additional pressures to families who are already facing severe financial pressures under the current cost of living crisis;
 - iv) The proposals will adversely impact on those more disadvantaged areas of the County, especially rural areas where public transport services are already being reduced or in some cases removed;

- v) The impact of the proposals on those children with complex and Special Educational Needs and Disabilities need to be fully examined and identified.
- 17 A copy of the draft minutes of the Special Corporate Overview and Scrutiny Board meeting held on 28 June 2023 are attached at Appendix 4.

Options available to Council

- 18 If having considered the decision of Cabinet dated 14 June 2023 and the reasons for call in, Council does not object to the decision, then no further action is necessary. The decision will take effect on the date of the Council meeting.
- 19 If Council does object to the decision, it cannot make decisions in respect of an executive (Cabinet) decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. The Monitoring Officer and Section 151 Officer are satisfied that the decision is not contrary to the budget or policy framework. Therefore, Council can only refer the decision back to Cabinet with its views on the decision for reconsideration.
- 20 If Council refers the matter back to Cabinet, a meeting of Cabinet must be convened within 10 working days of the Council request so that it can consider whether to amend the decision or not before reaching a final decision and implementing it.

Background papers

- None

Other useful documents

- None

Author(s)

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Appendix 1: Implications

Legal Implications

This report has been produced in accordance with Part 4E, Overview and Scrutiny Procedure Rules paragraph 17 of the Council's Constitution relating to Call-in.

Finance

There are no direct financial implications arising out of the referral of this matter to Council. However, any delay to implementing the decisions made by Council or changes to those decisions may have financial implications.

Consultation

Details of the consultation undertaken in respect of Home to School Transport Services considerations are set out in the Cabinet report at Appendix 2.

Equality and Diversity / Public Sector Equality Duty

Details of the Equality and Diversity and Public Sector Equality Duty considerations are set out in the Cabinet report at Appendix 2.

Climate Change

None

Human Rights

None

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.