

North Yorkshire County Council

Executive

19 May 2020

Home to School Transport – Use of Accessible Vehicles and Provision of Transport for Non-Entitled and Post 16 Pupils.

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of Report

- 1.1 To inform the Executive of the outcome of public consultation on the use of accessible vehicles in provision of home to school transport, and the potential use of such transport by non-entitled and post 16 pupils, and;
- 1.2 To determine if and when the Council will require the use of accessible vehicles for home to school transport in future, and under what circumstances, if any, transport will be provided for non-entitled and post 16 pupils.

2.0 Background

- 2.1 The Executive considered a report on 3 September 2019 which highlighted a legal challenge to the Council's approach to the provision of home to school transport for non-entitled¹ and post 16 pupils.
- 2.2 The challenge centred on the ability of non-entitled and post 16 pupils to 'buy' spare seats on vehicles that were used for home to school transport provided by the Council, but which were not accessible for people with mobility needs e.g. wheelchair users. It was alleged that this practice was contrary to the requirements of the Public Service Vehicles Accessibility Regulations 2000 (PSVAR).
- 2.3 In order to ensure compliance with PSVAR, the Executive resolved amongst other things to:
- cease charging non-entitled and post 16 pupils to travel on home to school transport except:
 - a) where daily fares are charged and vehicles are compliant with PSVAR,
 - b) for mainstream pupils transported:
 - i) by rail,
 - ii) by commercial (PSVAR Compliant) bus services
 - iii) by vehicles which are otherwise exempt from PSVAR (i.e. fewer than 22 seats)

And that:

- A further report be brought to the Executive prior to the end of the 19/20 academic year with either:
 - Proposals to reintroduce charges where suitable clarification or a change in law has been provided that would enable the reintroduction of such charges or, in the event that clarification or a change in law is not provided by that time;
 - Long term proposals to address the application of PSVAR to home to school transport including recommendations as to whether the Council ceases to

¹ The term non-entitled in this report and related consultation refers to those pupils who are deemed not eligible for free home to school transport as determined under the Education Act 1996

provide transport using spare seats on buses that do not comply with PSVAR or continues to offer them free of charge.

- 2.4 It is now clear that PSVAR does apply to home to school transport where provided using vehicles with over 22 seats, but from January 2020 the Government has offered some further exemptions for home to school services that carry fewer than 20% of fare paying passengers. These exemptions apply until December 2021 with the potential of a further extension up to December 2023.
- 2.5 These temporary exemptions only offer a short term solution and are intended to enable councils and the industry to bring on more accessible vehicles.
- 2.6 This report sets out the required long term proposals for the application of PSVAR in home to school transport together with proposals to lawfully reintroduce charges for the use of spare seats. This report is limited to consideration of the use of accessible vehicles, and under what circumstances charges can be made for travel using spare seats and does not address matters of home to school transport policy.

3.0 Use of Non-Accessible Vehicles

- 3.1 The Council does not require all vehicles used for home to school transport to be accessible and there is no specific legal obligation to do so.
- 3.2 Entitled pupils with mobility needs will always be provided with a suitable vehicle that allows them to be transported in safety and comfort (including in their wheelchair if appropriate). The Council knows in advance whether pupils routinely require accessible transport and it is provided when necessary. Prior to the recent challenge there has been no need or demand from parents, pupils or schools for most mainstream school transport to be accessible.
- 3.3 When the Council puts home to school transport services out to tender, unless it is specified that an accessible vehicle is required, operators are free to offer accessible or non-accessible vehicles. Contracts are then awarded on the basis of the lowest cost to the Council (subject to meeting minimum quality standards). Procurement in this way ensures a cost effective service and provides for greatest competition between both small and large operators.
- 3.4 Most vehicles used on mainstream home to school transport are not currently accessible². The Council is not under any obligation to procure accessible vehicles, provided the mobility needs of any entitled pupil are met. However, it is recognised that there would be wider benefits in doing so as it would help increase the numbers of accessible vehicles within the industry and therefore improve the general accessibility of public transport.
- 3.5 The Council is currently working with operators to identify ways in which we can be more innovative in our procurement of home to school services to help encourage the use of more accessible vehicles. This will take time to establish and in the meantime using more accessible vehicles on home to school transport will increase Council costs.
- 3.6 A recent tender for home to school transport in Craven and Ryedale indicated that the costs of PSVAR compliant coaches would be nearly £12,000 more per vehicle than for a non-compliant coach. This would scale up to an additional annual cost in excess of £2.7million

² In Nov 2019 only 21 out of the 248 mainstream home to school services using vehicles with over 22 seats were accessible.

if home to school services were provided using only accessible vehicles across the whole of North Yorkshire³.

- 3.7 This level of additional cost would impact significantly on Council resources and it is proposed that the Council continues to allow operators to use non accessible vehicles for home to school transport, unless otherwise required by law or to meet the mobility needs of pupils.

4.0 Permitting non-entitled and post 16 pupils to travel using spare seats.

- 4.1 The practice of allowing non-entitled and post 16 pupils to travel using spare seats on Council provided home to school transport has been popular with parents/carers and pupils alike, as well as being beneficial for the Council. However, most mainstream school transport is provided using vehicles that are not accessible meaning that most of the spare seats available for non-entitled or post 16 pupils are not suitable for anyone needing accessible transport.

- 4.2 The Council has a legal duty to consider how its policies or decisions affect people who are protected under the Equality Act, including people with disabilities, and to make any reasonable adjustment necessary to ensure they are not disproportionately affected.

- 4.3 The use of spare seats on home to school transport is limited to those pupils who are capable of accessing the transport – for example, if a vehicle is not wheelchair accessible then only pupils who do not use wheelchairs can travel in any spare seats. The offer of a spare seat therefore has a disproportionate impact on pupils that have mobility needs, and the Council currently provides no alternative services to any non-entitled or post 16 pupil who wishes to use a spare seat but is not able to because the vehicle is not accessible. Such pupils are then expected to make their own arrangements to travel to and from school. The Council provides a non-statutory appeals process for any situation where a pupil is denied transport or assistance but there have been no known cases to date of any appeals due to transport being denied because the Council was unable to provide transport using an accessible vehicle. This matter is considered further in Section 12 of this report.

5.0 Charging for Spare Seats

- 5.1 In most cases, vehicles used for home to school transport only carry pupils entitled to free transport⁴. The Council is entitled to make a charge for those that carry non-entitled or post 16 pupils, but can only do so where the vehicle is either compliant with PSVAR and accessible, or is exempt.

- 5.2 There are about 2,300 non entitled and post 16 pupils using spare seats on home to school services, plus a further approximately 420 pupils travelling on commercial services. Following the legal challenge in 2019, the Council stopped charging for some of the spare seats but continued to charge about 1,740 mainstream pupils travelling on vehicles with 22 seats and fewer, and where the service is a registered commercial service. The numbers of non-entitled and post 16 pupils travelling on commercial bus services, or using spare seats on council provided home to school services in December 2019 is shown in Table 1.

³ This number refers only to the estimated additional cost of providing accessible vehicles on services requiring over 22 seats. It excludes any additional cost to provide accessible vehicles for services provided on vehicles with 22 and fewer seats.

⁴ About 940 of the 1088 home to school services provided by NYCC carry only pupils entitled to free transport.

| Pupils Travelling on Home to School Transport Using Spare Seats (December 2019) | Mainstream | | | SEND | TOTAL |
|---|--------------|------------|------------------|------------|-------------|
| | Non Entitled | Post 16 | Total Mainstream | Post 16 | |
| Being Charged | | | | | |
| Exempt Vehicles (e.g. <22 seats) | 94 | 77 | 171 | 0 | 171 |
| PSVAR Compliant Commercial Vehs | 377 | 44 | 421 | 0 | 421 |
| Paying Daily Fares (Est) | | | 1148 | 0 | 1148 |
| Total No. Pupils Paying | 471 | 121 | 1740 | 0 | 1740 |
| Not being Charged | | | | | |
| Issued with Travel Permits | 275 | 432 | 707 | 169 | 876 |
| Paying Daily fares (Est) | 0 | 0 | 80 | 0 | |
| Total Not Being Charged | 275 | 432 | 787 | 169 | 956 |
| Total Carried | | | 2527 | 169 | 2696 |

Table 1 Numbers of non-entitled and post 16 pupils on home to school transport

- 5.3 The Council has previously set its charges for the provision of home to school transport for non-entitled and post 16 pupils (where it is able to charge). These are detailed in Table 2

| Academic Year | Non-entitled pupils up to year 11 | Post 16 pupils travelling to college or sixth form |
|---------------|-----------------------------------|--|
| 2019/20 | £390 | £490 |
| 2020/21 | £490 | £600 |
| 2021/22 | £550 | TBC |

Table 2. Full year charges for non-entitled or post 16 pupils.

- 5.4 Charges have yet to be confirmed for future years. All charges are subject to a 50% discount for families in receipt of a low income.
- 5.5 The decision by the Executive in September 2019 to cease charging was an interim arrangement for up to a year whilst the legal status of home to school transport and the requirement for accessible vehicles was clarified. It is now clear that the Council can only charge for the use of spare seats where the vehicle used is accessible and compliant with PSVAR, or otherwise exempt (e.g. 22 seats and fewer).
- 5.6 Using only PSVAR compliant (or exempt) vehicles for all services transporting non-entitled or post 16 pupils would impact significantly on Council resources. In most cases, there are only one or two spare seats on a vehicle, and the income received by the Council for selling those seats would be small in comparison to the likely additional cost of a PSVAR compliant vehicle. The additional annual cost for providing PSVAR compliant or exempt vehicles on services where spare seats are used by non-entitled or post 16 pupils (allowing for the income from charging) is approximately £1.4million. This is considered as not affordable.

6.0 Options

- 6.1 The Council cannot charge all non-entitled or post 16 pupils currently using spare seats on home to school transport. It must now decide if it is going to continue to allow those pupils to travel to school using spare seats, and if and when it is going to charge.
- 6.2 There are four options that offer the most appropriate and viable way forward.
- Option 1: Transport only entitled pupils
 - Option 2: Charge for spare seats where it is legal to charge – but do not offer the use of spare seats on vehicles where it would not be lawful to charge
 - Option 3: Charge where it is legal to charge and allow other spare seats to be used for free

- Option 4: A combination of 2 and 3 above where free seats are only available to those pupils already travelling, and for a limited time.

6.3 All of these options present challenges or difficulties as discussed below.

6.4 OPTION 1 – Transport only entitled pupils. This would mean removing the offer of transport to all 2,275 non-entitled and post 16 pupils to travel using spare seats, and potentially the 421 travelling on commercial services. This provides a robust response to the legal challenge and ensures equity across those in receipt of transport. However, it creates significant difficulties for those pupils who would no longer be permitted to travel. This option would result in a significant reduction in income to the Council and would require those affected pupils to find alternative means of transport leading to increased congestion and emissions. It may also impact on a parent's choice of school for their child.

6.5 OPTION 2 – Charge where it is lawful to do so - but do not offer spare seats on vehicles where it would be unlawful to charge. This option takes advantage of the potential for the Council to charge for services where vehicles are accessible or exempt from PSVAR.

6.6 Allowing for the recent Government exemptions, this option would enable about 2,320 of the 2,700 non-entitled and post 16 pupils currently using spare seats or travelling on commercial services to continue to travel. It would recover the same income for the Council as Option 1 and compared to Option 1 would impact on significantly fewer families, and help reduce congestion and emissions.

6.7 Without the recent Government exemptions, the numbers of pupils that can be lawfully charged and travel under this option will reduce by approximately 390 pupils to approximately 1,940. Income would also reduce proportionally. However, as accessible vehicles become more available it is reasonable to assume the reliance on exemptions will reduce and the opportunity to offer spare seats to other pupils will increase over time.

6.8 In order to take advantage of the Government's exemptions and enable the maximum number of pupils to continue to travel in spare seats, the Council would have to control the numbers of fare paying passengers on vehicles that were not PSVAR complaint or exempt to ensure they were less than 20%. This would mean we would not be able to accept daily fares on these routes. This will impact on an 80 pupils included in the above numbers who will be directed towards purchasing a paid travel permit, or who will have to make their own arrangements to travel.

6.9 OPTION 3 – Charge where it is lawful to do so - and offer other spare seats for free. This option provides for the same level of income as Option 2 but enables the remaining spare seats on non-accessible vehicles to be used by other non-entitled and post 16 pupils for free. With Government exemptions there would be about 370 pupils travelling for free (including the 80 daily fare payers travelling on non-accessible vehicles), but this would increase as the exemptions expire to a maximum of 760.

6.10 This option reduces inconvenience for existing travellers and helps reduce congestion and emissions by making best use of available seats. However, the obvious problem with this option is that it results in some pupils being charged and others not - which could be perceived as unfair. This option also has a disproportionate impact on pupils with special educational needs or disabilities (SEND) as on the basis of current numbers and with Government exemptions there would be approximately 11% non-entitled and post 16 mainstream pupils that would travel for free compared to only 8% for SEND. This increases to over 30% for mainstream when Government exemptions expire.

6.11 For these reasons this is not recommended as a suitable long term option.

- 6.12 **Option 4** - This option is effectively the same as Option 3 but with constraints on the availability of free seats to those pupils already travelling, and for a limited period. This helps to address the potential inequality of allowing some pupils to travel for free whilst charging others, and would be combined with a policy of not accepting any new applications to use spare seats unless the vehicle concerned is compliant with PSVAR or otherwise exempt.
- 6.13 Of the 370 pupils that would currently be eligible for free travel, about 240 are post 16 pupils attending sixth form or college. 25 of these pupils have stopped travelling from April 2020 with half of the remainder finishing their studies in July 2020. A temporary policy up to July 2021 to enable free travel to existing users of spare seats where the Council is unable to charge would enable these pupils to finish their studies without disruption to their transport arrangements. This natural reduction of post 16 pupils also addresses the disproportionate impact on SEND pupils as the proportion of pupils benefiting from free travel will be almost identical.
- 6.14 After this temporary period of permitting free travel in certain circumstances, spare seats would be offered only on vehicles that are PSVAR compliant or otherwise exempt, and the appropriate fee would be charged– i.e. Option 2 above.

7.0 Public Consultation

- 7.1 A public consultation on these issues and options was open between 14 February and 19 April 2020. It was publicised on the County Council's consultation web pages and letters were sent to nearly 3,000 Parents/Guardians of pupils who currently use the service and may be affected telling them of the proposed changes. In addition, information was sent direct to schools asking for their help to promote the consultation. Further promotion was carried out by direct contact with service provider(s), through staff bulletins and press releases. A copy of the consultation document is included in Appendix 1.
- 7.2 Responses to the consultation were made through the council website or by completion of a paper questionnaire. The website consultation page included the full consultation document, a summary version of the consultation, frequently asked questions and an easy read version.
- 7.3 The primary purpose of the consultation was to seek views on the following issues:
- The use of non-accessible vehicles for home to school transport
 - Whether and under what circumstances the Council should make any spare seats available on home to school transport available to non-entitled and post 16 pupils.
 - The criteria to be used for allocating spare seats if the demand is greater than the number of seats available
 - How the council should respond to consider the needs of people with disabilities when considering the use of spare seats
- The consultation also allowed people to provide other comments.
- 7.4 The consultation document identified Option 4 as the preferred option, subject to consultation; i.e. to charge for the use of spare seats where it is lawful to do so, but to allow other spare seats to be used for free up to the end of the 2020/21 academic year, and only to pupils already travelling (which are almost all sixth form or college students).
- 7.5 The implication of this option is that almost all pupils currently being transported will continue to be transported (at least until July 2021) and income to the Council from selling spare seats will increase by approximately £260,000 p.a. (at current charging rates) until the Government's temporary exemptions expire or vehicles can be replaced with accessible ones.

8.0 Responses to the Consultation

8.1 In total 380 responses were received in response to the consultation. A summary of the responses to the consultation is included as Appendix 2. The key points from the responses are:

- Q1 - 82% (310) of respondents felt that the Council should only use accessible vehicles to transport pupils to and from school where required to meet the known needs of the pupils being transported. 18% (69) responded that they should be always used regardless of cost and the needs of pupils
- Q2 - 85% (322) of respondents felt that spare seats should be offered to non-entitled and post-16 pupils regardless of whether the Council can charge for the use of the spare seat. 13% responding felt that spare seats should be offered only when we can charge for the use of the spare seat and 2% said spare seats should be never be offered
- Q3 - 62% (234) of respondents felt that where the Council receives a request to use a spare seat on school transport from a pupil with needs that require an accessible vehicle the Council should provide an accessible vehicle if possible and within reasonable additional cost. 28% (105) responded that the Council should replace the vehicle with an accessible vehicle, or provide separate transport regardless of cost. 11% said we should decline to provide transport unless alternative arrangements can be made without additional cost (NB adds to 101% due to rounding)
- Q4 - When asked to prioritise a set of proposed criteria to use to allocate spare seats on vehicles for home to school transport there were mixed views with the order of preference as a proportion of overall scores as follows:
 - Pupils with special educational needs or disabilities
 - Previously travelled on vehicle
 - Where siblings already travel
 - Entitled post 16 pupils
 - Distance
- There were 38 suggestions for alternative criteria with the most popular being:
 - Where public transport is not available
 - Non entitled Post 16 students
- Q5 - 58% (216) of respondents preferred the proposed option (Option 4) for the use of spare seats – being a combination of Options 2 and 3 where the Council charge where it is lawful to do so and offer other spare seats for free, but only until July 2021. Option 3 (charge where it is lawful to do so and offer others seats for free) was the next preferred option by 28% (104) of respondents, with Option 2 (Charge where lawful to do so, but do not allow other spare seats to be used) was preferred by 12% (44) of the respondents and only 3% (11) preferred Option 1 (transport only entitled pupils) (NB adds to 101% due to rounding)

8.2 The responses from the consultation are broadly supportive of the proposals but it is important to highlight that the strength of opinion on Q2 about when the Council should offer spare seats regardless of whether it can charge. Allowing the use of spare seats without charging was not one of the options put forward in Q5 and was excluded on the basis that offering spare seats is a discretionary service which the Council can legitimately charge for. To not charge would mean passing over the opportunity to recover significant income for the Council, and would result in requests for the use of spare seats becoming unmanageable.

8.3 Analysis of responses for all questions shows that they do not materially differ depending on the type of respondent except in the following cases:

- Q2 - When should spare seats on home to school transport be offered to non-entitled and post-16 pupils? 56% of responses from home to school operators felt that seats

should only be offered where the Council can charge, compared with an overall response of 13% for this option.

- Q3 - When asked about provision of transport for non-entitled and post 16 pupils with mobility needs, responses from schools were split with 40% selecting the option that the Council should “Decline to provide transport unless alternative arrangements can be made without additional cost” compared to the overall response rate only 11%. The same number of schools (40%) also selected the option that the Council should “Provide an accessible vehicle if possible and within reasonable additional cost but do not replace the vehicle with an accessible vehicle”. This was the overall preferred option for 62% of respondents.
- Q4 – Responses on the priority for allocating spare seats were mixed across the types of respondent:
 - the majority of groups selected their first or second priority to be “Pupils with special educational needs or disabilities”, except:
 - Schools, who ranked it as their fourth priority,
 - Parents/guardians of both non-entitled and post 16 students who ranked this as their third priority
 - Schools, parents/guardians of non-entitled children, and younger persons selected “previously travelled” as their first priority, with other groups having mixed views across the range of options.
 - Service providers, parents/guardians of entitled children and post 16 pupils, chose “distance” to be the least important criteria whereas non-users of the service, younger persons and the disability group/forum ranked it as their third priority. Schools ranked ‘distance’ as their second priority.
 - “Entitled post 16 pupils” is the first choice priority for parent/guardians of post 16 students, and second priority for non - users of the service, service providers and the disability group/forum. It is the fourth or fifth priority for other groups
 - “Siblings already travel” is the second priority for parents/guardians of entitled and non-entitled children, with other groups ranking this as their third priority or less
- Q5 - Which of the above options for the use of spare seats do you prefer? The overall preference with 58% of respondents was Option 4, the proposed option with the majority of respondents from all groups favouring this option except:
 - The one response who identified as from a disability group/forum who selected Option 2 (Charge where lawful to do so but do not offer spare seats on vehicles where it would unlawful to charge).
 - The responses from schools which were divided equally (50%:50%) between Option 4 (the preferred option) and Option 3 (charge where it is lawful to do so - and offer other spare seats for free)
 - Responses from young people which were mixed, although Option 4 (the preferred option) was the highest response at 38%.

8.4 Respondents were also invited to provide further comments about the issues raised in the consultation. Comments were provided about issues relevant to the consultation but also about matters related to home to school transport policy. All comments are detailed in Appendix 2 but some themes can be identified within the responses that are commented on below.

| | Theme | Comment |
|---|--|--|
| 1 | Home to school transport should be accessible and provided for all | The criteria for who is entitled and who is non- entitled is a matter of Council policy and not within the scope of this report. It is desirable that all vehicles used for home to school transport are accessible, and the Council is working with operators to help improve accessibility of the service, but for the reasons explained in this report it is currently not practical or |

| | | |
|---|---|--|
| | | affordable to use only accessible vehicles in the provision of home to school transport. |
| 2 | The Council should provide transport for post 16 pupils as they are required to remain in education | This is a matter of Council policy and not within the scope of this report however, the Council is legally obliged to provide assistance to entitled post 16 pupils to travel to school but is not required to provide transport. Assistance may include the offer of transport where it is available but may also include the offer of a parental allowance to help contribute towards costs. Council policy is that where assistance is provided the pupil is required to pay a contribution towards costs of £490 p.a. (2019/20 academic year) |
| 3 | Spare seats should be offered/offered and charged for. | This is the proposal set out within the consultation |
| 4 | The nature of the rurality of North Yorkshire impacts on the ability to get to school | This is recognised as a driver of cost for both parents and the Council. The rural nature of the County means that proportionally more pupils are eligible for free home to school transport, or assistance with transport, than in more urban areas. The relative lack of commercial bus services across much of the County means that home to school transport provision is largely reliant on taxis and coaches, and it is this reliance on coaches that has exposed the Council to the additional costs of PSVAR, and created the need for this consultation. However, regardless of rurality, the Council continues to fulfil its duties to ensure entitled pupils are provided home to school transport. |
| 5 | The impact on the education of pupils if changes are made | The proposals within the consultation seek to minimise the impacts on pupils by continuing to offer spare seats for free until July 2021 for pupils currently travelling. It is also proposed to use Government exemptions from PSVAR to maintain transport for as many pupils as possible for as long as possible, but ultimately the ability to continue to make spare seats available for non-entitled and post 16 pupils will depend on being able to secure accessible vehicles at an affordable cost. |
| 6 | Reduction in the service will lead to more vehicles on road and increase environmental damage | It is acknowledged that this would be an undesirable outcome if the Council were to stop making spare seats available to non-entitled and post 16 pupils, and is one of the factors behind the proposal to continue to make spare seats available. |
| 7 | Affordability for parents | Affordability is a recognised issue and the Council's current policy is to offer a 50% reduction in charge for households with a low income. |
| 8 | SEND pupils should have access to transport/free transport | This is a matter of Council policy and not within the scope of this report however, eligibility for free home to school transport is determined according to multiple criteria that include an assessment of a pupil's ability to safely walk to school. This will take into account any relevant special educational need or disability and means that transport is provided to meet the specific needs of pupils. |
| 9 | The Council has a statutory duty under equalities | The Council's duties and obligations under equalities legislation are set out in Section 11 of this report. |

| | | |
|--|---|--|
| | legislation to ensure it does not discriminate against pupils with disabilities | |
|--|---|--|

9.0 Proposals

- 9.1 The responses to the consultation broadly support the recommended Option 4, but the responses to Q4 differs from existing practice where preference for allocating spare seats is currently given to entitled post 16 pupils. The consultation did not highlight the difference between entitled and non-entitled post 16 pupils, and especially that the consequence of not allocating an entitled post 16 pupil with a spare seat is likely to be a higher cost to the Council arising from its obligation to offer alternative assistance. The consultation also didn't provide a choice between non-entitled and entitled post 16 pupil which may have helped bring out this point.
- 9.2 It is therefore proposed that greater priority be given to entitled post 16 pupils than indicated by the responses to the consultation, but that it be second to the allocation to pupils with special educational needs or disabilities (SEND).
- 9.3 Taking into account the outcome of the consultation, it is therefore proposed that the Council continue to:
- a) Secure transport only for entitled pupils (i.e. the presumption is that post 16 and non-entitled pupils will make their own arrangements to travel to school (noting that Post 16 pupils may qualify for assistance from the Council - which may be by provision of transport or payment of an allowance)
 - b) Provide transport using the most economic means of transport that is capable of meeting the needs of the pupil - including public train and bus services and taxis,
- and that:
- c) Where entitled pupils do not have mobility needs that require accessible transport then the Council may fulfil those needs using vehicles that are not accessible.
 - d) Spare seats on vehicles procured for home to school transport may be offered to non-entitled and post 16 pupils and allocated according to the following criteria in order of priority:
 - I. Pupils with special educational needs or disabilities
 - II. Entitled Post 16 pupils
 - III. Previously travelled on vehicle
 - IV. Where siblings already travel
 - V. Other non-entitled pupils (including non-entitled post 16 pupils) according to distance
 - e) Charges will be made for the use of spare seats by non-entitled and post 16 pupils where the vehicle used is compliant with the requirements of PSVAR or otherwise exempt
 - f) Pupils with Paid Travel Permits currently travelling in spare seats on vehicles that are not compliant with the requirements of PSVAR, or otherwise exempt, will be able to continue to travel without charge for a period up to July 2021 - subject to the normal provisions that the offer can be withdrawn at any time if the seat is required for an eligible pupil, and on the understanding that a charge can be introduced with at least one month's notice if the vehicle either becomes exempt from PSVAR or is replaced with another vehicle that is compliant or otherwise exempt.
 - g) Daily fares paid for the use of spare seats will only be taken where vehicles are accessible and comply with PSVAR.
 - h) New applications for use of spare seats will only be considered where vehicles are PSVAR compliant or otherwise exempt.
 - i) The Council may require a PSVAR compliant vehicle to enable it to offer spare seats to non-entitled and post 16 pupils but will only do so where it is cost effective to do so.

- 9.4 The proposal is that these arrangements are effective from the start of the 2020/21 academic year
- 9.5 It is also proposed that free travel for non-entitled or post 16 pupils is only available up to the end of the 20/21 academic year so that post 16 pupils are able to finish their studies without disruption to their transport arrangements.
- 9.6 After this, it is proposed that spare seats would be offered only on vehicles that are PSVAR compliant or otherwise exempt meaning that it is theoretically possible that some pupils currently travelling using spare seats will be denied transport from July 2021. However, in practice it is expected that this will not be the case as these pupils are currently being transported on vehicles that are not eligible for Government exemptions because more than 20% of passengers are non-entitled or post 16. The natural reduction of post 16 pupils on these vehicles prior to July 2021 will mean that the vehicle is expected to be able to benefit from an exemption until at least December 2021.
- 9.7 It is important to note that when the Government exemptions for non-accessible vehicles carrying more than 20% fare paying passengers expire, it is likely under these proposals that the Council will have to deny transport to some non-entitled and post 16 pupils as it will not be economic in all cases to replace vehicles with accessible or otherwise exempt ones. Based on current numbers being transported in non-accessible vehicles this could affect as many as 190 non entitled pupils although numbers are likely to be lower in practice.

10.0 Financial Impacts

- 10.1 The Council currently only charges for spare seats on commercial services or vehicles that are less than 22 seats (and therefore exempt from PSVAR) or where daily fares are taken and vehicles are known to be accessible and compliant with PSVAR. The Council does not currently charge for spare seats on any non-accessible vehicles larger than 22 seats, or for any SEND pupils.
- 10.2 Annual income based on 2019/20 full year charges to non-entitled and post 16 pupils is shown in Table 3.

| Current Income from Charging for Spare Seats | Mainstream | | | SEND | TOTAL |
|--|------------------|-----------------|------------------|------------|------------------|
| | Non Entitled | Post 16 | Total Mainstream | Post 16 | |
| Exempt Vehicles (e.g. <22 seats) | £ 35,250 | £ 37,730 | £ 72,980 | £ - | £ 72,980 |
| PSVAR Compliant/Commercial Vehs | £ 141,375 | £ 21,560 | £ 162,935 | £ - | £ 162,935 |
| Daily Fares (Compliant Vehicles) | | | £ 175,000 | £ - | £ 175,000 |
| Total Being Charged | £ 176,625 | £ 59,290 | £ 410,915 | £ - | £ 410,915 |

Table 3. Current annual income from selling spare seats on home to school transport

- 10.3 The proposals within this report include for taking advantage of temporary additional Government exemptions from PSVAR for vehicles over 22 seats where less than 20% of the seating capacity of the vehicle is paying, and for reintroducing charges for SEND pupils. These proposals would enable the further recovery of approximately £261k p.a. income at 2019/20 charging levels. This further income recovery is shown in Table 4.

| Potential Additional Income from Charging for Spare Seats | Mainstream | | | SEND | TOTAL |
|---|-----------------|------------------|------------------|-----------------|------------------|
| | Non Entitled | Post 16 | Total Mainstream | Post 16 | |
| Exempt Vehicles (e.g. <22 seats) | £ - | £ - | £ - | £ 73,010 | £ 73,010 |
| PSVAR Compliant Vehicles | £ 12,750 | £ 7,350 | £ 20,100 | £ - | £ 20,100 |
| <20% paying (Exemption Certs) | £ 69,375 | £ 95,060 | £ 164,435 | £ 3,430 | £ 167,865 |
| Total Could be Charged | £ 82,125 | £ 102,410 | £ 184,535 | £ 76,440 | £ 260,975 |

Table 4. Potential further annual income recovery from selling spare seats on home to school transport.

- 10.4 These revenues are contingent on the ability to take advantage of the additional temporary Government exemptions which apply until December 2021, but which may be extended to December 2023.
- 10.5 Table 5 illustrates how further income recovery will vary by financial year depending on when Government exemptions expire. Income in Table 5 is based on 19/20 charging rates.

| Additional Income | 20/21 | 21/22 | 22/23 | 23/24 |
|----------------------------|-----------|-----------|-----------|-----------|
| Exemptions Expire Dec 2021 | £ 173,983 | £ 205,020 | £ 93,110 | £ 93,110 |
| Exemptions Expire Dec 2023 | £ 173,983 | £ 260,975 | £ 260,975 | £ 205,020 |

Table 5. Anticipated additional revenues by financial year

11.0 Legal Issues

- 11.1 It is now clear that the application of equalities legislation means the Council cannot charge for the use of spare seats on home to school transport where the vehicle used is not either compliant or otherwise exempt from Public Service Vehicle Accessibility Regulations. Most vehicles used for home to school transport do not comply with the Regulations but recent temporary Government exemptions will enable the Council to reintroduce charges for most spare seats if it chooses to do so.
- 11.2 The Council is subject to the public sector equality duty set out in Section 149 of the Equalities Act 2010 (EqA2010) which requires public authorities to have due regard to :
- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equalities Act 2010 (section 149(1)(a)).
 - The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1)(b)). This involves having due regard to the needs to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it (section 149(1)(c)). This includes having due regard to the need to tackle prejudice and to promote understanding (section 149(5),
- 11.3 Section 29 of the Equalities Act 2010 imposes a duty to make reasonable adjustments in providing services and public functions, which includes the provision of home to school transport. This duty arises where people with disabilities are placed at a substantial disadvantage.
- 11.5 Where the duty arises the Council must take such steps as is reasonable to avoid the disadvantage or adopt a reasonable alternative method of providing the service. The measures set out in the proposals are considered to be a reasonable and proportionate way of implementing the service in an way to avoid and limit any disadvantage. In considering the responses to the options in the consultation the Council has balanced and compared the alternatives and is seeking to provide an outcome which provides a service as close as possible to that enjoyed by pupils who do not have a disability.

12.0 Equalities Impacts

- 12.1 An equalities impact assessment is attached as Appendix 3.
- 12.2 Consultation has taken place on four options as to how the Council might provide home to school transport to non-entitled and post 16 pupils, and whether, and under what circumstances, it uses accessible vehicles. None are ideal as they all either reduce the ability for pupils to travel on spare seats or reduce the income the Council can receive for allowing them to do so. Some also impact more on pupils with protected characteristics.
- 12.3 The proposed option mitigates these impacts by a combination of measures:
- Restricting the future offer to new pupils for travel on spare seats to accessible vehicles only
 - Charging for travel using spare seats where it is legal to do so – taking advantage of any relevant Government exemptions
 - Allowing free travel using spare seats on vehicles where the council cannot charge to those pupils currently travelling, and for a maximum period up to the end of the 2020/21 academic year
 - Inviting and prioritising applications from pupils with mobility needs, and ensuring applications are properly considered on their merits and reasonable adjustments made where necessary.
- 12.4 Whilst it is desirable that home to school transport is provided using only accessible vehicles this is not practicable in the short term and is not affordable. There is no legal requirement to use accessible vehicles other than when needed to meet the needs of a pupil, and the Council cannot therefore commit to using only accessible vehicles for the foreseeable future. However, offering spare seats on non-accessible vehicles has the potential to have a disproportionate impact on pupils with mobility needs and needs to be considered carefully.
- 12.5 The Council cannot refuse transport using a spare seat to a pupil simply because that vehicle is not capable of meeting the mobility need of the pupil. The Council has a duty to consider what reasonable adjustments might be made to enable the pupil to travel, which may include the replacement of the vehicle with an accessible one. This would almost certainly involve additional cost and may even be impossible to achieve within the constraints of the contract or the market.
- 12.6 Selling of spare seats is a discretionary service so any disproportionate impact could be mitigated simply by withdrawing the service, or limiting it only to accessible vehicles. This provides equity but is an extreme response. Instead the Council could offer to provide separate accessible transport, but this would challenge the underlying simple principle that the offer is of a 'spare' seat.
- 12.7 It is therefore proposed that spare seats continue to be offered but it be made clear that the Council would welcome applications from pupils with mobility issues, and all reasonable adjustments will be made to accommodate each request. Each case will have to be assessed on its merits and will be subject to the normal appeals process if any pupil is denied transport for whatever reason. This will satisfy the Council's statutory functions and enable the maximum number of pupils to benefit from the offer of a spare seat.
- 12.8 Following any implementation, there will be a 6 and 12 month post implementation review to ensure that any adverse impacts on young people are understood and suitably mitigated.

13.0 Recommendations

13.1 Having given full regard to the general equalities duties of the Council, it is recommended that the Executive:

- i. Approve the proposals for the reintroduction of charges for non-entitled and post 16 pupils detailed in Section 9 of this report with effect from the beginning of the 2020/21 academic year and;
- ii. Confirm that the Council welcomes applications for the use of spare seats from non-entitled and post 16 pupils with mobility needs, and that all reasonable adjustments will be made to accommodate each request. Each case will be assessed on its merits and will be subject to the Council's normal non-statutory appeals process

DAVID BOWE
Corporate Director
Business and Environmental Services

Author: Ian Fielding - Assistant Director, Transport, Waste and Countryside Services

Background: None

Appendices:

Appendix 1 – Consultation Document
Appendix 2 – Summary of Consultation Responses
Appendix 3 – Equalities Impact Assessment Form (EIA)



PART ONE-OPTIONS DOCUMENT

HOME TO SCHOOL TRANSPORT – USE OF ACCESSIBLE VEHICLES AND PROVISION OF TRANSPORT FOR NON-ENTITLED AND POST 16 PUPILS

Introduction

North Yorkshire County Council is responsible for making suitable travel arrangements for entitled children within the County to get to and from school. It spends in excess of £24 million per year on home to school transport, and aims to provide a safe and good quality service, whilst balancing costs to ensure it provides overall value for money.

The detail of how the Council goes about delivering its statutory obligations in relation to home to school transport is contained in its HOME TO SCHOOL AND COLLEGE TRANSPORT POLICY at:

<https://www.northyorks.gov.uk/sites/default/files/fileroot/Education%20and%20learning/School%20transport/Amended%20-%20Post%20PTP%20Home%20to%20School%20Transport%20Policy%202019.pdf>

This document explains that:

1. There are often spare seats on home to school transport which the Council makes available to other non-entitled and post 16 pupils. About 2,300 non-entitled or post 16 pupils currently travel to and from school using spare seats.
2. Under certain circumstances the Council can charge for the use of these spare seats. The ability for the Council to make a charge is limited to where vehicles are accessible⁵ and comply with, or are exempt from, the requirements of the Public Services Vehicles Accessibility Regulations 2000 (PSVAR).
3. About 1,370 non-entitled or post 16 pupils are currently paying the Council approximately £270,000 per year to travel using spare seats. In addition, for a limited time the Council could lawfully charge a further 580 pupils which would generate an additional annual income for the Council of about £260,000.
4. About 370 non-entitled and post 16 pupils currently travel on vehicles that are not compliant or exempt from PSVAR and the Council cannot charge these pupils.

The Council is now consulting on whether and under what circumstances it should continue to allow non-entitled and post 16 pupils to travel in spare seats on home to school transport, and when a charge should be made.

A glossary of terms used is provided at the end of this document.

⁵ For the purposes of this consultation the term accessible means that a vehicle is designed or modified so as to be usable by everyone regardless of any physical disability. To be considered as accessible a vehicle will, amongst other things, be capable of transporting at least one passenger in a wheelchair.

Background

North Yorkshire County Council has a duty to provide home to school transport free of charge to all entitled children up to the end of year 11. There are currently over 12,500 pupils entitled for free home to school transport in North Yorkshire.

Entitlement is to the nearest or catchment school and is dependent on a number of factors specific to each child including distance to school, age, mobility and health needs, and the safety of the walked route. Further details on how the Council determines whether a child is entitled to free home to school transport is available at: <https://www.northyorks.gov.uk/school-transport-reception-year-11-children>

The Council also has a duty to assist in the provision of transport for 16-19 year old pupils to travel to sixth form or college. This can be through the provision of transport (e.g. on a bus or by taxi) or by making a financial contribution towards cost. Where the Council provides home to school transport for post 16 pupils it is allowed to recover a contribution towards its costs. Further information on transport for post 16 pupils is available at: <https://www.northyorks.gov.uk/transport-sixth-form-or-college>

The Council arranges transport or provides assistance for entitled pupils, and may also arrange transport for non-entitled pupils where it is cost effective to do so. It then offers any spare seats on the vehicles to non-entitled and post 16 pupils. Until September 2019, the Council made a charge to any non-entitled or post 16 pupil travelling in a spare seat. The charge was for a 'Scholars Travel Permit' for regular transport; or, a daily fare.

Permits for use of spare seats are issued according to criteria that prioritise factors such as whether a child has any special educational needs; whether siblings already travel on the vehicle; and distance from school. The number of spare seats available on any home to school service varies each year as the number of entitled pupil's changes. The terms and conditions attached to the provision of a Scholars Travel Permit state that it can be withdrawn with a minimum of seven days' notice should a seat be required for an entitled pupil.

The full year charges for Paid Travel Permits are:

| | Non-entitled pupils up to year 11 | Post 16 pupils travelling to college or sixth form |
|---------|-----------------------------------|--|
| 2019/20 | £390 | £490 |
| 2020/21 | £490 | £600 |
| 2021/22 | £550 | TBC |

Charges have yet to be confirmed for future years. Charges for post 16 are subject to a 50% discount for families in receipt of a low income.

Daily fares vary from service to service, but are typically about £2 per day per return journey. We estimate that about 1,150 pupils are currently purchasing fares on average about two days per week, generating an annual income to the Council of about £175,000. In addition, it is estimated that a further 80 pupils were paying daily fares until September 2019 but are now travelling for free for reasons explained later.

Allowing non-entitled and post 16 pupils to travel using spare seats on home to school transport has made effective use of spare capacity in the service; provides a safe and effective service for pupils not entitled for free transport; reduces congestion and also generates valuable income to the Council. Using spare seats is also environmentally better and helps reduce greenhouse gas emissions and improve air quality.

Impact of The Public Service Vehicles Accessibility Regulations 2000

In 2019 the Council received a complaint about selling spare seats to non-entitled and post 16 pupils. The complaint was that selling spare seats on certain vehicles⁶ meant that those vehicles had to comply with the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) and therefore be accessible for passengers with mobility needs, including wheelchair users.

The understanding within the Council at that time was that PSVAR did not apply to home to school transport. This was a common understanding amongst local authorities across the country but legal advice was that the Council was exposed to a risk of prosecution if it continued to charge pupils to travel on vehicles that are not compliant with, or otherwise exempt from, PSVAR.

In September 2019 the Council decided to cease charging on most home to school services. We have continued to charge for non-entitled and post 16 mainstream pupils travelling by rail, on vehicles that are exempt from PSVAR, or using registered bus services, as PSVAR is either not relevant or vehicles are already compliant. The Council also decided to stop taking any new applications for Scholars Travel Permits until further notice.

It is now clear that PSVAR does apply to home to school transport on vehicles with over 22 seats, but from January 2020 the Government has provided some further exemptions for home to school services that carry fewer than 20% of fare paying passengers. These exemptions apply until December 2021 with the potential of a further extension up to December 2023.

In North Yorkshire the additional exemptions would apply to 109 routes that carry 386 non-entitled or post 16 pupils. A further 13 routes (mainly to sixth form colleges) currently carrying 292 paying passengers who are in possession of a Scholars Travel Permit would exceed the threshold for the exemption.

These temporary exemptions are not a long term solution: they are intended to enable councils and the industry to bring on more accessible vehicles. It is proposed that the Council takes advantage of these exemptions alongside the other proposals in this paper.

Use of Non-Accessible Vehicles

The Council does not require all vehicles used for home to school transport to be accessible, there is no specific legal obligation to do so. The transport needs for any entitled pupil that requires an accessible vehicle are met and **all entitled pupils are offered suitable transport to school or college.**

Entitled pupils with mobility needs will always be provided with a suitable vehicle that allows them to be transported in safety and comfort (including in their wheelchair if appropriate). We know in advance whether pupils routinely require accessible transport and we will provide it when necessary. We also know that there has been no need or demand from parents, pupils or schools for most mainstream school transport to be accessible.

When the Council puts home to school transport services out to tender, vehicle operators are free to offer accessible or non-accessible vehicles unless we specifically require an accessible vehicle, and contracts are awarded on the basis of the lowest cost to the Council (subject to meeting minimum quality standards). Procurement in

⁶ Vehicles with over 22 seats

this way ensures a cost effective service and provides for greatest competition between both small and large operators.

Most vehicles used on mainstream home to school transport are not currently accessible⁷.

The Council is not under any obligation to procure accessible vehicles, provided the mobility needs of any entitled pupil are met. However, it is recognised that there would be wider benefits in doing so as it would help increase the numbers of accessible vehicles within the industry and therefore improve the general accessibility of public transport.

The Council would like to see more accessible vehicles on the road and is working with operators to identify ways in which we might be able to be more innovative in our procurement of home to school services to help encourage the use of more accessible vehicles. This will take time to establish and in the meantime using more accessible vehicles on home to school transport will increase Council costs.

A recent tender for home to school transport in Craven and Ryedale indicated that the costs of PSVAR compliant coaches would be nearly £12,000 more per vehicle than for a non-compliant coach. This would scale up to an additional annual cost in excess of £2.7million if home to school services were provided using only accessible vehicles across the whole of North Yorkshire⁸.

This level of additional cost would impact significantly on Council resources and it is proposed that the Council continues to allow operators to use non accessible vehicles for home to school transport, unless otherwise required by law or to meet the mobility needs of pupils.

Permitting non-entitled and post 16 pupils to travel using spare seats.

The practice of allowing non-entitled and post 16 pupils to travel using spare seats on Council provided home to school transport has been popular with parents or carers and pupils alike, as well as being beneficial for the Council. However, most mainstream school transport is provided using vehicles that are not accessible meaning that most of the spare seats available for non-entitled or post 16 pupils are not suitable for anyone needing accessible transport.

The Council has a legal duty to consider how its policies or decisions affect people who are protected under the Equality Act, including people with disabilities, and to make any reasonable adjustment necessary to ensure they are not disproportionately affected.

The use of spare seats on home to school transport is limited to those pupils who are capable of accessing the transport –for example, if a vehicle is not wheelchair accessible then only pupils who do not use wheelchairs can travel in any spare seats. The offer of a spare seat therefore has a disproportionate impact on pupils that have mobility needs, and the Council provides no alternative services for these non-entitled and post 16 pupils who are expected to make their own arrangements to travel to and from school.

⁷ In Nov 2019 only 21 out of the 248 mainstream home to school services using vehicles with over 22 seats were accessible.

⁸ This number refers only to the estimated additional cost of providing accessible vehicles on services requiring over 22 seats. It excludes any additional cost to provide accessible vehicles for services provided on vehicles with 22 and fewer seats.

In these circumstances, the Council could offer to provide separate accessible transport, but this will result in an additional cost and would challenge the underlying simple principle that the offer is of a 'spare' seat. Arranging separate transport is therefore not considered to be a 'reasonable adjustment'.

It is instead proposed that, where a non-entitled or post 16 pupil is otherwise entitled to travel in a spare seat on home to school transport, but is denied the opportunity because of a mobility need requiring an accessible vehicle, the response will be first to secure an accessible vehicle instead of the non-accessible one. If this was not possible, or involved disproportionate additional costs, then the offer of a spare seat on that vehicle would in practice only be available to pupils that did not require accessible transport.

Charging for Spare Seats

In most cases, vehicles used for home to school transport only carry pupils entitled to free transport⁹. The Council is entitled to make a charge for those that carry non-entitled or post 16 pupils, but can only do so where the vehicle is either compliant with PSVAR and accessible, or is exempt.

There are about 2,300 non entitled and post 16 pupils using spare seats on home to school services. Following the legal challenge in 2019, the Council stopped charging for some of the spare seats but continued to charge about 1,370 mainstream pupils travelling on vehicles with 22 seats and fewer, or where the service is a registered commercial service.

This was an interim arrangement for up to a year whilst the legal status of home to school transport and the requirement for accessible vehicles was clarified. It is now clear that the Council can only charge for the use of spare seats where the vehicle used is accessible and compliant with PSVAR, or otherwise exempt (e.g. 22 seats and fewer).

Using only PSVAR compliant (or exempt) vehicles for all services transporting non-entitled or post 16 pupils would impact significantly on Council resources. In most cases, there are only one or two spare seats on a vehicle, and the income received by the Council for selling those seats would be small in comparison to the likely additional cost of a PSVAR compliant vehicle. The additional annual cost for providing PSVAR compliant or exempt vehicles (allowing for the income from charging) is approximately £1.4million. The Council is not able to meet this significant increase in cost.

Alternatively, the Council could choose to waive all fees for using spare seats but this would mean forgoing the existing £270,000 annual income as well as any further potential income. The provision of home to school transport for non-entitled and post 16 pupils is a discretionary service which the Council is entitled to charge for. Completely waiving the charge would put an unnecessary strain on Council resources and is not an option that would be in the best interests of the Council Tax payer.

Summary

The Council cannot charge all the non-entitled or post 16 pupils currently using spare seats on home to school transport. It must now decide if it is going to continue to allow those pupils to travel to school using spare seats, and if and when it is going to charge.

⁹ About 940 of the 1088 home to school services provided by NYCC carry only entitled pupils entitled to free transport.

The Council has identified four options that it considers offer the most appropriate and viable way forward. We are seeking your opinion on these options:

1. Transport only entitled pupils
2. Charge for spare seats where it is legal to charge – but not offer the use of spare seats on vehicles where it would not be lawful to charge
3. Charge where it is legal to charge and allow other spare seats to be used for free
4. A combination of 2 and 3 above.

None of these options is without challenges or difficulties as discussed below.

OPTION 1 – Transport only entitled pupils. This would mean removing the offer of transport to all 2,300 non-entitled and post 16 pupils to travel using spare seats. This provides a robust response to the legal challenge and ensures equity across those in receipt of transport. However, it creates significant difficulties for the 2,300 pupils who are currently using spare seats and would no longer be permitted to travel. This option would result in annual income to the Council reducing by £270,000 p.a., and would require those affected pupils to find alternative means of transport leading to increased congestion and emissions. It may impact on a parent's choice of school for their child.

OPTION 2 – Charge where it is lawful to do so - but do not offer spare seats on vehicles where it would unlawful to charge. This option takes advantage of the potential for the Council to charge for services where vehicles are accessible or exempt from PSVAR.

Allowing for the recent Government exemptions, this option would enable about 1,960 of the 2,300 non-entitled and post 16 pupils currently using spare seats to continue to travel, and would generate additional income for the Council of approximately £260,000 per year at current charges. Compared to Option 1, this option affects significantly fewer families, and helps reduce the impacts on congestion and emissions.

Without the recent Government exemptions, the numbers of pupils that can be lawfully charged and additional Council income is reduced to 1,570 and £90,000 p.a. respectively. However, as accessible vehicles become more available we will have to rely less on the exemptions and the opportunity to offer spare seats to other pupils will increase.

In order to take advantage of the Government's exemptions and enable the maximum number of pupils to continue to travel in spare seats, the Council would have to control the numbers of fare paying passengers on vehicles that were not PSVAR compliant or exempt to ensure they were less than 20%. This would mean we would not be able to accept daily fares on these routes. This will impact on about 80 pupils who will be directed towards purchasing a paid travel permit, or who will have to make their own arrangements to travel.

OPTION 3 – Charge where it is lawful to do so - and offer other spare seats for free. This option provides for the same level of income as Option 2 but enables the remaining spare seats on other vehicles to be used by other non-entitled and post 16 pupils.

This option reduces inconvenience for existing travellers and helps reduce congestion and emissions by making best use of available seats. However, the obvious problem with this option is that it results in some pupils being charged and others not - which could be perceived as unfair. This option also has a disproportionate impact on pupils with special educational needs or disabilities (SEND) as there would be approximately 13% non-entitled and post 16 mainstream pupils that would travel for free compared to only 8% for SEND.

For these reasons it is not considered as a suitable long term option.

OPTION 4 (PROPOSED OPTION) – Combination of Option 2 and Option 3

It is proposed that Option 3 be an interim option combined with a policy of not accepting any new applications to use spare seats unless the vehicle concerned is compliant with PSVAR or otherwise exempt.

Currently 236 of the 267 pupils who would travel without being charged under this option are post 16 pupils attending sixth form or college. These pupils only require transport until summer 2021 at the latest, with about half finishing their studies in summer 2020. A temporary policy up to July 2021 to enable free travel to existing users of spare seats where the Council is unable to charge would enable these pupils to finish their studies without disruption to their transport arrangements. After this, spare seats would be offered only on vehicles that are PSVAR compliant or otherwise exempt– i.e. **Option 2 above**.

At this stage prior to this consultation this option is considered the most appropriate approach.

Proposal

In summary, it is proposed that the Council continues to:

- j) Only secure transport for entitled pupils: the presumption is that post 16 and non-entitled pupils will make their own arrangements to travel to school (noting that Post 16 pupils may qualify for assistance from the Council - which may be by provision of transport or payment of an allowance)
- k) Provide transport using the most economic means of transport that is capable of meeting the needs of the pupil - including trains, public bus services and taxis.

It is then proposed that:

- Where pupils do not have mobility needs that require accessible transport the Council may use vehicles that are not accessible.
- Spare seats on vehicles procured for home to school transport may be offered to non-entitled and post 16 pupils and allocated according to published criteria.
- A charge will be made for the use of spare seats by non-entitled and post 16 pupils where the vehicle used is compliant with the requirements of PSVAR or otherwise exempt.
- Pupils with Scholar Travel Permits currently travelling in spare seats on vehicles that are not compliant with the requirements of PSVAR, or otherwise exempt, will be able to continue to travel without charge for a period up to July 2021. This would be subject to the normal provisions that the offer can be withdrawn at any time if the seat is required for an entitled pupil, and on the understanding that a charge can be introduced with at least one month's notice if the vehicle either becomes exempt from PSVAR or is replaced with another vehicle that is compliant or otherwise exempt.

- Daily fares paid for the use of spare seats will only be taken where vehicles are accessible and comply with PSVAR.
- New applications for use of spare seats will only be considered where vehicles are PSVAR compliant or otherwise exempt.
- The Council may require a PSVAR compliant vehicle to enable it to offer spare seats to non-entitled and post 16 pupils, but will only do so where it is cost effective and represents value for money.
- The proposal is that these arrangements are effective from the start of the 2020/21 academic year.

PART TWO

CONSULTATION ON HOME TO SCHOOL TRANSPORT – USE OF ACCESSIBLE VEHICLES AND PROVISION OF TRANSPORT FOR NON-ENTITLED AND POST 16 PUPILS

Background

North Yorkshire County Council spends in excess of £24 million per year on home to school transport, and aims to provide a safe and good quality service, whilst balancing costs to ensure that the service provides overall value for money.

The Council provides home to school transport using vehicles that meet the needs of entitled pupils. Where entitled pupils have mobility needs that require accessible vehicles then an accessible vehicle is provided.

The Council would like to use only accessible buses for home to school transport but it cannot afford to do so. A recent tender has shown that the additional annual cost of requiring accessible buses for home to school transport is, on average, approximately £12,000 per bus. If we were to only use accessible buses for all home to school transport it could cost another £2.7million per year. This level of additional cost would impact significantly on Council resources and it is proposed that the Council continues to allow operators to use non accessible vehicles for home to school transport, unless otherwise required by law or to meet the mobility needs of pupils.

Vehicles used for home for school transport often have spare seats which we have made available for non-entitled and post 16 pupils for a charge. The Council received £610,000 in income from selling spare seats in 2018/19 but a legal challenge has meant that we had to stop charging for some spare seats from September 2019 and our annual income has gone down to about £270,000.

The Council is only allowed to charge for spare seats where the vehicle used meets the requirements of the Public Service Vehicles Accessibility Regulations (PSVAR) or is otherwise exempt. PSVAR requires vehicles to be accessible for anyone to use regardless of disability or mobility needs. Most vehicles used on home to school transport, especially to mainstream schools, are not accessible but the Government has recently allowed further exemptions up to 2023 that would allow us to reintroduce charges on most of our services.

The Council is therefore proposing to reintroduce charges for the use of spare seats on home to school transport where it would be legal to do so. It is also proposed to allow those pupils currently using spare seats on vehicles where the Council cannot charge to continue to travel for free up to July 2021. This is not an ideal situation as it means that for a short time some pupils will have to pay and other will not, but the alternatives are either not affordable, or mean we have to immediately stop allowing some or all non-entitled and post 16 pupils to travel using spare seats.

This would significantly inconvenience up to 2,300 pupils and their families, add to congestion and emissions from having more vehicles on the road, and would mean the Council was unable to collect circa £535,000 p.a. of income it would be entitled to recover.

CONSULTATION QUESTIONNAIRE

Please ensure you have fully read the consultation documentation before answering the questions below.

1. When should the Council use accessible vehicles to transport pupils to and from school?
Please select one option.

a. Always, regardless of cost and the needs of pupils?

or

b. Only where required to meet the known needs of pupils being transported?

2. Spare seats on home to school transport may be offered to non-entitled and post 16 pupils and allocated according to published criteria. Allowing non-entitled and post 16 pupils to travel using spare seats has made effective use of capacity in the service; provides a safe and effective service for pupils not entitled for free transport; reduces congestion and also generated valuable income to the Council.

Please select one option.

When should spare seats on home to school transport be offered to non-entitled and post 16 pupils?

a. Never

or

b. Only when the Council can charge for the use of the spare seat

or

c. Regardless of whether the Council can charge for the use of the spare seat.

3. Non-entitled or post 16 pupils with mobility needs may be unable to use spare seats on vehicles that are not accessible. Taking into account that the Council is not required to offer transport to non-entitled or post 16 pupils, that the offer is to use a 'spare seat', and that the Council has a legal duty to consider the needs of people with disabilities, how should the Council respond under these circumstances?

a) Replace the vehicle with an accessible vehicle, or provide separate transport regardless of cost

b) Provide an accessible vehicle if possible and within reasonable additional cost but do not provide an additional separate vehicle

c) Decline to provide transport unless alternative arrangements can be made without additional cost

4. If spare seats on vehicles for home to school transport are offered to non-entitled and post 16 pupils, we propose they should be allocated based on the criteria shown below. Please can you rank these criteria based on what you think should be prioritised.

Prioritise based on 1 = highest priority to 5 = least priority

a. Entitled post 16 pupils

b. Previously travelled on vehicle

c. Siblings already travel

- d. Pupils with special educational needs or disabilities
- e. Distance

If your criteria is not any of these options please specify what your criteria is below and say what priority it should be, based on 1 = highest priority to 5 = least priority

5. In most cases vehicles used for home to school transport carry only pupils entitled to free transport. For those that carry non-entitled or post 16 pupils the Council is entitled to make a charge, but can only do so where the vehicle is either compliant with Public Service Vehicles Accessibility Regulations (PSVAR) and accessible for users, or is otherwise exempt from PSVAR (e.g. 22 seats and fewer). Which of the following options for the use of spare seats do you prefer?

OPTION 1 – Transport only entitled pupils – and do not make any spare seats available for non-entitled or post 16 pupils. This would mean removing the offer of transport to all 2,300 non-entitled and post 16 pupils to travel using spare seats. This provides a robust response to the legal challenge and ensures equity across those in receipt of transport.

OPTION 2 – Charge where it is lawful to do so - but do not offer spare seats on vehicles where it would be unlawful to charge. This option takes advantage of the potential for the Council to charge for services where vehicles are accessible or exempt from PSVAR.

This option would enable about 1,960 of the 2,300 non-entitled and post 16 pupils currently using spare seats to continue to travel, and would generate additional income for the Council of approximately £260,000 per year at current charges. Without the recent Government exemptions, the numbers of pupils that can be lawfully charged and provide the Council with additional income is 1,570 and £90,000 p.a. respectively. However, as accessible vehicles become more available we will have to rely less on the exemptions and the opportunity to offer spare seats to other pupils will increase.

OPTION 3 – Charge where it is lawful to do so - and offer other spare seats for free. This option provides for the same level of income as Option 2 but enables the remaining spare seats on other vehicles to be used by other non-entitled and post 16 pupils.

This option reduces inconvenience for existing travellers and helps reduce congestion and emissions by making best use of available seats. However, the obvious problem with this option is that it results in some pupils being charged and others not - which could be perceived as unfair.

This option also has a disproportionate impact on pupils with special educational needs or disabilities (SEND) as there would be approximately 13% non-entitled and post 16 mainstream pupils that would travel for free compared to only 8% for SEND. For these reasons it is not considered as a suitable long term option.

OPTION 4 (PROPOSED OPTION) – Combination of Option 2 and Option 3

It is proposed that Option 3 be an interim option combined with a policy of not accepting any new applications to use spare seats unless the vehicle concerned is compliant with PSVAR or otherwise exempt.

Currently 236 of the 267 pupils who would travel without being charged under this option are post 16 pupils attending sixth form or college. These pupils only require transport until summer 2021 at the latest, with about half finishing their studies in summer 2020. A temporary policy up to July 2021 to enable free travel to existing users of spare seats where the Council is unable to charge would enable these pupils to finish their studies without disruption to their transport arrangements. After this, spare seats would be offered only on vehicles that are PSVAR compliant or otherwise exempt– i.e. Option 2 above.

At this stage prior to this consultation OPTION 4 – Combination of Option 2 and Option 3 is considered the most appropriate approach.

| Please tick the option you prefer | |
|--|--|
| OPTION 1 – Transport only entitled pupils – and do not make any spare seats available for non-entitled or post 16 pupils | |
| OPTION 2 – Charge where it is lawful to do so - but do not offer spare seats on vehicles where it would unlawful to charge. | |
| OPTION 3 – Charge where is where it is lawful to do so - and offer other spare seats for free. | |
| OPTION 4 (PROPOSED OPTION) – Combination of Option 2 and Option 3 | |

6. Please indicate which of the following you represent

- Service provider
- Parent/Guardian of entitled pupil
- Parent/Guardian of non-entitled pupil
- Parent/Guardian of Post 16 student
- Representative group-younger persons
- Representative group -Disability group/forum
- School
- Non users of service
- Other

7. If you have any further comments on this consultation, please add them here.

Glossary of terms

Accessible vehicles

For the purposes of this consultation the term accessible means that a vehicle is designed or modified so as to be usable by everyone regardless of any physical disability. To be considered as accessible a vehicle will, amongst other things, be capable of transporting at least one passenger in a wheelchair.

Entitled pupils

Entitlement is to the nearest or catchment school and is dependent on a number of factors specific to each child including distance to school, age, mobility and health needs, and the safety of the walked route. Further details on how the Council determines whether a child is entitled for free home to school transport is available at:

<https://www.northyorks.gov.uk/school-transport-reception-year-11-children>

Non-entitled pupils

Further details on how the Council determines whether a child is entitled or not for free home to school transport is available at: <https://www.northyorks.gov.uk/school-transport-reception-year-11-children> including post 16 pupils not entitled to assistance.

Non-accessible vehicles

For the purposes of this consultation the term Non-accessible means that a vehicle is not designed or modified so as to be usable by everyone regardless of any physical disability. To be considered as Non--accessible a vehicle will, amongst other things, not be capable of transporting at least one passenger in a wheelchair.

Spare seats

There are often spare seats on home to school transport which the Council makes available to other non-entitled and post 16 pupils. About 2,300 non-entitled or post 16 pupils currently travel to and from school using spare seats

Post 16 pupils

The Council also has a duty to assist in the provision of transport for 16-19 year old pupils to travel to sixth form or college. This can be through the provision of transport (e.g. on a bus or by taxi) or by making a financial contribution towards cost. Where the Council provides home to school transport for post 16 pupils it is allowed to recover a contribution towards its costs.

Further information on transport for post 16 pupils is available at:

<https://www.northyorks.gov.uk/transport-sixth-form-or-college>

Scholars Travel Permit

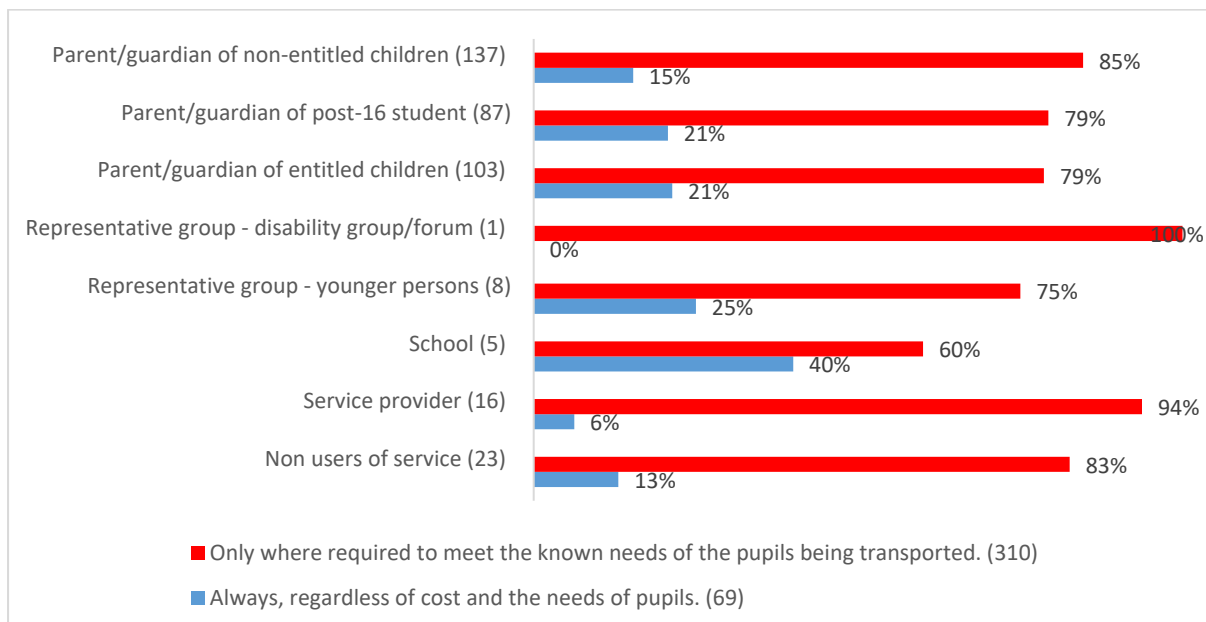
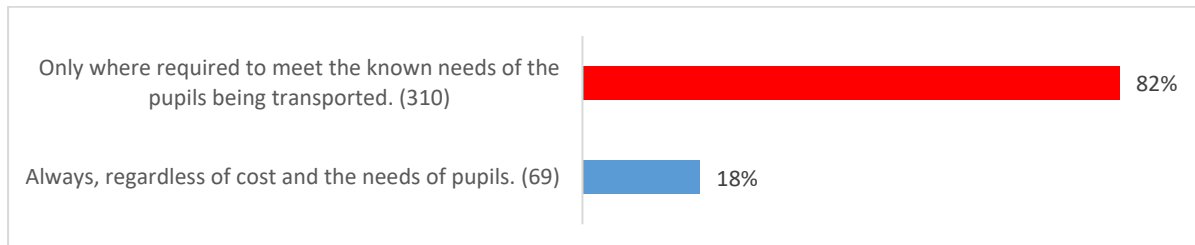
The Council arranges transport for entitled pupils, and may also arrange transport for post 16 pupils where it is cost effective to do so. It then offers any spare seats on the vehicles to non-entitled and post 16 pupils. Until September 2019, the Council made a charge to any non-entitled or post 16 pupil travelling in a spare seat. The charge was either through a 'Scholars Travel Permit' for regular transport; or, a daily fare

Consultation Summary

Overall 380 respondents completed this questionnaire. This summary shows the responses for 'All Respondents' and responses by Group.

Q.1 When should we use accessible vehicles to transport pupils to and from school?

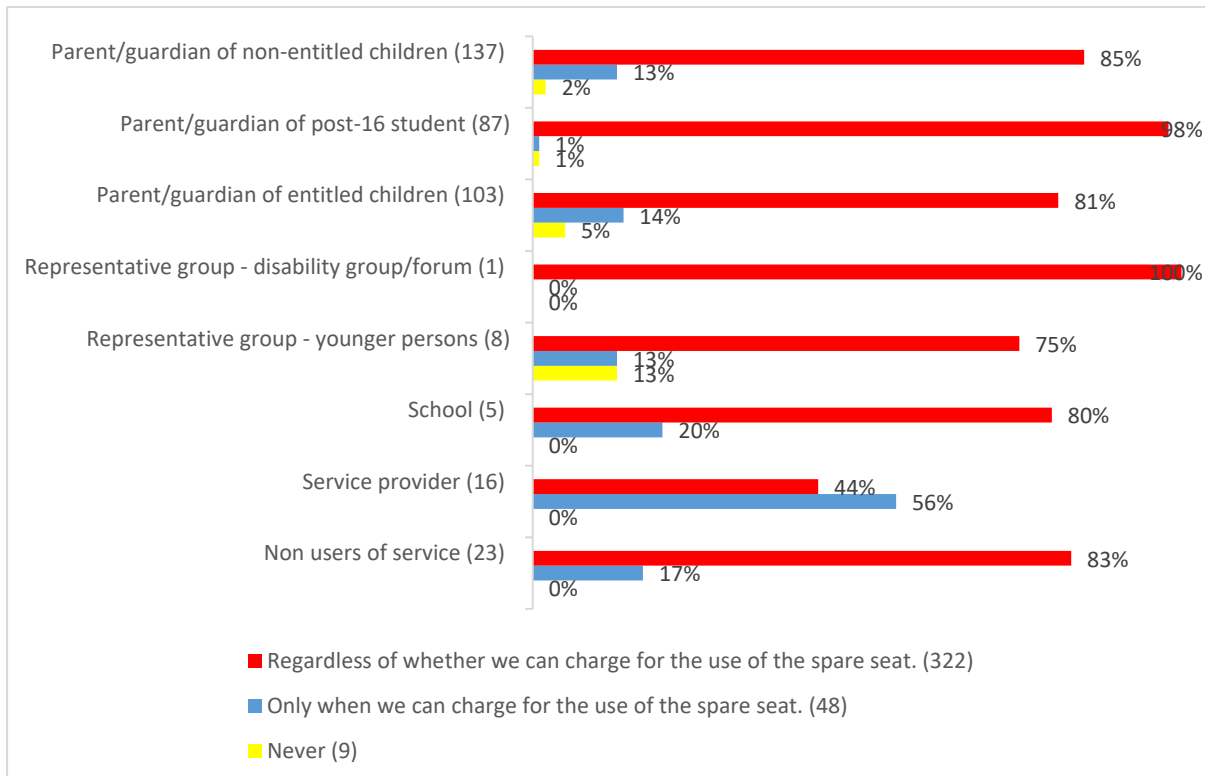
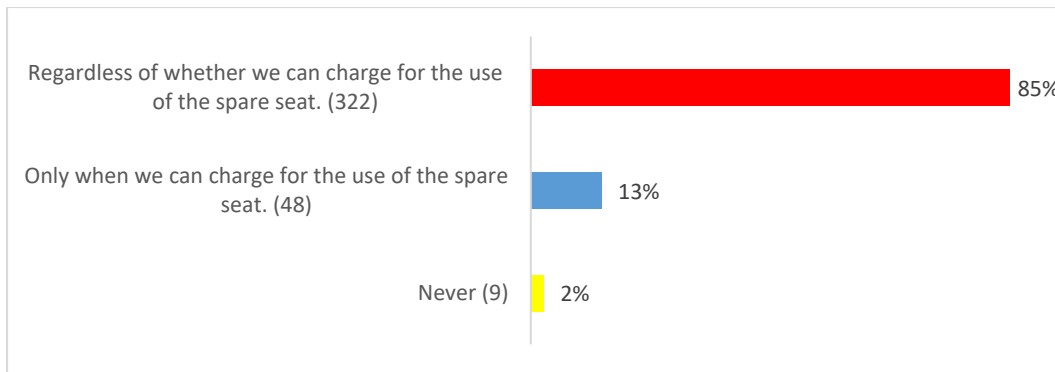
Only where required to meet the known needs of the pupils being transported. (310) = 82%
Always, regardless of cost and the needs of pupils. (69) = 18%



Q2. Spare seats on home to school transport may be offered to non-entitled and post-16 pupils and allocated according to published criteria. Allowing non-entitled and post-16 pupils to travel using spare seats has made effective use of capacity in the service; provides a safe and effective service for pupils not entitled for free transport; reduces congestion and also generated valuable income.

When should spare seats on home to school transport be offered to non-entitled and post-16 pupils?

Regardless of whether we can charge for the use of the spare seat. (322) = 85%
Only when we can charge for the use of the spare seat. (48) = 13%
Never (9) = 2%



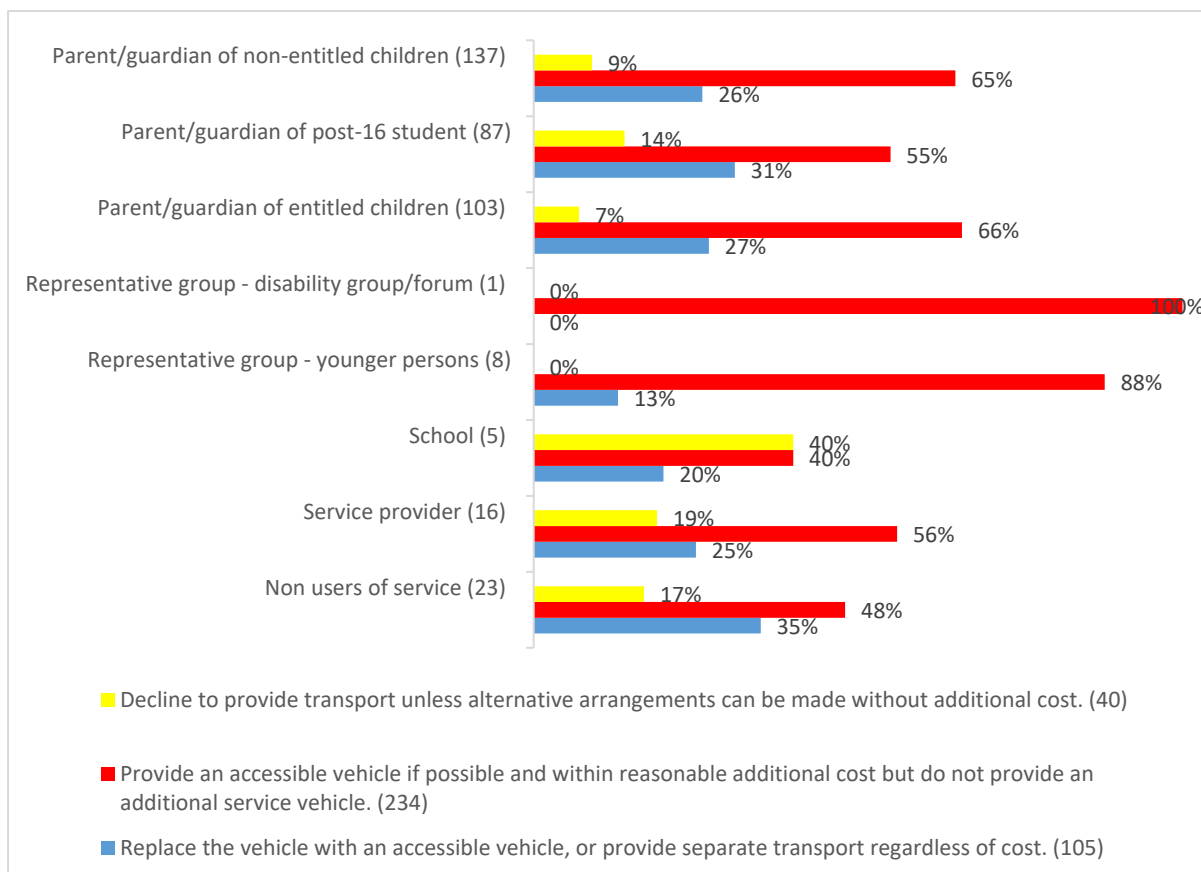
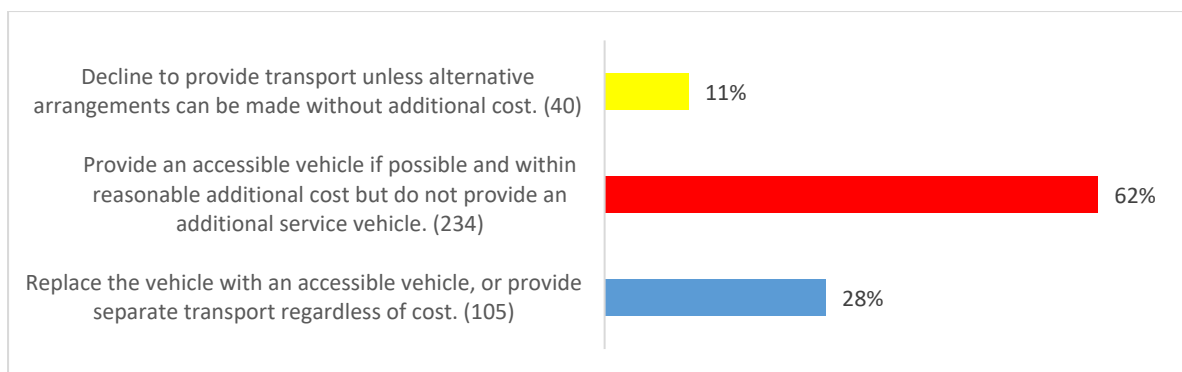
Q3. Non-entitled or post-16 pupils with mobility needs may be unable to use spare seats on vehicles that are not accessible.

Taking into account that we are not required to offer transport to non-entitled or post-16 pupils, that the offer is to use a ‘spare seat’, and that we have a legal duty to consider the needs of people with disabilities, how should we respond under these circumstances?

Decline to provide transport unless alternative arrangements can be made without additional cost. (40) = 11%

Provide an accessible vehicle if possible and within reasonable additional cost but do not provide an additional service vehicle. (234) = 62%

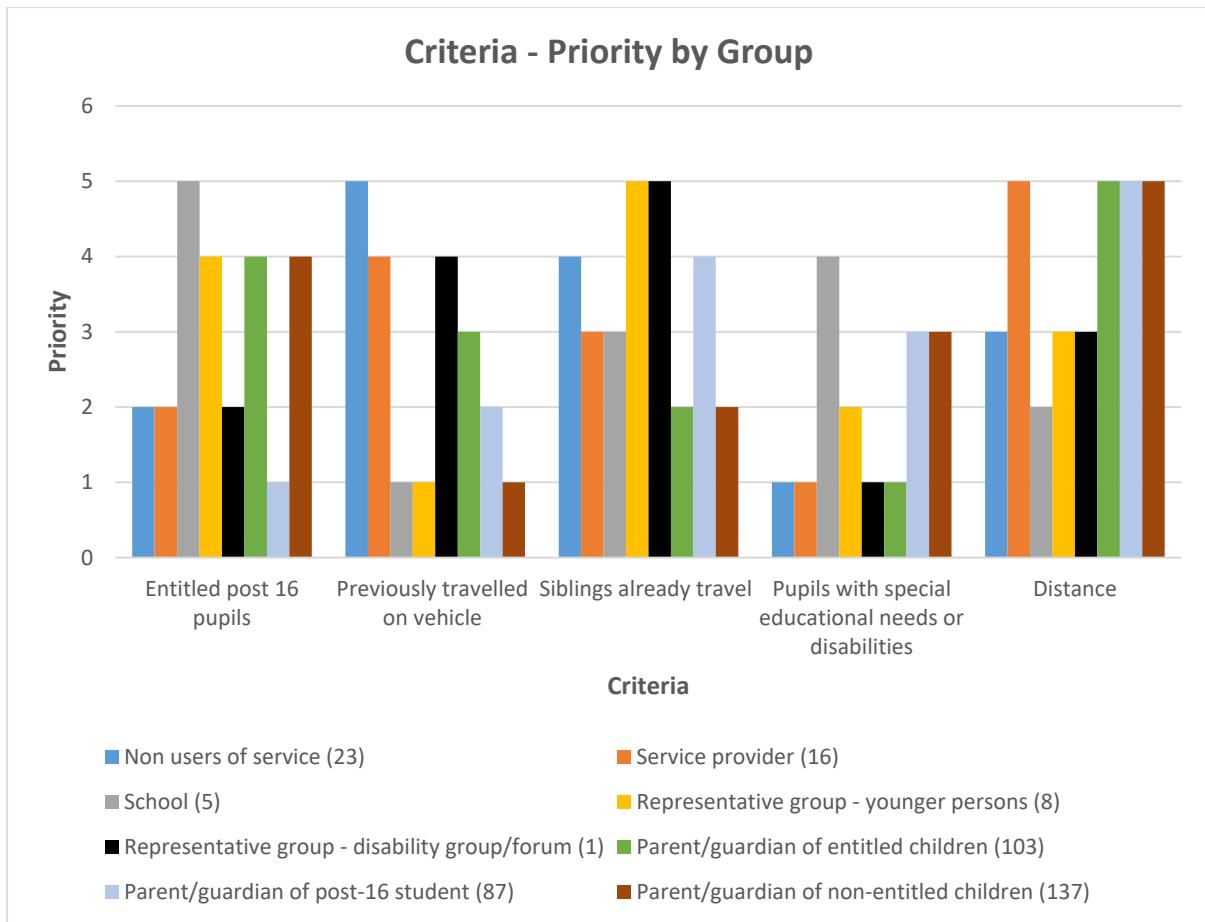
Replace the vehicle with an accessible vehicle, or provide separate transport regardless of cost. (105) = 28%



Q4. If spare seats on vehicles for home to school transport are offered to non-entitled and post-16 pupils, we propose they should be allocated based on the criteria shown below.

Please can you rank these criteria based on what you think should be prioritised. 1 = highest priority to 5 = least priority

| Criteria | People identifying this as priority 1,2,3,4 or 5 | | | | |
|---|--|-----|----|----|-----|
| | 1 | 2 | 3 | 4 | 5 |
| Entitled post 16 pupils | 112 | 48 | 69 | 63 | 75 |
| Previously travelled on vehicle | 109 | 77 | 65 | 67 | 62 |
| Siblings already travel | 76 | 102 | 81 | 56 | 50 |
| Pupils with special educational needs or disabilities | 131 | 53 | 64 | 71 | 61 |
| Distance | 88 | 56 | 63 | 50 | 108 |

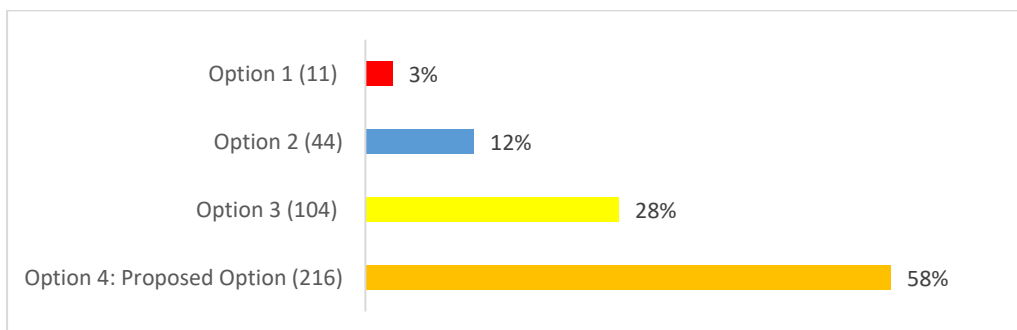


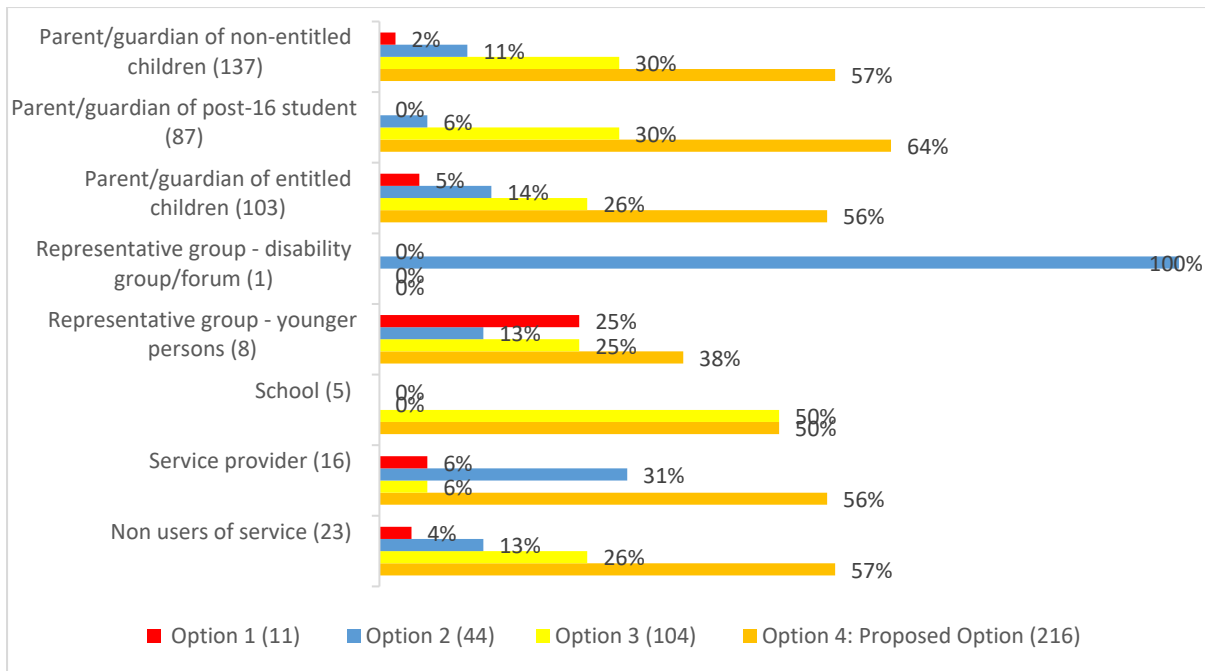
If your criteria is not among the listed options, please specify below and say what priority you feel it should be given (1 to 5):

The 38 comments given in response to this are included after the responses to question 6 below.

Q5. Which of the above options for the use of spare seats do you prefer?

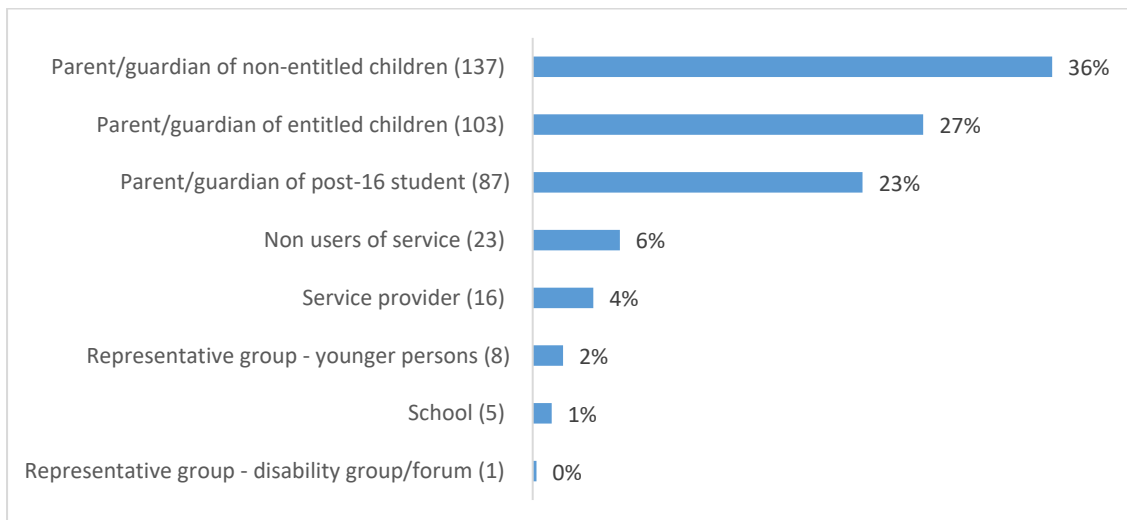
- Option 1 (11) = 3%
- Option 2 (44) = 12%
- Option 3 (104) = 28%
- Option 4: Proposed Option (216) = 58%





Q6. Please indicate which of the following you represent?

- Parent/guardian of entitled children (103) = 27%
- Parent/guardian of non-entitled children (137) = 36%
- Parent/guardian of post-16 student (87) = 23%
- Representative group - younger persons (8) = 2%
- Representative group - disability group/forum (1) = 0%
- School (5) = 1%
- Service provider (16) = 4%
- Non users of service (23) = 6%



Questions requiring a comment as the response

Q4.If your criteria is not among the listed options, please specify below and say what priority you feel it should be given (1 to 5): (38 comments) post 16 students already studying - you should ensure alternative public transport would be available if you remove their access to the school service, as without this they may have to drop out of their education

Children who already use a non-entitled transport but are moving homes and require the use of another non-entitled transport provision. 1

Where public transport is not available 2

2. Taking into consideration rural location and those with no option of a service bus.

Main priority- All pupils with an EHCP should have free transport to a special school. To expect a pupil and parent, to walk even a mile and past a mainstream school, that is unable to meet need, is ridiculous.

Taxi services or other specific transport options should be made available in the absence of a suitable school bus.

I think transport in rural areas to school for post 16 should be free. As usually no alternatives are available i.e. walk to school or public transport at a reasonable cost

No other form of transport to and from school i.e. no public bus service or parents unable to drive child for pick up/drop off

I would like my ** to be allowed travel to my house one day per week, whilst **.At the moment we follow the school bus home with lots of spare seats. Can she travel for free?

Supporting working parents

Unable to get to school without using this service 5

I don't drive and have two children attending ** school it would take an hour to walk but not far enough to be entitled to a pass. Local bus services have been cut so I can't get my children to school 5!!!!!!!!!!!!!!

SEN pupils will most likely have a parent claiming mobility allowance. This should be a factor. They may have a mobility vehicle, if so, the council should not need to provide an accessible seat. Family should.

Surely as education is now mandatory to the age of 18, there should be no difference in post 16 and under 16 travel.

Ensures Children arrive on time & safely to School there is no other public transport to be able to go to nearest school for 6th form post 16 should be given a seat rather than if only a spare seat = 1

1 pupils who have been offered a place at a school should have transport provided
CHILD AGED **, ONLY PROVISION AVAILABLE TO **. COMPLEX MEDICAL NEEDS AND
WHEELCHAIR USER

Attending the closest sixth form for the chosen subjects: 1

Where no public transport alternative is available eg. between **

Families on low income should be taken into account. Reduction of parent's cars should be taken into account. Reduction of carbon emission should be taken into account.

Don't understand 'entitled post 16 pupils' - assume these would get a seat anyway (and therefore not take up a spare seat). That's why I have ranked it last.

As the government expects all 16-18 years olds to be in full time education or training (except employed) then I think all are eligible for free transport if distant from the school or college

1: Whether there is an alternative means of transport to school available for post 16 students eg public transport. ** there is a very limited public transport service, child would be unable to access school

No safe footpaths/routes out of the village and entitled prior to 16. Priority 1

I think you have a duty to transport all pupils to school, regardless of specific needs or age. We live in a rural community and demand pupils rightly attend place of education and cost should be met by council.

This is very difficult to answer. The people needing transport are those that live in the countryside, no public transport whatsoever, narrow country lanes with no footpath, dangerous narrow winding lanes with high hedges

Residents who live under the Authority and pay council tax contributions – 1

I am object to the term entitled and non-entitled students. ALL students offered places at a specific school should be provided to an allocated bus place. All students should pay to use school buses

None entitled pupils should be given the opportunity to pay for a spare seat

Don't feel distance is a factor as no other public transport available to get to nearest post16 provision & no safe walking route.

Our son did not attend school for the whole of year ****.

Availability of alternative public transport. Health and safety of pupil if expected to walk part of journey i.e how safe are roads for pedestrians.

No other transport from village to school - or anywhere!

Safety - I live in **, the roads are not properly lit, nor do they have pavement, in the winter they are far from safe for children to walk from the station to the top of the village, safety=priority 1

In the case of buses from Ripon Grammar School/**, it is vital that spare seats are available for ** pupils on the later bus - this allows children from rural villages to access curriculum extension lessons

My son is in post 16 with physical and mental disability. I think it's absolutely shameful of county council to want to charge us parents to take our children to school. These children have no choice but attend

Safety of route to be walked and age of child.

Q7. If you have any further comments about this consultation, please add them below: (146 comments)

A preferred option for the provision of School Transport has not been selected as in my opinion none of the options available give a cost effective solution to the issue at hand. Seeking an exemption from PSVAR for School Transport, and where possible providing

transport that meets the needs of individual students would be more appropriate. Particularly in rural areas insisting that all School Transport is PSVAR compliant does not necessarily mean that the pickup points themselves will be accessible, which could give rise to significant additional costs. The practicalities of a student actually accessing a bus that is PSVAR compliant through the use of a vehicle lift for example are not practical. The time taken for a student to get onto the bus using a vehicle lift would have a significant impact on pickup point timings along existing routes. The current situation where parents are not able to purchase Paid Travel Permits on existing services is limiting choice for parents and creating barriers for students to be able to travel to school safely and conveniently.

If there are available seats on a bus, they should be offered for sale to all non-entitled pupils. If the transport cost has gone up then apply this cost to the spare seats. As a parent who has just lost the opportunity to pay for a seat and now has to drive to school, we have not been consulted and would happily have paid more for a seat. The environmental impact from adding extra cars to the roads because you can't charge non-entitled children is ridiculous when there are so many initiatives to remove vehicles from the road. Common sense has been pushed aside. There are more disadvantaged able-bodied non-entitled children who cannot access school transport because services have been downsized to avoid not being able to charge for seats. 25 children from 1 bus now have to drive to school because there is no disabled access, there are not any disabled children on the bus route so why disadvantage 25 able-bodied children and families?!?!

None of the proposals will help my children get to school, it's disgraceful that you can do this to any child

You have misconstrued the Equality Duty. The duty is not just to consider the disproportionate impact on disabled people, but to consider the potential of each option in a decision to improve disabled people's experiences.

Stop kissing **, who is still running illegal buses, kick him out if he won't comply yes you need him but his business is finished without county hall handing him money for nothing! **

Drivers who qualified in a small PSV can only drive vehicles with up to 16 seats regardless of size of the vehicle - so wouldn't be able to drive a 22 seat mini coach

The current national 3 mile walk rule needs reviewing - major cause of congestion

The current school transport policy has been an effective way of allowing pupils to travel to their preferred school when they live in remote rural areas which are not well served by public transport. As far as I'm aware there has been no prior complaint about the provision of school transport for pupils with disabilities and the current complaint has been made by someone who does not have a child who requires transport with disabled access. It feels grossly unfair that something is having to 'be fixed' which isn't actually 'broken' and as a result we could have the ludicrous situation of pupils having to leave the school they're currently attending after July 2021 before their studies have finished or have cars being driven by parents following the school bus which has spare seats which could take their child. I have applied for a place for my ** this coming September. In the event that ** is offered a place I will not be able to apply for a seat on the ** and will either have to decline the school place or drive ** to school myself. I feel that we have been seriously disadvantaged as a family as we strongly feel that we would like our ** to attend a Church of England school and SFX is our closest one. I feel that we are being discriminated against for our beliefs and religion. For this reason I think that there should be an added policy for those pupils who are attending their closest religious school and that spare seats should be offered for free if it was illegal to charge. If our child was receiving free school meals we would also be entitled to free transport to SFX (in our case it would be provided by **). We feel like we

are being penalised for wanting to send our children to a religious school. Finally, in the case of Richmond, most of the schools are situated on Darlington Road which already suffers from serious congestion and this will get much worse if parents are forced to drive to school.

Maybe the service should be means tested? If you're entitled to free meals you receive free travel. If not you have the option to buy a bus pass?

Given the rural nature of North Yorkshire, the fact that children now have to stay in education longer and environmental considerations, I would like nycc to provide transport wherever there is a need up to age 18, especially in remote areas. I am happy to pay but would like nycc to arrange the transport wherever demand justifies it, not just on a spare seats basis. Perhaps schools and colleges could have more input to the seat allocation process as they understand the general transport needs for the children attending/applying?

Removal of the seats for non-eligible children will have a serious impact on my children's education and I'm sure many others in North Yorkshire. I will have to move their schools. I chose the school knowing there was a bus and I am happy to pay for the seats so am so angry that this is now at jeopardy and also there is no post 16 education with a bus from our village if the current one that we travel on without eligibility is removed. Shocking when children are in the middle of critical years of education and will cause my other children to go to different schools and therefore split them up. Ridiculous changing the rules and impacting on the children themselves when they are settled and happy and putting more pressure on working parents to take children to and from schools, increasing the number of car journeys. This seems totally counterproductive.

Whilst I recognise the financial burden providing free transport to the County Council, the burden on families to fund a seat on the school bus is also significant. Perhaps this a more a case of you reprioritising your spending and making provision to fund school transport. Families do not have a choice regarding sending children to school, and since Post 16 education became compulsory it beggars belief that you charge families for something that they are obliged to do, i.e. send their children to attend Post 16 education provision. Instead of assuming that you must charge, think again. Getting to school or college is not a "nice to have" for North Yorkshire's children.

All pupils including post 16 who attend a special school should be entitled free transport. The distance should not matter - currently pupils are expected to walk an hour to school - the distance may be less than 3 miles but their additional needs means it takes longer.

If a child does not have EHCP but as known medical conditions/SEN/disabilities should be entitled to private transport even tho not in catchment

Yet another service kids will lose. I would take my kids myself rather than pay for the current bus service meaning we will have a lot more cars doing the school run but maybe that isn't your problem?

We live in Ripon, where there are insufficient secondary school places for the number local of children. I wonder about the legality of charging for the school buses at all, given that without them, many secondary age children would not be able to get to school at all.

My ** has used the bus for ** years that I've paid for plus this yr unpaid and is half way through gcse's. Changing schools now due to her been unable to travel would be detrimental to her education. We are willing to pay for the travel and hope the travel will be available next school yr.

If you provide separate travel arrangements for children whom require it, could an exemption from this disability rule be sought or if the coaches bare all converted to comply, then the additional separate transport wouldn't be required for these children and thus cost could offset the cost of upgrading the coaches.

Option 2 is the fairest option. I think St Aidan's and St John Fisher have had buses withdrawn over the last few years.

It is also unfair to stop the provision of a service to one group due to perceived theoretical unfairness to another if they are allowed to use it. If accessible vehicles are provided only where needed, for most mainstream schools, this would not be such a substantial cost.

Thanks for consulting. I believe the adverse environmental aspect of preventing non-entitled children from travelling is one of the most important aspects.

I would like to pay for my child to attend an out of catchment school and am willing to pay but need to able to purchase a bus pass please for the next 3 years.

Happy to pay for non-entitled child transport

My daughter has got a place at ** for this September intake. At the moment me and her dad will have to take her and pick her up which means that we will be using a car and van and there will be more emissions on the road. To prevent this it would be better if we could pay for our daughter a seat on the school bus which we don't mind paying for

Post 16 SEN Children should get free transport as their nearest provision is often far from home. Additional seats should be charged where possible. Post 16 and additional seat users should not be discussed together. Post 16 SEN should be provided free

I fully believe it is our responsibility as a community to ensure accessible transport to school for all children. I understand it would be very expensive to upgrade all vehicles to meet accessibility requirements but that should be paid for by the community through council taxes. The amount the non-entitled children pay should also be less than it is now. Then more people will pay for seats which would relieve traffic pressures around the schools. We would all have to pay more in our council taxes to fund this. The current proposals sound like the best option in a tricky situation.

I don't understand how the given any say it's compulsory for children to stay in education and yet there is a potential of that child not being able to get to their educational establishment, we live 10 miles from school, no public transport from our village to **, yet that's where they go to school, both of us work full time shift work so would t be able to get them to school nor afford private taxis!

As full time education post 16 has now become the norm, we should provide free transport to 16+ and the Government who encourage post 16 education, should find the money to pay for it across the board. There are families for whom paying for transport is prohibitive.

Child uses bus to preferred school although school s are equidistant from home and under same authority and has to purchase travel permit. This situation needs looking at too.

We live in ** postcode but due to historic boundary meaning we pay council tax to ** we are not entitled to a free bus pass, **. I would therefore be against any policy that would mean my daughter and in future my son would be unable to have access to the school bus whether that is by either paying for this service or being allowed to travel without charge. As the alternative would mean me driving my children to school each day.

We live ** and the bus has been withdrawn. I would like this to be reinstated. There is a bus to **, but not ** which I need for 2 children.

I own ** and am happy to use my 16-seater where necessary to help. School transport should be provided, it would be very difficult to get my child home I don't drive

it is always about saving money and not what is best for the kids!

I think post 16 students in catchment with no other alternative transport should have free travel to school. As it is obligatory to be in education. Students with send out of catchment should pay if put of catchment area. None of the proposals I really agree with

I am happy to pay for my child's travel costs even if others do not have to. I have no other form of transport to get her to school as there is no other public transport from our home to school. It is over 11 miles so would not be realistic to walk or cycle.

This is political issue which needs addressing with Mr Julian Smith. Please do not use my family and child as a batting ram to deal with underfunding. I acknowledge you are in a difficult position but it's not if my making and at every turn I use me democratic vote to find authorities properly. I am very uneasy about and discrimination.

Having paid for other people's children for years through council tax, we now will have to pay.

Ideally all children of compulsory school age travelling within catchment of a school should have Free Transportation, this should include those at sixth Form or College.

I want my daughter to better her education and i have been struggling to get her there and back, if there is empty seats why can't you charge and get these kids to where they need to be in schools, college etc.

Please keep in mind that some pupils my not be entitled to free bus but are unable to get to school if not able to use the bus .as a parent of a pupil who isn't entitled to a free bus pass I would be willing to pay to get my child to school on the bus as if they aren't able to get the bus then they would not be able to attend school

I need this school bus school starts at 8.20 if my children have to walk they will have to set off at 7.20 in the dark along a main busy road!!! I do not drive **. The cost also affects me as it would cost me £4.40 a day. I live too far away for a bus pass but who thinks it's safe to walk for an hour in the dark!!! This is outdated and does not offer equality and I will not be the only family worrying about how they will get their children to school or if they can afford to do so

I feel that as the government want to children to attend school until they are 18, bus passes should be provided like they are in school.

We live in ** and our child is due to start at ** in September. If the provision as I read it was removed, we would need to get into our vehicle to drop children off at school. I would have to drop off in ** places (**) and get to work in Harrogate traffic for 9am! As I only work part time, I would need to make 2 unnecessary journeys into Harrogate each week, thus adding to the already very congested roads. How is this plan forming part of the councils green plan as we are encouraged to use public transport in one breath and in another you are removing this provision? I already pay enough in council tax and I am willing to pay for the additional reasonable fee to transport my children to and from school. Why should my child have to

attend another school because the council are removing this facility as they have a right to an education!

It is disgusting that my **is not entitled to transport ** There are a LOT of children who are wanting a service from jennyfields but the current set up ignores them. Other schools provide late buses so children do not miss out on extra-curricular activities and are not walking home in the dark. The lack of discussion with parents is disturbing. We want our children to be able to travel safely to and from school. We are not all drivers who can chauffeur our kids and many of us have other responsibilities. The treatment of parents and students alike by ** has been incredibly haphazard. All we want is a reliable service for ALL students

In this day and age as many seats as possible should be filled. All transport should be readily accessible to everyone and future vehicle acquisitions should take account of this.

We live on **. We do not qualify for a free seat because there is a school 0.4 miles closer. Work & family are all **, and it is therefore not practical to travel to the nearest school. I suggest a buffer zone of 1 to 2 miles to allow free travel to either school/ or the distance to be calculates from your nearest settlement. We live remotely on ** which is our nearest settlement, and all children in ** qualify for free transport to Settle (nearest Yorkshire school) & QES Kirkby Lonsdale (nearest school). We are low income farmers and the current system seems very unfair, and we are being penalised for living in the countryside.

The 4 options given are not a true representation of how people feel about the options that need to be given in light of an open selection... a further option of free transport service to students has not been looked into and should have been given as a choice this is a loaded survey

We have a child in the school our youngest is going to be attending yet one gets free travel and the other does not. Ridiculous.

I haven't been able to get my children on the bus on a way home from school as I didn't apply for passes till September. All I want is to be able to pay for my children to travel home on the school bus. They are not entitled to free school passes so I don't have any issues paying. X

My child gets the bus to school as I start work early. My child doesn't have a bus pass, but if she was refused transport from the school bus, she would not be able to get to school. The ** bus that used to run twice an hour no longer runs. So how would she get to school if she was refused entry to the school bus? It is too far to walk, it would take too long to walk, it isn't a safe road to walk along.

Never paid for School Travel to ** as my designated school, really do not believe parents should pay to get children to School in their own catchment. How things have changed for the worst in Education today when it should be better, yet my Education in the ** seems superior somewhat better, too much wrapped around cost, Academy's does not make it better and on top of all this, Parents are expected to pay travel costs plus anything else.

Why do you ignore the fact that an award of mobility allowance of car? In found so these claimants benefit with the provision of a car or money and school transportation.

As a matter of Equality, no SEN pupil should be charged for transport to Education regardless of age. Unlike mainstream peers, the majority of SEN pupils are forced to access Education some distance from home and are unable to just walk or cycle or access mainstream transport. The Public Sector Equality Duty to promote and advance disabled in

society ought to be a key consideration here, as should the Equality Act, and yet they are not mentioned once, nor is the disadvantage of disabled/SEN in accessing education close to home or in access to other modes of transport. An exemption to Equality granted by the Government draws back decades of advancement of Human Rights in this country, an achievement which no public servant or public body should have any part in receding - this would be immoral, unfair, and a failure to represent a significant demographic of the local population.

My child needs to get the bus to school as it is too far to walk and not convenient for my work times.

My Child has got on the bus every day since starting school & i have to drop my younger child at a different school so would mean there is a risk couldn't get my daughter there on time

if school transport was not available to my post 16 she would not be able to study at the nearest school and neither would a lot of other children who live in a rural area and the 6 form of the school would no longer be a valuable part of the community and also post 16 children would not be in 6th form of their choice and i stronger feel this should not be denied and you would not be filling your role to support post 16s. All children should stay in education until they are 18 so should be seen as all other school children.

My child would no longer be able to attend Ryedale School without this service. As I have other children to get to another school I could not drive him all the way to Ryedale. I am more than happy to pay for this service as before, as the seats will be empty going forward, weather charged for or not!

North Yorkshire is a rural county and many children have to be driven long distances to have a choice of school. It is crazy not to use spare seats on existing bus routes. It is also wrong to charge people for a journey and then not give them reliable service - routes and seat allocation can change without taking into account any of the non-entitled children already reliant on the bus service and who are actually generating significant income for the council. I am happy to pay for my non-entitled children, but I think that we should have some rights too. Children whose application for spare seats has been accepted should then be entitled to that route and seat for the entire school year.

How can it be cost effective to fund transport in a catchment area school that is further away from the school chosen to send your child. When the school chosen is nearer! These catchment areas are very antiquated and make no sense when the catchment area school is further away from the school chosen for your child. If this was addressed money would be saved with travel distances.

As a parent of a non-entitled pupils I have always paid for transport to my child's school happily. I am sorry that at the moment you are unable to charge because of the change in law. I really hope i can continue to pay for my remaining child to continue his study at the school of our and his choice in the future.

We have always used the ** to King James school bus, as we live in ** and our son is now in Year ** at King James. This bus service could be a fantastic source of income for the council and something as parents we do not mind paying for, as we have chosen to send our children to King James instead of our local school. When the service stopped, we were hugely relieved when Connexions decided it was worthwhile for them to continue the service. With at least 30 pupils from ** requiring this bus service, this is a service that will always be needed and can be a good income for the council. With our ** now due to start at

King James this year, we will definitely be needing and willing to pay for this service for several years ahead!

MY CHILD TURNS **. I HAVE HAD TO APPLY FOR AN OUT OF COUNTY SPECIAL SCHOOL AS NOTHING IN THE AREA IS SUITABLE FOR HIS COMPLEX MEDICAL NEEDS I HAVE BEEN ADVISED THAT TRANSPORT MAY NOT BE AVAILABLE TO HIS AGE IM HOPING THAT THIS ISNT THE CASE AS HE SHOULD BE ENTITLED AS THERE IS NO SPECIAL SCHOOL IN **TO ACCOMODATE HIS NEEDS

Removing the option for post 16 travel to schools on existing buses in North Yorkshire would be unrealistic. There is very little public transport available in a lot of areas including where we live. My daughter attends the closest school but wouldn't be able to get there without being able to access the current school transport. That does not promote opportunities for education and fairness for all. It will promote it for children of families where they can afford an extra car, taxis or where parents don't work.

I do believe that offering seats to students is imperative not only for the logistics of getting our children across town to school but also the impact it has on their studies which is the most important.

My daughter is 11 and used to use this bus when she started high school in September. As i work full time and i am a single parent this service was so useful to me and my family. My daughter who is 11 now has to walk on her own in the cold and dark when i am not able to get her a lift home. Please reinstate the bus Thanks

I think post 16 transport should be available free for pupils (who have parents receiving child tax credits in a low income bracket) from the **area who wish to attend York college and not just restricted to **.

As children are now required to attend school until they are 18 I am baffled why the funding was not put in place as part of this change to enable pupils to actually get there.

Link found between poor transport and failing schools Research by education analysts School Dash has identified an overlap between places in England with slow public transport and places with struggling secondary schools. Even in richer areas, poor transport seemed linked to lower school results, but where poor public transport is combined with high levels of deprivation, there is a "double whammy", say the researchers. BBC News

Please consider Option 2 for all children currently travelling on a Scholar's Permit - and their younger siblings - past Summer 2021 and until they finish their studies. Re-open Scholar Permit applications for siblings of current non-entitled users. Prioritise minimizing disruption to the families of non-entitled children who are existing users of the service.

PSVAR has been an abortion from start to finish, it was poorly thought out and exemptions until 2023 do not take into account the vast majority of mainstream contracts which may not need a accessibly vehicle - it has meant that operators cannot use perfectly viable fleet vehicles and not only dents council money but also the operators money. I don't see how a small independent operator should be basically forced to buy accessible vehicles or lease when contracts do not justify simply to hold a school contract, I can see this pricing many small ops out of the market, thus resulting in the closure of independent operators. Perhaps the council could look at the model used by Dumfries and Galloway Council, who lease modern accessible vehicles to operators under the SWESTrans brand, for use on supported services and schools contracts.

Is it cost effective using the bus-train-bus method instead of using just one bus? Is there not a way less abled children can share a vehicle?

Option 2 should be adopted under the understanding that the aim is increase the number of compliant vehicles so that the number of free seats could be reduced at any time and the non-entitled pupil currently getting a free place will have to start to pay. Another option could be to inform parents that you are not legally allowed to charge for seats on this vehicle as it is non-compliant but if it was compliant (as is the aim) the cost for the seat would be XXX and then ask parents to voluntarily pay this amount. Another point to note (which I am unsure whether it is the case or not) is that all non-entitled and post-16 pupils should be able to access a seat, whether it is free or paid for. So anyone with accessibility needs (or not) who would like transport should be able to access it at a fair price. E.g. spare seats on non-accessible buses should be sold to those who can access them but anyone who cannot access them should be provided with an alternative option (e.g seat in an accessible taxi) which they pay a fair price for. By fair price I mean that the person with accessibility needs in a taxi should not be paying any more than those on the non-accessible bus for the same length of journey.

If a bus is running with spare seats surely these could be filled free of charge on a first come first served basis as opposed to running a bus with empty seats which are not filled because of some policy. This is just a waste.

Children are encouraged to stay on at school, charging for transport for post 16 years olds may mean the child can't stay on to study further if parents can't afford the cost of the transport, meaning the child misses out.

My child will be post 16 in September 2020 and looking to join the sixth form to further his education. He has travelled on this service for five years, the later year been joined by his younger sister. The distance is too great to make his own way and there in no public transport and both parents are unable to drive him there.

I personally feel that all children in full time education should get free travel to school/college as long as the school/college is a similar distance to the school they attended. It seems ridiculous that my daughter would no longer be able to take the bus without paying a lot for it, which given where we work is not worth it for us. So when she starts 6th form at the school she currently attends, my husband and I doing more driving to pick her up etc. The bus she takes is half empty so of course these seats should be offered to her and others for free.

There is no public transport available near out house so my son would not be able to get to school without the school bus service

Considering this consultation is about accessibility the wording of the consultation is not very accessible; I ** am finding it difficult to understand. The letter inviting people to participate in the consultation is written in such a way as to discriminate against those who do not have a high standard of education and understanding as they would think it was too difficult to participate in and not bother. Once on the site the 12 page information leaflet will put people off responding - which is probably what the council want. The less people respond the more unfair the council can be; citing the lack of response. The option of not providing post-16 transport is not viable. We live in a rural area where there are no buses or trains direct from **to ** where my children go to school. My ** leaves at **am and I leave at **am and travel in the opposite direction for my work. It would be impossible to get my ** to 6th form. Considering that children are expected to stay in full time education or have an apprenticeship until they are 18 the option of no transport would limit 16 year olds in ** to an apprenticeship in ** or ** via the train and no choice of staying on at school unless their

parents drove them to school which has environmental costs, discriminates against those with no car and those with working patterns that do not fit in around the school day. The council should continue to pay for all travel to school until a child leaves school whether that is at 16 or 18.

The proposed charge of £600 a year is extortionate! The school is 3 miles away from us. Why is it the same charge no matter how far away from the school you live? This also discriminates against working parents who rely on the school bus service. Given students have to stay in education until 18 I don't think there should be any charges at all.

You currently provide a taxi to take my child the half a mile to the school bus stop, which is very handy, however, if asked I would probably have got the child to the bus stop myself for free. Perhaps you should consider asking more parents to help out in this way rather than always organising a bus/taxi at huge cost, I think people would help out, especially if it benefitted the school financially.

As a parent of a post 16 SEN child that attends a SEN school over 30 miles away, transport is needed, most families with disabled children are on benefits and struggle to afford the essentials....I do feel that parents should pay something towards the cost of transport (based on individuals finances rather than a blanket payment) but it should not be taken away completely, the child would suffer in the end as their education would be cut short.

I feel that free school transport should be offered to all sixth form students that are attending the sixth form that is at their present school. I do not see the difference in need between a student finishing year 11 and moving on to years 12 and 13. It seems unfair to charge if there is space for them on the transport?

I have not chosen any of the options as none of them meet the needs of my child. At present - and for the last 6 years, my children have used the school bus between ** and **. My payments of up to £800 per school year have subsidised the cost of this bus for the entitled students helping NYCC provided a service that they HAVE to free of charge to certain children and now that money has become an inconvenience to NYCC due to the legislation around disability access awareness, they feel it is okay to terminate my ** bus pass. I also question the authenticity and accuracy of a consultation that, although advertised on social media, hasn't been sent out individually to all those that are affected. We have to make our applications online so you have our email addresses after all, on 14th May 2019, you breached GDPR rules by allowing an email to be sent out which contained every email address - all 370 of them - so we know you have them. **. Is this consultation simply a tick box exercise?

My child has chosen to attend ** for post 16 education, as opposed to a more ** location with better bus accessibility. She therefore requires transport to a rural location. She is being penalised financially at a cost to us of £490.00 for 2020/21 & £600.00 for 2021. This is an unfair financial burden on our family, the Government has a policy on keeping children in post 16 education, but fails to fund transport for these pupils. My child tells me there are only ** post 16 pupils on the bus currently, giving impression of spare seats available. I awaits the results of this proposal & request this consultation is completed in time for bus pass applications be processed in time for 2020 post 16 transport to **.

It's a poor situation when you are legally obliged to send your child to school until they are 18, but only get free transport until you are 16. Rural communities are becoming increasingly difficult to live in for 'normal' dales families who live and work in the dale. Families are being financially burdened at every turn. Second home owners and retired people who have made their living elsewhere are inflating the costs of the indigenous population. This may seem unrelated to school transport costs, but it isn't. Unless a way is found to help local

communities and tax those who have become problematic we will become like the Lake District ... a museum with no living community. I can see north Yorkshire has a tricky situation here with the school transport. Please don't levy the cost on to already struggling families (but feel free to tax second home owners as high as you are legally able) . xxx

The withdrawal of the bus service for some pupils will increase the number of additional vehicles on the roads and emissions into the environment. This is a huge consideration and should have more weighing in the decision. There are other non-financial important benefits of pupils travelling together for safety and creating a sense of community cohesion all beneficial at a time when mental health amongst young people is a concern.

If a child is in full time education post 16 it is obvious that they have no income. Why is it acceptable for them to be charged to get to school (where they live too far away to walk) when certain age groups are given free bus passes? If you are trying to get cars off the roads and reduce congestion, charging people to get to school will not help this. Also some parents may not be able to pay - does this mean their children are not entitled to continue their education?

My child is in the 6th form and continuing to attend the local school where he has attended for the past 5 years and travelled on the free school bus. As it is compulsory for post 16 education and he attends his local school I feel he should receive free transport to school up until the age of 18.

Living in a rural village with no bus service that would get to ** in time for 6th Form to start, I am worried that my child who is entitled to travel this year, will not be able to get to ** School and 6th Form next year. This was one of the considerations to where he did his A levels next year. It also seems mad that the bus will be travelling through the village to **but he may not be able to get on it. If it was safe to travel on this year surely he should be able to pay for a seat on it next year? With people being more aware of their carbon footprint it seems sensible to use public transportation that is available rather than congest the roads travelling unnecessarily. As already stated, there is no bus service from our village that would get to ** in time for school anyway.

We are very dependent on home to school transport. There is a very limited public bus transport to the village which would not enable our child to access post 16 education. We both work and would be unable to change our working times to be able to take our child to and from sixth form. We don't mind making a contribution to post 16 transport to enable her to attend but do not currently have any information as to the costs involved - should this not be part of the consultation information too please. ** 6th form is the only option really open to our child due to the lack of additional transport options from the outlying villages. Should this also be part of the proposals as to how else a child can access post 16 education if there is no other public transport options available to them?

if a post 16 student is trying to access their most local service for post 16 studies then they should be offered non chargeable transport

I have filled this in but despite reading everything you have asked me to do I am still confused so I reckon if I'm confused then you are also probably a bit confused about what you are offering. I suggest you strip this back to essentials and start with legal entitlement. Transport can be a very emotive area in education provision. It is not just about getting a pupil from home to school it is also about ensuring they arrive in the right frame of mind. This is particularly true for disabled children. It is of little use to a school to have a pupil who arrives in a hyper state ** It then takes the school time to unwind the affected child before starting the day's work. STOP LOOKING FOR CUTS TO BUDGETS WHEN YOU ARE TALKING ABOUT A CHILD'S EDUCATION (PARTICULARLY DISABLED). START WITH

THE NEED OR ENTITLEMENT AND BUILD ON THAT AS OPPOSED TO COMPROMISING AND SATISFYING NO ONE.

We live in a rural community. When children arrive at 16, and rightly have to remain in education, society has a duty to pay for transport to that place of education. Families of children living in villages are unfairly been financially penalised because every school of further education will mean you are paying substantial costs, that are not encountered by families living in towns.

It makes perfect sense to use spare capacity on the buses and it would be madness to have to stop this.

Whilst I understand that NYCC are not required to provide transport to post 16 students, in rural areas there is no alternative transport. If I had to take my daughter to school before work she would be on the premises an hour before school started.

The information and wording provided is not flexible enough in its structure to represent parents and pupil needs.

As education is mandatory to all students post GCSE up to 18 years, i think that school transport should be provided when students live in an area with no public transport and have opted to study at the closest education establishment. Also if a student studied at the school prior to being 16 and leaving post GCSEs then the option to return to that school to study A levels should be given and they should be entitled to free transport. so students school transport should NOT be charged if there is no alternative and the student meets all the criteria to study at the closest school. any village where no public transport is available should be provided with free school travel as previously stated as education to the age of 18 is mandatory

I think ALL the buses deployed should be accessible so that you are ready to respond immediately to any non-able bodied children who may move into the area and require accessible transport at very short notice. As many people as possible should be allowed on the buses to help reduce carbon emissions.

If Children are required to remain in education post 16, travel should be provided otherwise parents of these children are disadvantaged.

The need for transport is critical for those Post 16 students who live in the countryside with absolutely no public transport. Narrow roads, high hedges, dangerous bends and no street lighting makes it impossible to walk or cycle - especially in the winter months. I appreciate it is impossible to cover all angles but in N. York's we are a rural community and the hopelessness of living under the threat of being totally isolated with respect in trying to educate ones children is a real problem and concern (and worry). Isolated communities are not mentioned anywhere except distance from school !!?

We live under North Yorkshire and have been offered ** School. Due to this not being our catchment secondary my son is not allowed to travel on the bus. Regardless of whether it is catchment or not we fall under the authority so should be allowed to pay for a pass to use the bus. I am more than happy to pay for a pass.

If any charge is applied (which I totally disagree with in any circumstance) this should allow the student to access all local transport in York. The current charge for a school bus is higher than the cost for a season pass on local buses. Ridiculous. Children, of any age, in full time education should be provided transport.

I think it would be extremely unfair to run buses with empty seats when there are pupils that desperately need them, regardless of whether or not they are being charged. The buses are running anyway, so how does it make sense to allow them to run with empty seats? This is surely the least fair of all the options? We live in an area with an antiquated grammar system and a school in special measures, which leaves us with very little choice but to send our children to a school further afield. If transport to these schools is removed then that reduces our options even further. It may also reduce applications for the more rural schools and have a knock on effect on their funding, in addition to the sacrifice that the parents would have to make in order to provide transport for their children. All buses should be accessible and all spare seats should be charged for (with the exception of pupil premium pupils and pupils with special needs or disabilities).

Generally my answers were made assuming that the revenue generated from charging for spare seats would outweigh the cost of providing separate transport for post 16 students who required an accessible vehicle. Answer to question regarding preferred option was to choose the best, none of which would address my problem - as my children/child travelled/travels on a non-compliant vehicle and so I would have had the added cost and inconvenience of having to arrange my own transport for one child (post 16) whilst the other was entitled and therefore could travel by bus. No doubt this will mean in future that there are fewer pupils travelling who are entitled (when their sibling is post 16 and needs to arrange own transport as it is easier to transport both together), increasing congestion etc which is undesirable.

spare seats should be used to earn money for the council, all parents are ready to pay I have a particular interest in the best education being available for those with SEND and the cost and availability of transport should not be an influencing factor.

I feel that charge for school travel should not be allowed for any child. School is compulsory for children until 18 and therefore how they get there should be free and widely offered. The accessibility should only be provided for those where needed it just takes planning and for thought which, as a parent of two children who use the school bus service already, is something that is done. We have to submit all relevant data for transport well in advance so planning should be easy. I feel it is ridiculous that this is even an issue. Some children will have parents that can not afford to pay the increased charges which will then limit where children go to further education. This will have a knock on effect and a negative impact for all. No charge for school busses is the way forward.

I object strongly to the bus pass allocation based on so-called entitled and non-entitled students. This form of child discrimination is widespread and socially damaging to the children who rightly feel they are the victims of a process not of their making. ALL students offered places at a specific school should be provided (entitled) to an allocated bus place regardless of whether they reside within 'catchment area'. The catchment area are entirely arbitrary and often do not make any logical sense since for example convenience of transport to specific schools is not taken into account. The majority of parents are concerned about getting children to school by the most convenient method (which is the school bus) regardless of cost. The alternative for children attending school but not provided with a bus pass is taxi or private car. This results in social exclusion for the children, is environmentally bad and incredibly stressful to parents (which from personal experience is bad for parent/child relationships). Relevant public bus routes are few/non-existent in North Yorkshire. In summary, the requirement for some 'non-entitled' parents to pay for their children to use a school bus is not an issue. Their children being denied access to school buses because NYCC have no legal requirement to bus them to school is the major challenge to those parents/children affected.

As most of these routes / buses will be operating anyway, providing transport to the school college should be provided free of charge, there is little or no extra cost to provide this. At the moment, we can just about afford to pay for a place on the bus to ** School but, if due to this consultation, the cost sky-rockets or the service is taken away, it will be hugely detrimental to my child's education as we would have to change schools and the nearest alternative is poor - which is why we chose this school in the first place. The school itself will suffer if it loses many of the "paid for" pupils as they make up a large proportion of the register; would this lead to the loss of an outstanding and high achieving non-selective secondary school? Surely it's not right to deny children - the future tax-payers and parents - the opportunity to receive an excellent education in an outstanding school because their parents can't afford to send them there. Please don't price us out.

I do not understand the logic of not providing free transport to post 16 particularly as legally they still have to be in education. If there are seats available they should be available for free as they don't have any income. Also better for them to be on a bus than using a car would be helpful if "normal service" buses were available to take children to school. If children are expected to go into further education post 16, then transport should be available free for low income or SEND children

the critical point with reference to non-entitled children is that they should continue to have the opportunity to travel to their current school or learning facility as having to change schools or collage part way through their education process could have distressing disadvantages

I think it is crucial that all students accepted at an out of catchment school should have transport available and I feel that spare seats should always be utilised. I appreciate that this will incur a charge which I don't think is a problem. I also feel that if an out of catchment child has been allocated a seat that seat should not be taken away from them - it is too disruptive. We don't mind paying for a post 16 student for their transport as long as it is a fair charge. Would rather be charged than have no transport as I don't know how many post 16 students would get there

I think that as young adults are expected to attend a further education setting, it is unfair to charge them to get to school.

I think it is extremely proactive of you to request and collate the data from this consultation and I hope parents and carers take the time to voice their opinions. Inevitably the questions are quite hard to answer since they are designed to cover a broad range of diverse needs, especially when a multiple choice answer is required. However, I have tried to answer all questions as clearly as I can. ** But to conclude, I do strenuously believe that the availability of home-school transport has saved ** schooling and education. And thank you for giving me the opportunity of expressing my thoughts.

Due to it being a government requirement to have children continue their education until the age of 18, it should be a requirement to provide transport to facilitate this from government funding. In rural communities where there are no public transport services that would allow children to travel to school within the school timetable, if they are not allowed on the school bus to actually get to school, how are students supposed to continue their education where parents cannot provide transport? In addition, for families that could provide transport, how will the areas around, for example, Skipton Girls' High School/Ermosteds, cope with the congestion that would be caused by the new influx of parental school drop offs?

We live in ** and without a public's transport option our daughter will not be able to continue her education in Darlington as we both work.....not sure where this will leave us??!!

We feel priority should be given to post 16 students where they have to travel some distance in isolated areas, where roads have no pedestrian facilities i.e footpaths and where their health and safety is at risk and where alternative public transport is not available.

There is no other transport from my village for my children. I have to pay for taxis when I am at work and unable to transport my children myself. This is a huge cost at £50 a round trip to Huntington/York. I am also worried that my children are travelling with strangers in a cab. A school bus is essential as children attend school and now 6th form. Their needs are not catered for. My services-school and public transport should connect our villages to the likes of Huntington/Strensall/Heworth/Monks x and Vanguard.

We currently pay for our daughter to travel on the school bus. We are happy to pay and wish for her to continue receiving this excellent service. We do not think it is right that there are so many empty seats on the bus which could provide a revenue for NYCC.

You are trying to create a one size fits all approach, we live in a rural community, in my village you are asking for children to walk along unpaved, isolated sections of road rather than allow them space on a bus which already travels past their house which is ridiculous. Charge if you must, but don't exclude them

So called non entitled students need to not be discriminated against based on postcode. To remove bus places where individuals are prepared to pay does not make financial or environmental sense for NYCC. The risk is thousands of my cars on the rural roads and creating additional risk at school premises. It also runs the risk on making many schools business model contract and make sustainable living rurally not an option causing damage to local communities and retaining local talent, young people and businesses.

It seems that things are either too expensive or offered free. Try to set cheap prices, that everybody pays.

I have a son at ** and a daughter at **. We live in a rural village. It is really divisive and inconvenient that my daughter can no longer travel on the 4pm bus with her brother and she can not access curriculum extension activities at ** when we parents are at work. She is also one of several local children who would be safer at school until 4pm and then to return home with an older sibling, but can't do this because of the new rules. I would be happy to pay for a seat for her on the later bus and assume that would be sensible as this could finance accessible travel for children with disabilities. The whole legal challenge should not apply to school buses because, unlike service buses, school buses know who is travelling and provision can be made for the minority of children who need extra help to get to school. The legal challenge needs to be reviewed for school buses as this new situation is reducing finance that could be spent on provision for children who need special care. In **, this has raised some minor safeguarding issues now that ** children can not stay safely in school and return to the villages at 4pm.

Disgusting to want to charge for these students . They get very little enjoyment in life and you want to take there routine away to. Some family's like myself have other children to get to different schools and this would make our life incredibly difficult. When we have physically disabled children. I can think of many others ways you could save on money and you take it away from the less fortunate ones . I wouldn't be able to take both children different schools and be on time this would have a massive impact o both . Again utterly disgusted Although entitled transport will only collect from home. As a ** myself I'd be unable to access as I leave early for work.

Hello I think special needs transport Shud be inpruvd in North Yorkshire And public transport shud inpruvd more bus services in North Yorkshire from XXX

I think families should have pay for home to school transport costs in North Yorkshire

I'm not sure if all aspects of free school transport are being considered but I am aware of the cost and excessive use of taxis to transport pupils. Even where there is the option for a parent to take to school. I feel this is exceptionally irresponsible use of public money

Special schools should provide travel based on need not distance from school

I do think it is appalling that post 16 that live in catchment should have to pay in order to balance the books. I do think that all transport should be accessible and if it is an essential exit from central government. Central government should put their hands in pockets to support rather than giving themselves pay rises.

SEND children and their transport is essential to them and impacts on how they are able to cope with their day at school. Please do not mess about with this consistency. Routine, regular people and interactions are key to our young people. Money should not be squeezed from their entitlement whatsoever.

Living where we live in ** I need this service to continue otherwise my children will not be able to get to school as we have no public transport that services ** I currently pay for a post-16 student travelling to ** College and am happy to continue to pay for him and my younger son when he is a post-16 student in 2 years time.

Sometimes life is unfair, we have to accept that whilst trying to reduce any inequalities that we are able to. We also have a responsibility for the environment and reducing emissions and number of vehicles on the road should be a priority, if vehicles are travelling between destinations and have available seats then these should be utilised wherever possible and charged for wherever possible.

Rural children are disproportionately disadvantaged in accessing post 16 education choices - it is an infringement of their right to a future through the choice of education

I understand it may seem unfair to some parent but it is what it is. I would recommend the people in paying seats are given priority in which case they pay for that priority which guarantees them a seat before non paying people are considered which might make a bit more sense to people

I have 2 children 1 yr 7 and the other going to 6th form. I feel that if this has to be changed everyone 16 plus is charged regardless of previous arrangements (things change and contracts have to change too) or everyone goes for free. Thank you

I am a little concerned about the increases in the charge for the travel permit, over 20% increase for 2020/2021. I appreciate this may be to claw back some of the lost revenue from the current year, but this may be difficult for parents on a fixed income, and costings should be made transparent to ensure that parents of non-entitled pupils can be sure they are not seen as a 'cash cow'.

Young people with send do not always have a school close to them and have to go to school on transport. It is not fair that they then have to pay for transport when they get to 16 years old especially as changing education setting would unsettle the young person and not everyone can afford the transport

Obviously keen to see an equitable solution to the issue. As a non-entitled family we keen to pay for the spare seats we use and believe that pressure should be applied to government to ensure that the vehicle exemption aperture (and therefore ability to charge) is widened allowing the wide ranging benefits of spare capacity utilisation to be realised alongside the ability to attract vital revenue as a result.

The environmental benefits of full capacity vehicle utilisation are obvious and important. The council is currently striving to increase bus use and reduce its environmental impact, e.g. the Harrogate project, and this should be encouraged accross the county. It seems ridiculous that people who are willing to pay are not being charged due to legislation and the service is therefore being put at risk for non-entitled families. Having chosen a non-catchment school for a variety of important reasons, having the transport withdrawn is disappointing and a major disruption to both family income and learning quality.

My ** travels to secondary school as a non-entitled child using home to school transport. We were always prepared to pay for this transport as we live 13 miles from school. I agree that the home to school transport provided takes cars off the road therefore reducing pollution and congestion around school. If my ** was not able to use a spare paid for seat it would take me 2 hours a day to transport ** to and from school. I am happy to pay for a spare seat to allow my child to travel to and from school.

** - Whilst all comments have been considered, details that could be used to identify a person(s) have been removed for publication.

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

Home to School Transport – Use of Accessible Vehicles and Provision of Transport for Non-Entitled and Post 16 Pupils.

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

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| Name of Directorate and Service Area | Business and Environmental Services – Transport Waste and Countryside Services |
| Lead Officer and contact details | Andy Holmes 2357 |
| Names and roles of other people involved in carrying out the EIA | Ian Fielding Assistant Director, Transport Waste and Countryside Services Andy Holmes – Service Improvement Officer |
| How will you pay due regard? e.g. working group, individual officer | As a working group |
| When did the due regard process start? | February 2020 |

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

North Yorkshire County Council has a duty to provide home to school transport free of charge to all entitled children up to the end of year 11. There are currently over 12,500 pupils entitled for free home to school transport in North Yorkshire.

The Council also has a duty to assist in the provision of transport for 16-19 year old pupils to travel to sixth form or college. This can be through the provision of transport (e.g. on a bus or by taxi) or by making a financial contribution towards cost. Where the Council provides home to school transport for post 16 pupils it is allowed to recover a contribution towards its costs.

Where the Council arranges transport for entitled pupils there may be spare seats on the vehicles, which it has previously offered to non-entitled and post 16 pupils for a fee.

Spare seats have been allocated according to criteria that prioritise factors such as whether a child has any special educational needs; whether siblings already travel on the vehicle; and the stage the child is at in their education. The number of spare seats available on any home to school service varies each year as the number of entitled pupils changes.

Allowing non-entitled and post 16 pupils to travel using spare seats on home to school transport has made effective use of spare capacity in the service; provides a safe and effective service for pupils not entitled for free transport; reduces congestion and also generates valuable income to the Council. Using spare seats is also environmentally better and helps reduce greenhouse gas emissions and improve air quality.

The County Council's Executive considered a report on 3 September 2019 which highlighted a legal challenge to the Council's approach to the provision of home to school transport for non-entitled¹⁰ and post 16 pupils.

The challenge centred on the ability of non-entitled and post 16 pupils to 'buy' spare seats on vehicles that were used for home to school transport provided by the Council, but which were not accessible for people with mobility needs. It was alleged that this practice was contrary to the requirements of the Public Service Vehicles Accessibility Regulations 2000 (PSVAR).

The Executive resolved on 3rd September 2019 to stop charging for the use of spare seats in most cases in order to ensure legal compliance, and asked for further report be brought to the Executive prior to the end of the 19/20 academic year with either:

- a) Proposals to reintroduce charges where suitable clarification or a change in law has been provided that would enable the reintroduction of such charges or, in the event that clarification or a change in law is not provided by that time;
- b) Long term proposals to address the application of PSVAR to home to school transport including recommendations as to whether the Council ceases to provide transport using spare seats on buses that do not comply with PSVAR or continues to offer them free of charge.

It is now clear that PSVAR does apply to home to school transport where provided using vehicles with over 22 seats, but from January 2020 the Government has offered some further exemptions for home to school services that carry fewer than 20% of fare paying passengers. These exemptions apply until December 2021 with the potential of a further extension up to December 2023.

¹⁰ The term non-entitled in this report and related consultation refers to those pupils who are deemed not eligible for free home to school transport as determined under the Education Act 1996

There is no specific legal obligation for the Council to require all vehicles used for home to school transport to be accessible, and practice is that any entitled pupil that requires an accessible vehicle is provided one. Entitled pupils with mobility needs are always provided with a suitable vehicle that allows them to be transported in safety and comfort (including in their wheelchair if appropriate). Unlike commercial bus service operators, the Council knows in advance whether pupils routinely require accessible transport and it is provided when necessary. Prior to the recent challenge the Council has not been pressed by parents, pupils or schools for most mainstream school transport to be accessible.

When the Council puts home to school transport services out to tender, unless it is specified that an accessible vehicle is required, operators are free to offer accessible or non-accessible vehicles. Contracts are then awarded on the basis of the lowest cost to the Council (subject to meeting minimum quality standards). Procurement in this way ensures a transparent and cost effective service and provides for greatest competition between both small and large operators.

Most vehicles used on mainstream home to school transport are not currently accessible. The Council is not under any obligation to procure accessible vehicles, provided the mobility needs of any entitled pupil are met. However, it is recognised that there would be wider benefits in doing so as it would help increase the numbers of accessible vehicles within the industry and therefore improve the general accessibility of public transport.

The Council is currently working with operators to identify ways in which we can be more innovative in our procurement of home to school services to help encourage the use of more accessible vehicles. This will take time to establish and in the meantime using more accessible vehicles on home to school transport will increase Council costs.

A recent tender for home to school transport indicated that the costs of PSVAR compliant coaches would be nearly £12,000 more per vehicle than for a non-compliant coach. This would scale up to an additional annual cost in excess of £2.7million if home to school services were provided using only accessible vehicles across the whole of North Yorkshire. It is also highly unlikely that operators would be able to secure enough vehicles to ensure all home to school transport was provided using accessible vehicles within a timescale for this to be a realistic option in the short term.

This level of additional cost would impact significantly on Council resources and it is therefore proposed that the Council continues to allow operators to use non accessible vehicles for home to school transport, unless otherwise required by law or to meet the mobility needs of pupils.

The requirement is now to determine if and when the Council will require the use of accessible vehicles for home to school transport in future, and under what circumstances, if any, transport will be provided for non-entitled and post 16 pupils.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The proposals are a response to the need to reconsider the way home to school services are provided following a legal challenge. The aim is to be able to provide home to school transport for a range of pupils in accordance with the Council's legal duties, using accessible transport if required and considering whether it is proportionate and cost effective in other cases, making effective use of spare seats and ensuring that the Council complies with its equality duty and makes best use of its resources.

Section 3. What will change? What will be different for customers and/or staff?

Further to a public consultation on options for the use of accessible vehicles and spare seats on home to school transport, it is proposed that the Council continue to:

- a) Secure transport only for entitled pupils (i.e. the presumption is that post 16 and non-entitled pupils will make their own arrangements to travel to school (noting that Post 16 pupils may qualify for assistance from the Council - which may be by provision of transport or payment of an allowance)
 - b) Provide transport using the most proportionate and economic means of transport that is capable of meeting the needs of the pupil - including public train and bus services and taxis,
- and that
- c) Where entitled pupils do not have mobility needs that require accessible transport then the Council may fulfil those needs using vehicles that are not accessible.
 - d) Spare seats on vehicles procured for home to school transport may be offered to non-entitled and post 16 pupils and allocated according to the following criteria in order of priority:
 - I. Pupils with special educational needs or disabilities
 - II. Entitled Post 16 pupils
 - III. Previously travelled on vehicle
 - IV. Where siblings already travel
 - V. Other non-entitled pupils (including non-entitled post 16 pupils) according to distance
 - e) A charge will be made for the use of spare seats by non-entitled and post 16 pupils where the vehicle used is compliant with the requirements of PSVAR or otherwise exempt
 - f) Pupils with Paid Travel Permits currently travelling in spare seats on vehicles that are not compliant with the requirements of PSVAR, or otherwise exempt, will be able to continue to travel without charge for a period up to July 2021 - subject to the normal provisions that the offer can be withdrawn at any time if the seat is required for an eligible pupil, and on the understanding that a charge can be introduced with at least one month's notice if the vehicle either becomes exempt from PSVAR or is replaced with another vehicle that is compliant or otherwise exempt.
 - g) Daily fares paid for the use of spare seats will only be taken where vehicles are accessible and comply with PSVAR.
 - h) New applications for use of spare seats will only be considered where vehicles are PSVAR compliant or otherwise exempt.
 - i) The Council may require a PSVAR compliant vehicle to enable it to offer spare seats to non-entitled and post 16 pupils but will only do so where it is cost effective to do so.

The proposal is that these arrangements are effective from the start of the 2020/21 academic year

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

A public consultation was open between 14 February and 19 April 2020. It was publicised on the County Council's consultation web pages and in addition nearly 3,000 Parents/Guardians of pupils who currently use the service and may be affected were sent letters telling them of the proposed changes, and information was sent direct to schools asking for their help to promote the consultation. Further promotion was carried out by direct contact with service provider(s), through staff bulletins and press releases. A copy of the consultation document is included in Appendix 1.

The primary purpose of the consultation was to seek views on the following issues:

- The use of non-accessible vehicles for home to school transport
- Whether and under what circumstances the Council should make any spare seats available on home to school transport available to non-entitled and post 16 pupils.
- The criteria to be used for allocating spare seats if the demand is greater than the number of seats available
- How the council should respond to consider the needs of people with disabilities when considering the use of spare seats

The consultation also allowed people to provide other comments

The consultation explained that:

1. There are often spare seats on home to school transport which the Council makes available to other non-entitled and post 16 pupils. About 2,300 non-entitled or post 16 pupils currently travel to and from school using spare seats.
2. Under certain circumstances the Council can charge for the use of these spare seats. The ability for the Council to make a charge is limited to where vehicles are accessible and comply with, or are exempt from, the requirements of the Public Services Vehicles Accessibility Regulations 2000 (PSVAR).
3. About 1,370 non-entitled or post 16 pupils are currently paying the Council approximately £270,000 per year to travel using spare seats. In addition, for a limited time the Council could lawfully charge a further 580 pupils which would generate an additional annual income for the Council of about £260,000.
4. About 370 non-entitled and post 16 pupils currently travel on vehicles that are not compliant or exempt from PSVAR and the Council cannot charge these pupils

The consultation document detailed 4 options

OPTION 1 – Transport only entitled pupils.

OPTION 2 – Charge where it is lawful to do so - but do not offer spare seats on vehicles where it would unlawful to charge.

OPTION 3 – Charge where it is lawful to do so - and offer other spare seats for free

OPTION 4 - Combination of Option 2 and Option 3.

The consultation document identified Option 4 as the initial preferred option, subject to the outcome of the consultation; i.e. to charge for the use of spare seats where it is lawful to do so, but to allow other spare seats to be used for free up to the end of the 2020/21 academic year, and only to pupils already travelling (which are almost all sixth form or college students).

The implication of this option is that almost all pupils currently being transported will continue to be transported (at least until July 2021) and income to the Council from making a charge for spare seats will increase by £260,000 p.a. (at current charging rates) until the Government's temporary exemptions expire or vehicles can be replaced with accessible ones.

In total 380 responses were received in response to the consultation. A summary of the responses to the consultation is included as Appendix 2. The key points from the responses are:

- 82% (310) of respondents felt that the Council should only use accessible vehicles to transport pupils to and from school where required to meet the known needs of the pupils being transported (18% (69) responding that they should be always used regardless of cost and the needs of pupils)
- 85% (322) of respondents felt that spare seats should be offered to non-entitled and post-16 pupils regardless of whether the Council can charge for the use of the spare seat. 13% responding felt that spare seats should be offered only when we can charge for the use of the spare seat and 2% said spare seats should be never be offered

- 62% (234) of respondents felt that where the Council receives a request to use a spare seat on school transport from a pupil with needs that require an accessible vehicle the Council should provide an accessible vehicle if possible and within reasonable additional cost. 28% (105) responded that the Council should replace the vehicle with an accessible vehicle, or provide separate transport regardless of cost. 11% said we should decline to provide transport unless alternative
- When asked to prioritise a set of proposed criteria to use to allocate spare seats on vehicles for home to school transport there were mixed views with little differences overall between the order of preference as a proportion of overall scores. However, the ranking was as follows:
 - Pupils with special educational needs or disabilities
 - Previously travelled on vehicle
 - Where siblings already travel
 - Entitled post 16 pupils
 - Distance
- There were 38 suggestions for alternative criteria with the most popular being:
 - Where public transport is not available
 - Non entitled Post 16 students
- 58% (216) of respondents preferred the proposed option (option 4) for the use of spare seats – being a combination of Options 2 and 3 where the Council charge where it is lawful to do so and offer other spare seats for free, but only until July 2021. Option 3 (charge where it is lawful to do so and offer other seats for free) was the next preferred option by 28% (104) of respondents, with Option 2 (Charge where lawful to do so, but do not allow other spare seats to be used) was preferred by 12% (44) of the respondents and only 3% (11) preferred Option 1 (transport only entitled pupils).

The responses from the consultation are broadly supportive of the proposals but it is important to highlight that the strength of opinion on Q2 about when the Council should offer spare seats regardless of whether it can charge. Although an option for the Council, allowing the use of spare seats without charging was not one of the options put forward in Q5 and was excluded on the basis that offering spare seats is a discretionary service which it can legitimately charge for. The Council has a fiduciary duty to taxpayers which means it should act prudently and responsibly in the best interest of local tax payers. To not charge would mean passing over the opportunity to generate significant income for the Council, and would result in requests for the use of spare seats becoming unmanageable as a universal free service would mean numbers of applications would likely far exceed the number of available seats.

Analysis of responses for all questions shows that do not materially differ depending on the type of respondent except in a few cases:

- Q2 - When should spare seats on home to school transport be offered to non-entitled and post-16 pupils? 56% of responses from home to school operators felt that seats should only be offered where the Council can charge, compared with an overall response of 13% for this option.
- Q3 - When asked about provision of transport for non-entitled and post 16 pupils with mobility needs, responses from schools were split with 40% selecting the option that the Council should “Decline to provide transport unless alternative arrangements can be made without additional cost” compared to the overall response rate only 11%. The same number of schools (40%) also selected the option that the Council should “Provide an accessible vehicle if possible and within reasonable additional cost but do not replace the vehicle with an accessible vehicle”. This was the overall preferred option for 62% of respondents.
- Q4 – Responses on the priority for allocating spare seats were mixed across the types of respondent:

- the majority of groups selected their 1st or 2nd priority to be “Pupils with special educational needs or disabilities”, except:
 - Schools, who ranked it as their 4th priority,
 - Parents/guardians of both non-entitled and post 16 students who ranked this as their 3rd priority
- Schools, parents/guardians of non-entitled children, and younger persons selected “previously travelled” as their first priority, with other groups having mixed views across the range of options.
- Service providers, parents/guardians of entitled children and post 16 pupils, chose “distance” to be the least important criteria whereas non-users of the service, younger persons and the disability group/forum ranked it as their 3rd priority. Schools ranked “distance” as their 2nd priority.
- “Entitled post 16 pupils” is the first choice priority for parent/guardians of post 16 students, and second priority for non - users of the service, service providers and the disability group/forum. It is the fourth or fifth priority for other groups
- “Siblings already travel” is the second priority for parents/guardians of entitled and non-entitled children, with other groups ranking this as their 3rd priority or less
- Q5 - Which of the above options for the use of spare seats do you prefer? The overall preference with 58% of respondents was Option 4, the proposed option with the majority of respondents from all groups favouring this option except from:
 - The one response who identified as from a disability group/forum who selected Option 2 (Charge where lawful to do so but do not offer spare seats on vehicles where it would unlawful to charge).
 - The responses from schools which were divided equally (50%:50%) between Option 4 (the preferred option) and Option 3 (charge where it is lawful to do so - and offer other spare seats for free)
 - Responses from young people which were mixed, although Option 4 (the preferred option) was the highest response at 38%.

It is also important to highlight that the responses to Q4 on how spare seats should be allocated differs from existing practice where preference for allocating spare seats is given to entitled post 16 pupils. The consultation did not highlight the difference between entitled and non-entitled post 16 pupils, and especially that the consequence of not allocating an entitled post 16 pupil with a spare seat is likely to be a higher cost to the Council arising from its obligation to offer alternative assistance. The consultation also didn’t provide a choice between non-entitled and entitled post 16 pupil which may have helped bring out this point.

It is therefore proposed that greater priority be given to entitled post 16 pupils than indicated by the responses to the consultation, but that that it be second to the allocation to pupils with special educational needs or disabilities (SEND).

Respondents were also invited to provide further comments about the issues raised in the consultation. Comments were provided about issues relevant to the consultation but also about matters related to home to school transport policy. All comments are detailed in the Appendix but some themes can be identified within the responses that are commented on below.

| | Theme | Comment |
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| 1 | Home to school transport should be accessible and provided for all | The criteria for who is entitled and who is non-entitled is a matter of Council policy and not within the scope of this report. It is desirable that all vehicles used for home to school transport are accessible, and the Council is working with operators to help improve accessibility of the service, but it is currently not practical or affordable to use only accessible vehicles in the provision of home to school transport. |

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| 2 | The Council should provide transport for post 16 pupils as they are required to remain in education | This is a matter of legislation and the Council policy abides with the law and is not within the scope of the matters under consideration however, the Council is legally obliged to provide assistance to entitled post 16 pupils to travel to school but is not required to provide transport. Assistance may include the offer of transport where it is available but may also include the offer of a parental allowance to help contribute towards costs. Council policy is that where assistance is provided the pupil is required to pay a contribution towards costs of £490 p.a.(2019/20) |
| 3 | Spare seats should be offered/offered and charged for. | This is the proposal set out within the consultation |
| 4 | The nature of the rurality of North Yorkshire impacts on the ability to get to school | This is recognised as a driver of cost for both parents and the Council. The rural nature of the County means that proportionally more pupils are eligible for free home to school transport, or assistance with transport, than in more urban areas. The limits of commercial bus services across much of the County means that home to school transport provision is largely reliant on taxis and coaches, and it is this reliance on coaches that has impacted the Council in respect of PSVAR, and created the need for this consultation. However, regardless of rurality, the Council continues to fulfil its duties to ensure entitled pupils are provided home to school transport. |
| 5 | The impact on the education of pupils if changes are made | The proposals within the consultation seek to minimise the impacts on pupils by continuing to offer spare seats for free until July 2021 for pupils currently travelling. It is also proposed to use Government exemptions from PSVAR to maintain transport for as many pupils as possible for as long as possible, but ultimately the ability to continue to make spare seats available for non-entitled and post 16 pupils will depend on being able to secure accessible vehicles in line with the resources available. |
| 6 | Reduction in the service will lead to more vehicles on road and increase environmental damage | It is acknowledged that this would be an undesirable outcome if the Council were to stop making spare seats available to non-entitled and post 16 pupils, and is one of the factors behind the proposal to continue to make spare seats available. |
| 7 | Affordability for parents | Affordability is a recognised issue and the Council's current policy is to offer a 50% reduction in charge for households with a low income. |
| 8 | SEND pupils should have access to transport/free transport | This is a matter of legislation and Council policy and not within the scope of the matters under consideration however, eligibility for free home to school transport is determined according to multiple criteria that include an assessment of a pupil's ability to safely walk to school. This will take into account |

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| | | any relevant special educational need or disability and means that transport is provided to meet the specific needs of pupils. |
| 9 | The Council has a statutory duty under equalities legislation to ensure it does not discriminate against pupils with disabilities | The Council's duties and obligations under equalities legislation are set out in Section 11 of this report. |

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

The Council currently only charges for spare seats on commercial services or vehicles that are less than 22 seats (and therefore exempt from PSVAR) or where daily fares are taken and vehicles are known to be accessible and compliant with PSVAR. The Council does not currently charge for spare seats on any non-accessible vehicles larger than 22 seats, or for any SEND pupils.

Council income based on 2019/20 full year charges is currently approximately £410,000 p.a.

The proposals detailed in this EIA include for taking advantage of temporary additional Government exemptions from PSVAR for vehicles over 22 seats where less than 20% of the seating capacity of the vehicle is paying, and for reintroducing charges for SEND pupils. These proposals would enable the further recovery of approximately £261k p.a. income at 2019/20 charging levels. These revenues are contingent on the ability to take advantage of the additional temporary Government exemptions which apply until December 2021, but which may be extended to December 2023. Without Government exemptions the additional income will be approximately £93,000 p.a. at 2019/20 charging levels.

| Section 6. How will this proposal affect people with protected characteristics? | No impact | Make things better | Make things worse | Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc. |
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| Age | | | X | Post 16 pupils are not entitled to free home to school transport but may be entitled to assistance from the Council depending on their individual circumstances. Assistance can include the provision of transport using spare seats on Council provided services. Since July 2019, where this has been on vehicles with more than 22 seats that are not compliant with PSVAR the Council has waived the charge it would normally make for providing this assistance. The proposal is to reintroduce this charge where it would be lawful to do so. Post 16 pupils will be impacted proportionally more than younger pupils as they are currently approximately 360 post 16 pupils that will now be charged |

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| | | | | compared to approximately 220 younger pupils. |
| Disability | | | X | <p>Since July 2019 the Council has suspended charges for home to school transport for all non-entitled and post 16 SEND pupils even where it would be lawful to charge. This was on the basis that charging where it as lawful to do so but allowing others using spare seats would have a disproportionate impact on SEND pupils as only 8% of SEND pupils would benefit from free travel compared to 31% of mainstream pupils.</p> <p>Following consultation, the proposals are now to reintroduce charges where it is lawful to do so and using new Government exemptions, and to limit the provision of free spare seats to those already travelling, and only until July 2021. The proposals now mean the proportion of mainstream pupils that will benefit from free travel is reduced to 11% which, still higher than for SEND pupils, but comparable. From July 2021 there will be no difference with all non-entitled and post 16 pupils being charged. These adjustments are considered as reasonable and proportionate.</p> <p>The proposals also include for arrangements in the event of a disabled pupil requesting to travel to school using a spare seat on a non-accessible vehicle. It is recognised that the practice of offering spare seats on non-accessible vehicles has a disproportionate impact on people with disabilities in that they may be prevented from accessing this offer depending on any mobility need. The consultation invited views on this point and responses indicated support for the proposal that, in these circumstances, the preferred approach should be to secure a replacement accessible vehicle but where this is not possible or would entail unreasonable additional cost then transport is not provided.</p> <p>In practice, the Council will need to consider individual applications as to whether it can offer the discretionary service to individuals who benefit from the protection of the Equality Act 2010, and what reasonable adjustments might be necessary so that the individual pupil can access the discretionary service. It is not possible to legislate for every eventuality and the Council must recognise its duties under the Equality Act to have due regard to the need to:</p> |

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| | | | | <ul style="list-style-type: none"> eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. <p>Decision makers need to be clear that they have paid due regard, and that they have considered mitigation and they have no other option but to pursue this course of action. It is therefore proposed that each case be assessed on its merits against a framework that acknowledges vehicles used for home to school transport may not initially be accessible. Where a pupil with mobility needs applies for the use of a spare seat that application will be considered against the normal allocation criteria having regard to the requirement for the Council to consider what reasonable adjustments may be necessary to ensure the protection of those identified under the Equality Act.</p> |
| Sex | X | | | |
| Race | X | | | |
| Gender reassignment | X | | | |
| Sexual orientation | X | | | |
| Religion or belief | X | | | |
| Pregnancy or maternity | X | | | |
| Marriage or civil partnership | X | | | |

| Section 7. How will this proposal affect people who... | No impact | Make things better | Make things worse | Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc. |
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| live in a rural area? | X | | | This is recognised as a driver of cost for both parents and the Council, and is a concern highlighted by some respondents to the consultation. The rural nature of the County means that proportionally more pupils are eligible for free home to school transport, or assistance with transport, than in more urban areas. The limited commercial bus services across much of the County means that home |

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| | | | | <p>to school transport provision is largely reliant on taxis and coaches, and it is this reliance on coaches that has impacted the Council in relation to PSVAR, and created the need for this review and consultation.</p> <p>However, regardless of rurality, the Council continues to fulfil its duties to ensure entitled pupils are provided home to school transport. The proposals have no direct impact on people living in rural areas other than they are more likely to be users of home to school transport.</p> |
| ...have a low income? | X | | | <p>The proposal is to reintroduce charges which were previously levied up to September 2019. There will therefore be an impact on any family with a low income that has been benefiting from free transport since that date. This is partially mitigated by the Council's policy of offering a 50% discount on the costs of home to school transport for families with a low income.</p> |
| ...are carers (unpaid family or friend)? | X | | | <p>There is a potential for young people who are also carers to be charged or eventually denied the opportunity to travel in a spare seat on home to school transport under these proposals.</p> <p>NYCC offer support to young carers from 8 years of age tailored to the individual need and which can include advice and information, family support and support for the carer both in and out of school. Providing advice and assistance on a home to school transport issue would be included in the scope of assistance provided under this service. In addition, young carers who are entitled to Post 16 transport assistance already have their charge waived under the established procedure, so they would not be affected by re-introduction of charges for spare seats.</p> |

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)

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| North Yorkshire wide | X |
| Craven district | |
| Hambleton district | |
| Harrogate district | |

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| Richmondshire district | |
| Ryedale district | |
| Scarborough district | |
| Selby district | |
| If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below. | |
| | |

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

Yes.

The proposals will impact more on post 16 SEND pupils who are currently not being charged for home to school transport following suspension of charges in September 2019. The proposals are to reintroduce those charges to bring them in line with Mainstream pupils.

| Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us) | Tick option chosen |
|---|---------------------------|
| 1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified. | |
| 2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people. | |
| 3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services) | X |
| 4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped. | |
| Explanation of why option has been chosen. (Include any advice given by Legal Services.) | |
| Options 1,2,3 have been discounted as follows: | |
| OPTION 1 – Transport only entitled pupils This would mean removing the offer of transport to all 2,300 non-entitled and post 16 pupils to travel using spare seats and the 420 travelling on commercial services. This provides a robust response to the legal challenge and ensures equity across those in receipt of transport however, it creates significant difficulties for the 2,700 non-entitled and post 16 pupils who are currently offered transport using spare seats or on commercial services who would no longer be permitted to travel. This option would require those affected pupils to find alternative means of transport leading to increased congestion and emissions. It may impact on a parent's choice of school for their child and would also result in annual income to the Council reducing by over £410k p.a. | |

OPTION 2 – Charge where it is lawful to do so - but do not offer spare seats on vehicles where it would unlawful to charge. Allowing for the recent Government exemptions, this option would enable about 2,400 of the 2,700 non-entitled and post 16 pupils currently using spare seats or travelling on commercial services to continue to travel, and would generate additional income for the Council of approximately £260,000 per year at 2019/20 charges.

OPTION 3 – Charge where it is lawful to do so - and offer other spare seats for free. This option reduces inconvenience for existing travellers and helps reduce congestion and emissions by making best use of available seats. However, the obvious problem with this option is that it results in some pupils being charged and others not - which could be perceived as unfair. This option also has a disproportionate impact on pupils with special educational needs or disabilities (SEND) as once Government exemptions expire there would be approximately 30% non-entitled and post 16 mainstream pupils that would travel for free compared to only 8% for SEND pupils. For these reasons it is not considered as a suitable long term option

The proposed option:

OPTION 4 – Combination of Option 2 and Option 3. The proposed option mitigates the negative impacts of Option 3 and makes it more equitable by limiting the availability of free seats to those pupils already travelling, and offering free travel only for a limited period. This interim option would be combined with a policy of not accepting any new applications to use spare seats unless the vehicle concerned is compliant with PSVAR or otherwise exempt. Under this option the proportion of mainstream and SEND pupils benefiting from free travel will be more comparable at approximately 11% and 8% respectively. The proposal to not accept any new applications for spare seats unless the vehicle is accessible means that the proportion of mainstream pupils benefiting from free travel will reduce to approximately 7% in September 2020 as post 16 pupils finish their education. Free travel is time limited under this option until July 2021 meaning any perceived unfairness in charging most pupils but letting some travel for free is short term, with those benefiting being mostly post 16 pupils in the final year of their education.

This option therefore provides the most equitable outcome and provides a reasonable and proportionate solution.

The Council is subject to the public sector equality duty set out in Section 149 of the Equalities Act 2010 (EqA2010) which requires public authorities to have due regard to

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equalities Act 2010 (*section 149(1)(a)*).
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (*section 149(1)(b)*). This involves having due regard to the needs to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (*section 149(4)*); and
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it (*section 149(1)(c)*). This includes having due regard to the need to tackle prejudice and to promote understanding (*section 149(5)*),

In the consultation which has taken place on the options as to how the Council might address issues in home to school transport and it is appreciated that none are ideal. They all either impact more on pupils with protected characteristics, reduce the ability for pupils to travel on spare seats or reduce the income the Council can receive for allowing them to do so. The proposed option mitigates these impacts by a combination of measures:

- Restricting the future offer to new pupils for travel on spare seats to accessible vehicles only
- Charging for travel using spare seats where it is legal to do so – taking advantage of any relevant Government exemptions
- Allowing free travel using spare seats on vehicles where the council cannot charge to those pupils currently travelling, and for a maximum period up to the end of the 2020/21 academic year

Section 29 of the Equalities Act 2010 imposes a duty to make reasonable adjustments in providing services and public functions, which includes the provision of home to school transport. This duty arises where people with disabilities are placed at a substantial disadvantage.

Where the duty arises the Council must take such steps as is reasonable to avoid the disadvantage or adopt a reasonable alternative method of providing the service. The measures set out in the proposals are considered to be a reasonable and proportionate way of implementing the service in a way to avoid and limit any disadvantage. In considering the responses to the options in the consultation the Council has balanced and compared the alternatives and is seeking to provide an outcome which provides a service as close as possible to that enjoyed by pupils who do not have a disability.

The duty regarding reasonable adjustments is continual and will be revisited through the periodic reviews identified in this EIA.

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Service demand will be monitored through applications over time, together with monitoring of numbers of appeals.

This will be done through a 6 and 12 month post implementation review.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

| Action | Lead | By when | Progress | Monitoring arrangements |
|--|------|--------------|----------|-------------------------|
| Determine operating procedure to consider application to travel using spare seat from non-entitled or post 16 pupil requiring accessible vehicle | IPT | 30 June 2020 | | |
| Advise all stakeholders of revised process and procedures for allocating and charging for spare seats | IPT | 30 June 2020 | | |

| | | | | |
|-------------------------------------|-----|---|--|--|
| 6 month post implementation review | IPT | 6 months after implementation: i.e. by end Feb 2021 | | |
| 12 month post implementation review | IPT | 12 months after implementation: i.e. by end Feb 2021 | | |

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Following a challenge to past practice of making spare seats on home to school transport available to non-entitled and post 16 pupils for a fee, the Council has had to review its practice. The initial response was to cease charging for the use of spare seats in most cases, with a requirement that the provision of this discretionary service be reviewed following clarification of the legal position.

It is now clear that the application of equalities legislation means the Council cannot charge for the use of spare seats on home to school transport where the vehicle used is not either compliant or otherwise exempt from Public Service Vehicle Accessibility Regulations.

Most vehicles used for home to school transport do not comply with the Regulations but recent temporary Government exemptions will enable the Council to reintroduce charges for most spare seats if it chooses to do so.

Consultation has taken place on four options as to how the Council might respond. None are ideal as they all either reduce the ability for pupils to travel on spare seats or reduce the income the Council can receive for allowing them to do so. Some also impact more on pupils with protected characteristics.

The proposed option mitigates these impacts by a combination of measures:

- Restricting the future offer to new pupils for travel on spare seats to accessible vehicles only
- Charging for travel using spare seats where it is legal to do so – taking advantage of any relevant Government exemptions
- Allowing free travel using spare seats on vehicles where the council cannot charge to those pupils currently travelling, and for a maximum period up to the end of the 2020/21 academic year

It is desirable that home to school transport is provided using accessible vehicles but this is not practicable in the short term and is not affordable. There is no legal requirement to use accessible vehicles other than when needed to meet the needs of a pupil, and the Council cannot therefore commit to using only accessible vehicles for the foreseeable future. However, offering spare seats on non-accessible vehicles has the potential to have a disproportionate impact on pupils with mobility needs and needs to be considered carefully.

The Council cannot refuse transport using a spare seat to a pupil simply because that vehicle is not capable of meeting the mobility need of the pupil. The Council has a duty to consider what reasonable adjustments might be made to enable the pupil to travel, which may include the replacement of the vehicle with an accessible one. This would almost certainly involve additional cost and may even be impossible to achieve within the constraints of the contract or the market. Selling of spare seats is a discretionary service so any disproportionate impact could be mitigated simply by withdrawing the service, or limiting it only to accessible vehicles. This provides equity but is an extreme response. Instead it is proposed that spare seats on all vehicles continue to be offered but it be made clear that the Council would welcome applications from pupils with mobility issues and all reasonable adjustments will be made to accommodate the request. Each case will have to be assessed on its merits and will be subject to the normal appeals process if any pupil is denied transport for whatever reason. This will satisfy the Council's statutory functions and enable the maximum number of pupils to benefit from the offer of a spare seat.

Following any implementation, there will be a 6 and 12 month post implementation review to ensure that any adverse impacts on young people are mitigated.

Section 14. Sign off section

This full EIA was completed by:

Name: Andy Holmes
Job title: Service Improvement Officer
Directorate: BES
Signature: Andy Holmes

Completion date: 06 May 2020

Authorised by relevant Assistant Director (signature): Ian Fielding

Date: 06 May 2020