

School Admissions Team
16 Church Road
Stockton-on-Tees
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5th July 2016

To Whom It May Concern

Consultation on the proposal to remove free transport to pupils on grounds of faith or belief

Please find outlined our profound objection to the draft Home to School Transport Policy, the consultation to which concludes today, Tuesday 5th July 2016.

This process has been destabilising for the partnership between Catholic schools and the Local Authority, as, if adopted, it will dismantle the Catholic community, dissolve partnerships, damage relationships and will be ultimately discriminatory to the rights of the Catholic community.

This Catholic community has been targeted in order to make financial savings, whilst families of children in Ingleby Barwick will continue to benefit from free school transport. This represents inequality and an absence of justice.

We formally object to the proposed policy for the following reasons:

- 1. Absence of communication**
- 2. Strategic failure of inclusion with regard to Catholic schools**
- 3. Defective and invalid consultation process**
- 4. Selective adherence to statutory guidance**
- 5. Discrimination against the Catholic community**

Absence of communication

- Prior to the consultation process, and given that only faith schools will be affected by the proposed changes, the Local Authority did not converse or consult with schools who will be seriously affected. Neither St Joseph's, Norton, nor St Michael's Catholic Academy were communicated with prior to the initiation of this process.
- We assert that the Local Authority would be highly aware of the significant impact of the proposed changes, particularly affecting Catholic children in Norton and those who traditionally attend St Michael's, and, accordingly, we believe that the LA, with a duty of care for the students served by Catholic schools in these communities, should have established a dialogue prior to consultation.
- The absence of such a dialogue, understanding and empathy has resulted in the St Michael's community and the wider Catholic community feeling dislocated and targeted.



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Strategic failure of inclusion with regard to Catholic schools

As Head of St Michael's, I became aware of this consultation following a generic uploading of the proposed policy to the Stockton-on-Tees secure website, informing all schools in the Local Authority of a proposed change to the Home to School Transport Policy.

Representatives of the faith communities affected were given the opportunity to meet with LA Officers on 27th May.

We would comment as follows:

- The authors (the LA Officers) of this proposed policy stated on several occasions that they were unaware of the existence of a feeder system in Catholic schools.
- The Officers further stated that school admissions are organised into "Education Zones" within Stockton and that a consultation with all schools had taken place.
- The authors of this proposed policy, we would argue, were aware of the relationships and partnerships which have been honed over decades between St Michael's Catholic Academy and its Catholic feeder schools.
- The authors of this proposed policy, we would argue, were also aware that St Joseph's, Norton, is a major feeder school to St Michael's Catholic Academy. Almost 200 students on the St Michael's roll originate from St Joseph's, Norton.
- The claim by the Officers present at the meeting of 27th May that they were unaware of the feeder school system in Catholic schools is baffling.
- This demonstrates a lack of consideration and respect to successful, long-standing practice and the Secretary of State's expectation that "local authorities consider all possible options before they disturb well established arrangements."

If we accept the notion that the Officers were unaware of the Catholic feeder school system, we would argue that this consultation is unreliable and fails to meet statutory guidance. Conversely, if we accept that Officers *were* aware of the Catholic feeder school system, then this consultation represents a strategic failure to include Catholic schools in a fair process based on justice and equality.

Accordingly, we feel excluded and targeted.

Defective and invalid consultation process

- The draft Home to School Transport Policy, which is proposed for adoption by the Borough Council Cabinet with effect from September 2017, will remove free transport to faith schools. This is the only amendment to the previous policy. Consequently, we propose that this draft policy has targeted the faith community as an area of financial saving for the Local Authority.
- There has been no true consultation with students attending the schools affected, no direct communication with parents, families and carers affected by this proposed change, and no true process to ascertain the views of the faith community, and indeed the community at large.
- Large numbers of families do not have access to the internet. This consultation process is effectively an online survey. We are attaching letters sent from parents and parishioners to St Michael's to oppose this policy. These letters represent just some of the families who are effectively excluded from the online consultation process.

- The original online survey, which represents this consultation, is deeply flawed and does not allow any respondent to oppose the policy, in some cases preventing respondents expressing dissenting views.
- This is not an opinion but a fact. Please find below comments relating three of the five questions which constitute the consultation.

Who is eligible for home to school transport

The draft Policy suggests that changes are delivered in a phased way from September 2017. This means that, if the draft Policy is approved as final:

- Nothing would change for any primary or secondary school pupils in the Borough until September 2017.
- From September 2017 onwards, the Policy would apply to pupils seeking a primary or secondary school place.

To what extent would you agree that the Policy, once approved, should be delivered in a phased way, from September 2017 onwards?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

The answer to this question will never be displayed to the public

If you have said 'Disagree' or 'Strongly disagree' above, please briefly say why in the space below:

The answer to this question will never be displayed to the public

- This question is fundamentally flawed and demonstrates a closed mind with regard to the basis for this proposal. How can a consultation regarding a change of policy be an authentic consultation, if the opening question states “once approved”?
- This question assumes that the respondent agrees that the policy should be implemented and only allows one to express their opinion with regard to the pace of implementation. It does not give the respondent the chance to express their opinion on the policy itself. At no point is the respondent given the opportunity to comment on any material details of the proposal.
- This question is intended by the authors to give an answer they wish to obtain by design. We feel any objective analysis of this question would force the reader to comment on the implementation of the proposal, regardless of their opposition to this policy in its very form. For example, a respondent may well be forced to select “strongly agree” for the phasing of the policy even though they do not wish this policy effected at all. Accordingly, this question will lure opposing respondents into giving the appearance of approving this policy. We consider this disingenuous at best.
- Furthermore, the question only allows for a written opinion if one “disagrees” or “strongly disagrees” with the idea of a phased implementation – therefore, it only allows supportive respondents to express their views as to why they might wish to implement the policy more quickly. Again, opposing responses are effectively disallowed.

Local authority responsibility

WHEN ANSWERING THIS QUESTION, PLEASE BEAR IN MIND SECTION 4 OF THE DRAFT POLICY WHICH EXPLAINS WHEN FAITH SCHOOL PUPILS WOULD HAVE EXTENDED RIGHTS.

To what extent would you agree that the Local Authority should not be responsible for the cost of home to school transport for pupils when parents choose a particular faith school on the basis of faith or belief?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

The answer to this question will never be displayed to the public

If you have said 'Disagree' or 'Strongly disagree' in the above question, please briefly say why in the space below:

The answer to this question will never be displayed to the public

- We consider this a heavily biased question, which implies that families of faith have and require “extended rights.” This suggests that these are extraordinary and the implication is that the Local Authority “should not be responsible,” when in fact the European Convention on Human Rights and the Human Rights Act 1998 guarantee that the rights and freedoms to education shall be secured without discrimination on religious grounds. Additionally, the present government encourage local authorities to respect religious affiliations and strong partnerships which have already been nurtured. The question suggests that it is legitimate for the respondent to support a discriminatory move to curtail the freedom of parents to exercise their educational preferences, in contravention of the Local Authority’s human rights responsibilities.
- This question implies that a parental choice based on “faith or belief” is invalid when, under law, there is no provision to disallow this as a choice. Furthermore, many parents may choose to send their children to Catholic schools for reasons other than faith and these preferences are neither more nor less valid than ones based on faith.
- The Education and Inspections Act 2006 requires local authorities to promote “fair access to educational opportunity, secure choice and diversity and respond to parental representations.” Local authorities have a statutory duty under section 14(3A) of the Education Act 1996 (amended by Education and Inspections Act 2006) to “secure diversity” and “increase opportunities for parental choice.” This question suggests that the Local Authority should contravene this legal requirement on the discriminatory basis of a parental choice based potentially on “faith or belief.
- We view this question as a revelation of the authors’ clear opinion that transport should not be provided for faith schools solely for the reason that they are “based on faith or belief.” Accordingly, the very basis of this question is an invitation to discriminate.

The Appeal process

During the consultation period, the Council will be looking at national good practice for the new 'Home to School Transport Appeals Process'. This will help ensure that we have a robust and transparent process in place.

In the space below, please briefly explain any thoughts, ideas or suggestions you would like us to take into account in the new 'Home to School Transport Appeals Process'.

The answer to this question will never be displayed to the public

- This question fallaciously allows only for the expression of an opinion on the specifics of an as yet unimplemented appeals process which assumes this consultation is already policy.
- This appeals process would only allow parents to appeal some aspects of the policy's implementation and not the policy itself. Such a process could only be an appeal **to** the policy and its appropriate interpretation and never an appeal **against** the provisions of this policy, which are in and of themselves inappropriate and unjust.
- We would consider that this proposed policy affronts equality in that parents who can afford to pay for transport can access Catholic education at secondary level, and those who cannot are unable to do so. We believe that parents have the right to have their child educated in a faith context, and accordingly, should this policy be adopted, we would consider it appropriate that every family has a right to appeal the policy itself based on their human right to have their child educated in a faith school free from any discriminatory charges.

We believe that the above analysis demonstrates that this consultation is profoundly flawed.

Since the publication of the original consultation survey, amendments have been made to Question 1, and this was effected on the afternoon of 29th June 2016. As a consequence, there will be two incompatible datasets of responses.

How can the above consultation in any way represent justice? Accordingly, this process is seriously defective and invalid.

Selective adherence to statutory guidance

The authors of the proposed policy refer to Home to School Travel and Transport Statutory Guidance, published July 2014. We understand this to mean that the Local Authority is under a duty to have regard to it when carrying out their duties in relation to school transport.

We believe that the authors have cherry-picked aspects of the guidance and, consequently, the draft policy constitutes a highly selective interpretation thereof.

We would comment as follows:

- The authors, in formulating this document, fail to recognise a well-established, long-standing and successful practice, and this failure to recognise the statutory expectation not to "disturb well established arrangements," whether deliberate or otherwise, is a thread throughout the proposed policy and is the basis of fundamental objection to this proposal.

- Part 2 (Discretionary Arrangements) of the guidance states the following:
“Some parents choose to send their children to a school with a particular ethos because they adhere to a particular faith or belief. Local Authorities need to respect parents’ religious and philosophical convictions as to the education to be provided for their children, give careful consideration to discrimination issues and seek legal opinion if they are unsure about the effect of their policies before publishing them each year.”

We assert that the Local Authority ought to recognise that the flawed consultation process already outlined demonstrates that “careful consideration” and respect for “parents’ religious and philosophical convictions” has not been recognised.
- We ask, has the local authority sought legal opinion in this matter? If not, we ask the Borough Council Cabinet not to adopt this proposed policy in relation to its failure to adhere to Paragraph 38 of the Guidance.
- Under Paragraph 40 of the Guidance, the Secretary of State outlines that the Local Authority, *“wherever possible, should ensure that transport arrangements support the religious or philosophical preferences that parents express.”*

We assert that the authors of the proposed policy do not attach any importance to this aspect of the Guidance, and this is revealed in the analysis of the consultation questions. Therefore, this process and the policy could be legally challenged.
- The Guidance makes particular reference to the promotion of “sustainable travel and transport.” Currently, 198 students travel on school buses to St Michael’s from Norton, which is located on Beamish Road, Billingham. This figure differs from the information that the Local Authority have supplied. In addition, there are 34 students from other localities who arrive and leave the Academy via a school bus. Should the proposed policy be adopted, we are concerned that the locality will become impossibly congested, dangerous and unfit for young people to access school. The access roads to the Academy are narrow and unfit for the extra cars that would be likely to arrive each day. The reality of parents who can afford to bring their children to school in a car will impact massively on the local environment and does not meet any of the requirements of the Guidance in terms of “reducing levels of congestion and improving air quality.” Should this policy be adopted, the promotion of sustainable travel and transport will be significantly impeded.
- If we accept the notion that the “nearest suitable school” is a misleading term within the Catholic community, how can students from Norton, Wynyard and other outlying areas access their education at St Michael’s if free transport is removed? The walking route from Norton to Beamish Road, Billingham is without a doubt hazardous. There has been no attempt by the authors of this document to recognise this significant factor. Under Paragraph 16, the guidance states that the Local Authority must, “make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.” Should this policy be adopted, this would place children at risk of injury or death. We ask the Borough Council Cabinet to give this aspect its most serious consideration.
- Assuming that the authors of the policy understand that students would be forced to be transported in ways other than school transport, we ask what considerations have been tabled to address concerns regarding walking routes, availability of public transport routes, cycle routes and consideration of St Michael’s School Travel Plan. To our knowledge, there has been zero consideration, and accordingly, preparations for the implementation of the proposed policy change are, again, deeply flawed.

Discrimination against the Catholic community

The Catholic community I represent, should these proposals be adopted, will be effectively dismantled and targeted in order to facilitate the financial savings required by the Local Authority.

The Catholic community makes a valuable contribution to Stockton-on-Tees. The authors of this proposed policy have seemingly rejected the traditions and realities of Catholic education in this area, our British values of tolerance, and our democratic right to be represented, as follows:

- Currently, the Local Authority provides free transport for considerable numbers of students in the Ingleby Barwick area for a variety of reasons. This free transportation will **not** be terminated, as the proposed policy only removes free transport to faith schools.
- Accordingly, the proposed policy is discriminatory.
- St. Joseph's, Norton, is listed in our Admissions Policy as a feeder school and, consequently, any student applying to St. Michael's from St. Joseph's will secure a place. This partnership and relationship is securely based on the recognised Catholic community and is treasured by this community.
- Parents have chosen to send their child to a Catholic school because they are baptised Catholics and this represents a religious and cultural commitment which ought to be recognised by the Local Authority as authentic and real.
- Surely, St Michael's in Billingham must be considered the suitable school for these children rather than the schools within these Education Zones.
- If we accept the Local Authority's assertion that Education Zones are paramount and therefore that the "nearest suitable school" is North Shore Academy, please find below the list of Education Zone schools which North Shore Academy Admissions Policy itself describes as within its own admission zone:

The Primary Schools and Academies in the North Shore Academy admission zone including the villages of Stillington, Old Stillington and Thorpe Thewles are:

Crooksbarne Primary School

Frederick Nattress Primary Academy

Harrow Gate Primary School

Mill Lane Primary School

Norton Primary Academy

Rosebrook Primary School

St John the Baptist Primary School

The Glebe Primary School

The Oak Tree Primary Academy

Tilery Primary School

William Cassidi CE Aided Primary School

- It is a point of fact that the only school which lists St Joseph's, Norton, as a feeder school is St Michael's Catholic Academy. In the most recent public meetings held at St Joseph's, this fact was finally accepted by the Local Authority.
- Accordingly, we reject the authenticity of this consultation and this proposal, and we ask for the voice of the Catholic community to be heard, to be considered, and for a true consultation to replace this deeply defective process.

This consultation process has been deeply destabilising to relationships between the Local Authority and the Catholic community. This is a cause of huge sadness to me, and we wish to see this repaired so that our partnership can be renewed in a spirit of trust.

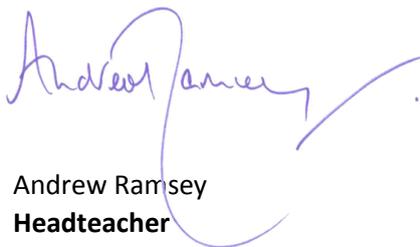
The Catholic community of this area are passionately devoted to the continuation of well-established partnerships specifically between the Catholic communities of Norton and Billingham. Should this proposed policy be adopted, there will be a significant cultural, emotional, physical and financial impact on children and the families affected. Such a devastating impact is not being considered (and rightly so) for the children and families in the Ingleby Barwick area. Accordingly, this policy is discriminatory and is an example of pronounced inequality.

We are attaching 17 scanned letters from parents and parishioners who are objecting to this proposal, and additionally a petition of adults opposing the proposed policy which has 275 signatories. Please note that this petition, which has been organised by anxious and concerned parents, is ongoing. There are indications of a large number of parents and parishioners wishing to attend the Borough Council Cabinet meeting scheduled for 14th July.

We urge the Borough Council Cabinet to make an objective decision based on the evidence we have presented.

We strongly affirm that in the interests of justice and equality, and to preserve the integrity of the Local Authority of Stockton-on-Tees, this entirely discriminatory policy should be rejected forthwith.

With all good wishes,



Andrew Ramsey
Headteacher

CC: Cllr Ann McCoy, Lead Cabinet Member – Children and Young People
Jane Humphreys, Director of Children, Education and Social Care
Lynda Brown, Assistant Director of Education
Neil Schneider, Chief Executive Officer, Stockton-on-Tees Borough Council
Joe Hughes, Director of Education, Diocese of Hexham and Newcastle
Cyndi Hughes, Chair of Directors, Carmel Education Trust
Maura Regan, Chief Executive Officer, Carmel Education Trust
Mary Tate, Executive Headteacher, St Joseph's RC Primary School, Norton