

PAPER 15

ANCILLARY LEGISLATIVE PROVISIONS – HOME TO SCHOOL TRANSPORT

Key Issue

1. Transport Consultants employed by the Department recently reported on the existing home to school transport policy and suggested possible measures that could be introduced to address concerns about escalating costs. One suggested option relates to introducing a parental charge in order to assist Boards with the cost of transporting their children. Such a charging policy is currently in place in the Republic of Ireland and will be piloted in England over the next few years. DE is currently considering the options internally and will be consulting with you on a more detailed basis shortly. The charging option is a key element in DE's current VFM studies exercise.

Policy Requirement

2. The purpose of the change to the existing legislation is to ensure that a transport charging option is available for implementation should a decision be taken to adopt such a policy. It is therefore necessary to remove the current reference in the legislation to the provision of free transport.

Existing Arrangements

3. Article 52 of the 1986 Order empowers Education and Library Boards to make arrangements for the provision of transport assistance for pupils to and from schools and FE colleges as the Board considers necessary. Any transport provided under such arrangements must be provided free of charge.

Summary of Current Legal Position

See above.

Options for Taking Forward Policy Requirements

N/A

Views of Stakeholders: (DE Bilateral Meetings)

4. The Review has not yet reached this stage, the options are still being considered internally. The plan is to consult stakeholders (eg ELBs) shortly. However, DEL has been consulted on the proposed change to Article 52, as substituted, and fully supports the proposal.

Good Practice Guidance

N/A

Specific Issues to Consider

5. This change to legislation will not adversely affect the existing arrangements until such time as a decision is taken to introduce a charge. In that event the detailed arrangements for the operation of the charging scheme will be included in a new Circular to replace the existing transport Circular 1996/41. While it is unlikely that the proposed change will have Human Rights or Equality implications this will be further investigated through the completion of an Equality Impact Assessment should a decision be taken to introduce a charging policy.

Recommendation for Way Forward

6. Approve the inclusion of this amendment in the Education Bill to ensure any powers that may be required at a later stage are in place.

Legislative Powers Required

7. A small amendment is required to Article 52 of the Education and Libraries (NI) Order 1986, as substituted by Article 23 of the Education (NI) Order 1997 to enable the Department to introduce charges to parents for the provision of school transport, should such a decision be taken soon following detailed consultations. However, the proposed change to legislation will not adversely affect the existing arrangements until such time as a decision is taken to introduce a charge.

Resource Allocation Division
28th November 2006