



Department  
for Education

**Consultation Response Form**

**Consultation closing date: 3 June 2014**  
**Your comments must reach us by that date**

# **New home to school travel and transport guidance**

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

<b>Please tick if you want us to keep your response confidential.</b>	<input type="checkbox"/>
Reason for confidentiality:	

Name: Richy Thompson	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of Organisation (if applicable): British Humanist Association	
Address: 39 Moreland Street, London EC1V 8BB	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk) or by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

Please mark one box that best describes you as a respondent, and/or the type of organisation in which you have an interest.

<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> Childminder	<input type="checkbox"/> Nursery or other pre-school provider
<input type="checkbox"/> Representative of childcare or early years intermediary organisation	<input type="checkbox"/> Teacher	<input type="checkbox"/> Maintained school
<input type="checkbox"/> Independent school	<input type="checkbox"/> Play activity provider	<input type="checkbox"/> SEN provider
<input type="checkbox"/> Training provider	<input type="checkbox"/> Academy/free school	<input type="checkbox"/> Local Authority
<input type="checkbox"/> Early years professional	<input checked="" type="checkbox"/> Other	

Please Specify: Religion or belief organisation

The British Humanist Association is the national charity working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. We promote Humanism, support and represent the non-religious, and promote a secular state and equal treatment in law and policy of everyone, regardless of religion or belief.

Founded in 1896, we have around 30,000 members and supporters, and over 70 local and special interest affiliates. Our policies are informed with the support of over 120 of the UK's most prominent philosophers, scientists, and other thinkers and experts and we seek to advance them with the help of over 100 parliamentarians in membership of the All Party Parliamentary Humanist Group. Our trained and accredited celebrants conduct funerals and other non-religious ceremonies attended by over 500,000 people each year.

The BHA has a long history of work in education, children's rights and equality, with expertise in the 'religion or belief' strand. We provide materials and advice to parents, governors, students, teachers and academics. We also work closely with others on wider equalities issues in a range of forums. The BHA is a member of the National Children's Bureau Sex Education Forum (SEF), the Children's Rights Alliance for England and the Religious Education Council for England and Wales.

## Summary

We have responded to question 2 of the consultation in order to say that:

- We think the guidance needs to be careful to be more inclusive of non-religious beliefs/philosophical convictions and the absence of religion or a religion or belief, putting these situations on an equal footing to religious situations
- We do not agree with the Secretary of State's recommendation that discretionary transport on the grounds of religion or belief continues. Such transport overwhelmingly helps parents send their children to 'faith' schools and this is typically motivated by reasons other than religion. Providing one group of parents extra choice over others is unfair, and the nature of the discretionary spending likely causes religious and ethnic segregation and causes 'faith' schools to be more socio-economically selective than they otherwise would be.
- Finally, we regret the removal of definitions of what is meant by 'belief'/'philosophical conviction'. As things stand, local authorities all too frequently fail to treat non-religious beliefs equally to religious beliefs in their transport provision. This is likely going to be exacerbated if such terms are undefined. The current guidance also provides helpful examples on this point which are set to be removed.

## Changes to the Home to School Travel and Transport guidance

**As the consultation summary document explains, there have been no changes to home to school transport legislation. The duty to provide home to school transport remains with local authorities. The aim of the proposed new guidance is to: reflect the needs of the schools system that has developed since 2010; reduce prescription; and allow greater freedoms for local authorities to develop transport policies that meet the needs of their areas. The guidance also sets out a recommended appeals process that is intended to be both clearer for parents and local authorities and be more independent.**

### Approach to guidance

1 a) Do you agree that the new guidance represents a less prescriptive approach to guidance on home to school transport?

Yes

No

Not Sure

1 b) Do you consider the guidance overall is clear about the statutory duties and the expectations on local authorities, while reducing prescription to enable innovation and bespoke solutions?

Please use the box below to provide comments on this question, including suggestions for improvement.

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments: See our comments on question 2.

2 a) Do you agree that the guidance clearly and helpfully sets out those functions which are statutory duties on local authorities and those which are expectations?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Sure
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**Are the following sections of the guidance clear and helpful?**

2 b) Suitability and safety of travel arrangements

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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2 c) Discretionary travel

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Sure
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2 d) Consultation and publication

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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2 e) Appeals

Please use the box below to provide comments on any of these questions, including any suggestions for improvement.

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments: We do not think that part 5 (on religion or belief) is helpful and think that it represents a significant step back from the current guidance.

The opening sentences say that *'Many parents will choose to send their children to a school as near as possible to their home. However, some parents choose to send their children to a school with a particular ethos because they adhere to a particular faith, or belief.'*

This fails to treat equally the case of parents choosing to send their children to a school which does not have a particular ethos because they do not share the faith of their nearest school(s). Both situations are treated equally in the legislation; although this point is clarified in a subsequent paragraph, their unequal treatment here is misleading.

The second and third paragraphs set out the Secretary of State's view that he *'continues to attach importance to the opportunity that many parents have to choose a school or college in accordance with their religious or philosophical beliefs, and believes that wherever possible, local authorities should ensure that transport arrangements support the religious or philosophical preference parents express'* and *'hopes that local authorities will continue to think it right not to disturb well established arrangements, some of which have been associated with local agreements or understandings about the siting of such schools.'*

We do not agree with this approach as we think the provision of discretionary transport

is unfair. In practice the rules typically mean that parents who are Catholics, Anglicans and sometimes of other faiths have a choice of several schools that they can send their children to – either their nearest ‘faith’ school or their local school with no religious character; whereas others can typically only send their children to their nearest school of no religious character. Providing parents of one faith more choice as to where to send their children to school than other parents is not fair; particularly given that surveys consistently show that very few parents consider the religion of a school to be an important factor when picking where to send their children to.

For example, a 2010 YouGov survey found that just 9% of parents consider ‘Religion of the school’ to be one of their three most important factors when choosing which school to send their child/ children to.<sup>1</sup> A 2013 YouGov survey asked parents ‘If you were thinking about if you were planning on sending your child to a school in your local area, which two or three, if any, would influence your choice?’ Just 5% said ‘Grounding of pupils in a faith tradition’ and just 3% said ‘Transmission of belief about God’.<sup>2</sup> In each case, academic standards came out as far and away the most important factor, with location second.

In other words, most parents including most religious parents choose which school to send their children to for reasons other than religion. However, parents who happen to have a ‘faith’ school nearby that matches their own faith have a wider choice of schools they can send their children to even though religion is not a motivating factor behind that choice. This is not fair on other parents who do not have that choice available to them.

On the other hand, by providing such transport the result is likely to be more faith-based segregation between different schools, with most children of Catholics attending Catholic schools, most children of Anglicans attending Anglican schools, and so on – with the rest simply attending their local school of no religious character, with very few children in attendance whose parents have the same religion as a nearby religious school. Such faith-based segregation will also cause ethnic segregation as ethnicity and religion strongly correlate for many ethnic groups.

It is vital that schools do not segregate young people on the basis of faith or ethnicity and that every young person has the opportunity to grow up knowing those from all different backgrounds, regardless of their religion, belief, culture or race. The evidence shows that mixed schools are beneficial in terms of promoting respect, tolerance, ‘higher self-esteem, fewer peer problems and more cross-group friendships’, and psychological well-being.<sup>3</sup> Mixed schooling is also what young people themselves want.<sup>4</sup> And ethnic segregation can have disastrous consequences, with the *Cantle* and

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<sup>1</sup> [http://cdn.yougov.com/today\\_uk\\_import/YG-Archives-Life-YouGov-DaybreakReligion-130910.pdf](http://cdn.yougov.com/today_uk_import/YG-Archives-Life-YouGov-DaybreakReligion-130910.pdf)

<sup>2</sup> [http://cdn.yougov.com/cumulus\\_uploads/document/4n6d3tnayp/YG-Archive-University-of-Lancaster-Faith-Matters-Debate-results-180613-faith-schools.pdf](http://cdn.yougov.com/cumulus_uploads/document/4n6d3tnayp/YG-Archive-University-of-Lancaster-Faith-Matters-Debate-results-180613-faith-schools.pdf)

<sup>3</sup> See e.g. the second point at <http://fairadmissions.org.uk/why-is-this-an-issue/> and <http://fairadmissions.org.uk/ethnically-mixed-schools-help-pupils-overcome-discrimination-2/>

<sup>4</sup> <http://fairadmissions.org.uk/report-sees-young-people-endorse-mixed-schooling/>

*Ritchie* reports into the 2001 race riots both pointing the blame in part at religiously segregating schools. It is vital that schools de-segregate, but faith-based transport is likely to perpetuate existing divisions.

Furthermore, evidence shows that religious schools are often socio-economically selective.<sup>5</sup> Providing discretionary transport specifically to children not entitled to free school meals,<sup>6</sup> specifically so that children can attend schools that already socio-economically select, is one of the factors that has likely exacerbated this socio-economic selection.

Finally, we regret the removal from the 2007 guidance of the helpful definition of what is meant by 'belief' or 'philosophical conviction' (paragraphs 120 and 123). Many local authorities get confused on what this means even with the current guidance, often providing discretionary transport to 'faith' schools without making comparable transport available for those hoping to avoid such schools. We fear that this situation will only get worse under the proposals. We strongly recommend that this continues to be defined by references to examples such as Humanism, atheism and agnosticism, as well as by stating that 'religion and belief' also means 'absence of religion or absence of belief' – as is the case in section 10 the Equality Act 2010.

And we regret the removal of various examples of when discretionary/non-discretionary transport has to be/cannot be provided, as found after paragraph 99 and in paragraph 126 – although felt that those examples were missing the case of a parent positively wanting to choose a school with no religious character because, for example, of their humanist beliefs, as opposed to negatively wishing to avoid a religious school.

### **The recommended appeals procedure**

3 a) Do you support the recommendation that there should be a two stage approach to conducting appeals?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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3 b) Do you think the recommended appeals process meets its aim of being both clear for parents and local authorities and more independent?

<sup>5</sup> <http://fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/>

<sup>6</sup> Who are usually entitled to free transport to their nearest 'faith' school under compulsory funding rules.

Please use the box below to provide comments on this question, including any suggestions for improvement.

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

3 c) Do you agree that appeal panel members should be independent of the local decision-making process regarding the suitability and safety of travel arrangements?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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3 d) Do you agree with the approach outlined in the guidance about the key considerations for local authorities when reviewing whether a walking route can be designated as being safe?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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### Case Studies

4 a) Do you agree that the guidance benefits from the inclusion of case studies that highlight best practice in those areas covered within the guidance?

Yes                       No                       Not Sure

4 b) Do you consider the case studies included in this guidance to be relevant and helpful?

Please use the box below to provide comments on this question, including any suggestions for improvement:

Yes                       No                       Not Sure

Comments: As already stated, we regret the removal of the case studies found in the previous guidance about transport related to religion or belief.

5 Please use the box below to comment on the Department’s expectation that local authorities should work closely with all schools to facilitate local transport arrangements for all area pupils.

Comments:

- 6 Please use the box below to add any additional comments on the guidance including general suggestions for improvement.

Comments:

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

<b>Please acknowledge this reply.</b>	
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E-mail address for acknowledgement:
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Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Coordinator, tel: 0370 000 2288 / email: [aileen.shaw@education.gsi.gov.uk](mailto:aileen.shaw@education.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

Completed responses should be sent to the address shown below by 3 June 2014

Send by post to:

Lynne Pape  
Education Choice and Access Division  
2F Area E  
Department for Education  
Mowden Hall  
Darlington  
DL3 9BG

Send by email to: [HometoSchoolTransport.CONULTATION@education.gsi.gov.uk](mailto:HometoSchoolTransport.CONULTATION@education.gsi.gov.uk)