

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

EDUCATION AWARDS (REVIEW) SUB-COMMITTEE

FRIDAY, 18 DECEMBER 2015 AT 10:00 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 **NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **APOLOGIES**

To receive any apologies.

3 **MINUTES**

To note the public section of the Minutes of the last meeting.

3 - 6

4 **TO RECEIVE BRIEFING NOTES AND POLICIES FOR GUIDANCE OF MEMBERS ON REACHING DECISIONS ON APPLICATIONS FOR REVIEWS - EDUCATION TRANSPORT**

7 - 10

5 **UPDATE ON OMBUDSMAN REPORTS (IF ANY)**

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

7 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

Page 1 of 10
'In an urgent situation between meetings, the Chair jointly with the relevant Chief

Officer has authority to act on behalf of the Committee'.

8 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

<u>Agenda Item</u>	<u>Relevant Paragraph of Exempt Information Under Revised Schedule 12A of the Local Government Act 1972</u>
'Private' Minutes of the	1
Applications for a Review of the Decision of the Strategic Director for People not to make an Award.	1

PRIVATE AGENDA

1 **MINUTES**

To confirm and sign the Minutes of the Last Meeting.

2 **APPLICATIONS FOR A REVIEW OF THE DECISION OF THE
STRATEGIC DIRECTOR FOR PEOPLE NOT TO MAKE AN AWARD**

3 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

EDUCATION AWARDS (REVIEW) SUB-COMMITTEE 19 NOVEMBER 2015

MINUTES OF A MEETING OF THE EDUCATION AWARDS (REVIEW) SUB-COMMITTEE HELD ON THURSDAY, 19 NOVEMBER 2015 AT 1000 HOURS IN THE HMS DARING ROOM, COUNCIL HOUSE, BIRMINGHAM

PRESENT:- Councillors Matt Bennett, Chauhdry Rashid and Karen Trench.

ELECTION OF CHAIRPERSON

It was:-

1902

RESOLVED

That Councillor Matt Bennett be elected Chairperson for the meeting.

NOTICE OF RECORDING

1903

It was noted that members of the press/public may record and take photographs except where there were confidential or exempt items.

APOLOGY

1904

An apology for non-attendance was submitted on behalf of Councillor Valerie Seabright.

MINUTES

1905

Part I Minutes of the meeting held on 22 October 2015, which had been circulated to Members, were noted.

BRIEFING NOTE ON POLICY FOR GUIDANCE OF MEMBERS ON REACHING DECISIONS ON APPLICATIONS FOR REVIEW – EDUCATION TRANSPORT

1906 The following briefing note for Members was received and noted:-

(See document No 1)

UPDATE ON OMBUDSMAN REPORT(S)

1907 Joe Yarnold, Interim Head of Transport advised the Sub-Committee of an application dismissed by the Education Awards (Review) Sub-Committee where there had been a complaint made to the Local Government Ombudsman. He reported that the matter had been a process issue where correct information had not been made available by an employee within the Education Transport Service. The child had since been provided with home to school transport and a letter of apology sent to the applicant. Furthermore, appropriate training had been provided. The Interim Head of Transport undertook to e-mail to Members what published information was available in respect of the outcome of the Local Government Ombudsman's investigations.

In response to a query from the Chair (Councillor Matt Bennett) regarding whether the appeal process was being reviewed, the Interim Head of Transport informed Members that the Local Government Ombudsman had suggested that applicants be allowed to attend Sub-Committee meetings. He reported that this matter was being looked into in conjunction with legal officers and that the Cabinet Member for Children's Services had been informed of the issue. Members were also advised by the Interim Head of Transport that Staffordshire County Council had been challenged last year but in referring to logistical issues had resisted attendance by applicants. The Local Government Ombudsman had not upheld the complaint. The Interim Head of Transport undertook to arrange for the Members to be sent a copy of the report.

The Chair (Councillor Matt Bennett) highlighted the need for Members of the Sub-Committee to be consulted. He indicated that he considered that in general the attendance of applicants at meetings was not necessary and another Member commented that she shared this view. The Interim Head of Transport undertook to contact the Cabinet Member for Children's Services.

AUTHORITY TO CHAIR AND OFFICERS

1908 **RESOLVED:-**

That in an urgent situation between meetings, the Chair (Councillor Valerie Seabright) jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

EXCLUSION OF THE PUBLIC

1909

RESOLVED:-

That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

Agenda Item etc.

**Relevant Paragraph of
Exempt Information Under
Revised Schedule 12A of the
Local Government Act 1972**

'Private' Minutes of the last meeting

1

Applications for a Review of the
Decision of the Strategic Director of
People not to make an Award

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BRIEFING FOR
EDUCATION AWARDS (REVIEW) SUB COMMITTEE

EDUCATION TRANSPORT

BACKGROUND

The Education Act 1996 sets out a minimum level of provision required of Local Authorities for providing transport assistance between home and school. It also gives Local Authorities considerable discretionary powers.

The Education and Inspections Act 2006 (Part 6) has inserted Section 508B to the Education Act 1996. This means that from September 2008 this Act has extended provision for some pupils from low income families.

Transport assistance can be in the form of a travel pass for use on public transport, or as necessary, specialised transport such as taxis, minibuses, wheelchair accessible vehicles, etc. Other forms of travel assistance might include: access to independent travel training; personal transport budgets; escorted public transport; and provision of pupil guides.

POLICY

PUBLIC TRANSPORT

In Birmingham the statutory walking distances (for existing users) are modified by discretionary power to the benefit of pupils up to 11 years of age. Bus passes will be issued to those pupils who have to travel more than the following distance criteria to the nearest available school measured by the shortest available walking route.

Up to 8 years of age	1 mile
Between 8 years and 11 years of age	1.5 miles
11 years and over	3 miles

From **1st September 2013** for all pupils starting school the statutory walking distances apply as follows:

Under 8 years of age	2 miles
8 years and over	3 miles

LOW INCOME FAMILIES

Primary Aged Children

Children aged between 8 and 11 years of age from low income families are entitled to free travel assistance where they are attending their nearest available qualifying school and that school is more than 2 miles from their home.

Secondary Aged Pupils (Year Groups 7 to 11)

Children from low income families (children who are in receipt of free school meals or whose parents are in receipt of the maximum level of working tax credit) may be eligible for free transport assistance to either:

- one of the 3 nearest qualifying schools, where they live more than 2 miles but less than 6 miles from that school;

OR

- the nearest qualifying school preferred on the grounds of the parent's religious or philosophical beliefs where that school is more than 2 miles but less than 15 miles from their home.

Sub Committee will consider those applications that fall outside these criteria. Applications will either have been refused because (a) the distance criteria have not been met or (b) there are nearer schools available within the stated distance.

SPECIALISED TRANSPORT

This will be provided for those pupils if they are attending the nearest qualifying school to their home that can meet their needs but have special educational needs, a disability or mobility problem and for this reason could not be expected to walk to that school.

APPLICATIONS FOR REVIEW

If parents are not entitled to assistance then they can request that their application is reviewed. Evidence would need to be provided of other exceptional family circumstances. Consideration should also be given to any up to date medical advice from health care/educational professionals and details of any financial hardship.

EXAMPLES OF EXCEPTIONAL CRITERIA

- Have any medical and/or special educational needs reasons been presented to support why either it would be unsafe for the pupil to walk to school and or use public transport to attend that school? Has any medical/ professional advice, such as advice from the school, been provided to support this?
- Are there any special reasons as to why a pupil would not be able to attend a closer school? Has any medical/ professional advice been provided to support this?
- Are there any special reasons as to why the parent/carer would not be able to accompany the child to school?

- Does the parent/carer have any mobility problems occurring as a result of the disability of a parent?
- Does the family have any financial hardship? Has there been a sudden drop of income? Has there been a sudden change in family circumstances?
- Are there any other available schools within walking distance?
- Has the pupil moved house after deciding in Year 9 GCSE options? Have the family been forced to move house?
- Have exceptional reasons been provided as to why a pupil cannot attend a particular school? E.g. bullying, harassment etc.
- Secondary Transfer Choices – what choices did parent make? What schools were offered?
- Medical Reasons – has evidence been provided by a medical practitioner to show that a pupil would have difficulty either walking or using public transport e.g. broken bones, temporary medical conditions, etc? Do parents have a car? Could pupil travel on public transport with an escort?
- Is there some exceptional reason as to why pupil cannot walk or go on public transport, e.g. bullying, harassment, etc?
- Is there medical or professional advice provided to show it would be unsafe for the pupil to either walk or use public transport to attend school

NB: please note each application should be considered on its own merits taking account of individual circumstances

