

Public Document Pack

**North Yorkshire County Council
Children and Young Peoples Service - Executive Members & Corporate Director Meetings -
Department**

Tuesday, 21 March 2023 / 1.00 pm

A G E N D A

1 **Apologies for Absence**

2 **Declarations of Interest**

Items for Executive Member decision

3 Home to School Transport Fees 2023/24 (Pages 3 - 18)

Any Other Business

4 Dates of Future Meetings

04 April 2023

09 May 2023

06 June 2023

04 July 2023

01 August 2023

05 September 2023

03 October 2023

07 November 2023

05 December 2023

Circulation:

Executive Members

Janet Sanderson
Annabel Wilkinson

Officer attendees

Stuart Carlton
Howard Emmett
M Sadler

Presenting Officers

Chris Reynolds

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NORTH YORKSHIRE COUNTY COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

CORPORATE DIRECTOR'S MEETING WITH EXECUTIVE MEMBERS

21st March 2023

Home to School Transport Contribution Fees for 2023-24

1.0 PURPOSE OF REPORT

- 1.1 This paper details proposals for the contribution rate for post 16 home to school transport and spare seats (paid permits) for the 2023/24 academic year.
- 1.2 The policy statement and transport provision ensure the Council provides travel assistance to those who require this the most, and is in line with the Department of Education Statutory Guidance, published January 2019.
- 1.3 This paper is to highlight the current contribution charge and recommend options for the 2023/2024 academic year, which requires publication no later than 31st May 2023.

2.0 BACKGROUND

- 2.1 In 2019, following 4 years of no increases, the Corporate Director of CYPS and Executive Members, agreed to increase the contribution rate from £495 to £600 in line with other county councils at that time. This increase was endorsed by Overview and Scrutiny in June 2019, and was implemented for the 2020-2021 academic year, with recommendation that yearly gradual increases are adopted. This brought the contribution charge in line with the authority Corporate Fees and Charges policy of reviewing fees and charges yearly.
- 2.2 Following the home to school transport policy review in 2018 – it was consulted upon and agreed, that the spare seat charging rate, for non-entitled statutory aged pupils, would also increase gradually to the same rate as the post 16-contribution charge. This has been increasing for 3 years with the expectation that a single rate would have been achieved for the 2022/23 academic year. The amounts that have been charged since 2018/19 are:

	2018/19	2019/20	2020/21	2021/2022	2022/2023
Post 16	£495	£495(PSVAR)	£600	£618	£650
Spare seat	£390	£390(PSVAR)	£490	£550	£600

- 2.3 Due to the rapid increase in inflation and the cost-of-living crisis that had developed post pandemic it was agreed in 2022 to add an additional phased year on the spare seat charging fee to keep the increase realistic to existing applicants, and bring the two amounts in line for 2023-24 academic year

- 2.4 In 2019, , under direction given from the Department for Transport to local authorities regarding charging, fees were suspended for most applicants due to the Public Sector Vehicle Accessibility Regulations.
- 2.5 Data sets in Appendix 1 have been used to compare North Yorkshire County Council to other councils that have similar characteristics to North Yorkshire, such as similar population sparsity, but excluding those authorities in the Southeast of England.
- 2.6 The Data has confirmed that NYCC has increased in line with other comparative authorities, and our current position remains the same as 2021/22

3.0 ISSUES

- 3.1 North Yorkshire’s geographical profile presents challenges for young people who are expected to remain in education employment or training until aged 18 – participation age.
- 3.2 With the exception of our major towns, most further education provision does not have a regular public transport service which can accommodate learners in remote and rural locations.
- 3.3 A significant number of post 16 applications are for learners attending specialist provision which is not local or accessible via alternative means.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The Post 16 charging arrangements are not intended to fully cover the cost-of-service delivery for the eligible young people, but rather to make a contribution towards the overall cost of transport. If the authority chose to change this arrangement, it would require a full public consultation.
- 4.2 The cost of providing Home to school transport has increased by 25.87% since March 22 to January 23
- 4.3 The following table sets out the income that was achieved from post 16 and paid travel permits, and is forecast to be achieved since the policy was introduced.

Academic year	2018/19	2019/20*	2020/21	2021/22	2022/23**
Contribution income	£414,233.18	£96,972.96	£416,039.88	£514,498.79	£570,964.40

* Significantly reduced due to PSVAR and 1st Lockdown
 ** estimated

- 4.4 The review last year, opted to add an additional phasing year to the implementation of the Home to School Policy 2019 changes for spare seat charging.
- 4.5 It was agreed this delay was for 1 year only, and that the contribution rate for spare seats would align with Post 16 in 2023/24 academic year.
- 4.6 As part of the contribution charge, consideration should be given to the level of discount applied to parents from low-income families. The Department for Education extended rights policy already establishes criteria for eligibility which NYCC follows.

- 4.7 The low-income reduction rate varies across England. A small number of authorities apply no discount. However, the majority are set at 50%, with a small cluster offering up to 100% reduction. We are proposing to continue to offer a 50% discount. Appendix 3 shows the criteria for Low Income
- 4.8 The corporate fees and charges policy sets an expectation that all fees and charges will be increased annually in line with inflation, unless there are very specific circumstances that mitigate against such a course of action
- 4.9 The assessment of inflationary pressure relating to this particular service area (undertaken by the Corporate Finance team) is that there will be a 15% increase between the 22/23 and the 23/24 financial years.
- 4.10 Given that the inflationary uplift is in excess of the rates applied in recent years, and the need to harmonise the two charges, consideration has not been given to applying any higher rate of increase
- 4.11 This will increase the contribution fee for 2023/24 Academic year to £747.50 pa for both Post 16 and spare seats
- 4.12 The table below breaks this cost down to a daily level, included the average post 16 offer of 540hrs /3 days a week and the 5-day offer for spare seats permits or specialist school post 16

Year	Contribution	£	3-day x 36 weeks (540hr)	Price per trip	5 day x 38 week	Price per trip
2020/21	Full rate	£600	£5.50	£2.75	£3.15	£1.58
	Low income	300	£2.75	£1.38	£1.58	£0.79
2021/22	Full rate	£618	£5.72	£2.86	£3.25	£1.63
	Low Income	£309	£2.86	£1.43	£1.63	£0.82
2022/23	Full Rate	£650	£6.02	£3.01	£3.42	£1.71
	Low Income	£325	£3.01	£1.51	£1.71	£0.85
2023/24	Full rate*	£747.50	£6.92	£3.46	£3.93	£1.96
	Low income*	£373.75	£3.46	£1.73	£1.96	£0.98

- 4.13 This yearly increase shows that the cost for low-income families with a 5 day offer has only increase by 19p per journey over 4 years.

5.0 LEGAL IMPLICATIONS

Statutory Responsibility

- 5.1 Local Authorities have a responsibility under Section 508B of the Education Act 2014 to make such travel arrangements as they consider necessary to facilitate attendance at school for 'eligible' children.
- 5.2 Schedule 35B of the Education Act defines eligible children as those categories of children of compulsory school age (5-16).
- 5.3 For Students over the statutory school age (end of Year 11.) The local authority can use discretionary powers to provide travel assistance. These arrangements do not have to be provided free of charge as is the case with eligible statutory pupils.
- 5.4 Whilst Post 16 provision is beyond the statutory school age, local authorities have a duty to publish an annual Transport statement outlining what the authority will offer in terms of assistance by 31st May for the next academic year.
- 5.5 Local authorities may ask learners and their parents for a contribution to transport costs when exercising their discretion to assist, however they should:
 - ensure that any contribution is affordable for learners and their parents.
 - ensure that there are arrangements in place to support those families on low income.
 - Consider the likely duration of learning and ensure that transport policies do not adversely affect particular groups.
- 5.6 The Department for Education are reviewing the Statutory Guidance for Home to School Transport. We are now anticipating this document publication will be Spring 2023.
- 5.7 The revised guidance will likely result in the home to school transport policy requiring review and updating to meet the statutory expectations. This would require a full public consultation.
- 5.8 It would be a prudent measure to consult on the Post 16 Policy Statement at this time, considering the current national economic position.
- 5.9 Any consultation would be for the September 2024/25 academic year and beyond.
- 5.10 The Department for Education last published statutory guidance for Post 16 Transport in January 2019. Our current policy is compliant with the current guidance.

PSVAR

- 5.11 In April 2022 operators and LA's received information from the Department for Transport (DfT) regarding the launch of medium-term exemptions from the Public Service Vehicles Accessibility Regulations 2000 (PSVAR).
- 5.12 From 1 July 2022, these medium-term exemptions will replace the current system of short-term exemptions for Home to School (HTS) and Rail Replacement (RR) services. These exemptions are qualified exemptions that require operators to take specific steps to make their HTS and RR fleet progressively more compliant with

PSVAR within a specified timeframe, while allowing essential HTS and RR services to continue operating. The exemptions will be valid until 31 July 2026.

- 5.13 Following discussion with our Legal Team, we asked all of our operators that currently have exemptions during this academic year to tell us if they were seeking the new exemptions and all have done so and sent us a copy of their exemption received from the DfT. This means that they have agreed to meet the requirements of the new medium term exemption guidance and we were able to charge on our services from September 2022.

6.0 EQUALITIES IMPLICATIONS

- 6.1 The policy statement published each year requires an accompanying Equality Impact Assessment – this is included in Appendix 4
- 6.2 The local authority's current decision to provide assistance beyond year 11 is a commitment to improve access to education for young people.
- 6.3 The application of a single contribution fee, regardless of distance travelled, is to ensure that young people in our most rural communities are not disadvantaged.
- 6.4 The recommendation to offer a reduction to Low-income families reduces the financial requirement to our most vulnerable. Improving opportunity for young people to develop into further education with aspirations of higher education and employment

7.0 REASONS FOR RECOMMENDATIONS

- 7.1 The cost of providing transport continues to grow at higher than inflation levels.
- 7.2 Appendix 3 shows the cost for learners who would have access to alternative methods in relation to public transport which averages from £3.40 - £8.60 per day on bus travel
- 7.3 The table in 4.12 shows that the cost to families averages between £1.98 - £6.92 per day which is still slightly lower than public transport
- 7.4 This ensures we are not discriminating families who do not have a public service option, but also not impacting on the fragile market

8.0 RECOMMENDATION

- 8.1 The following recommendations are being made for consideration and approval:
1. Increase the post -16 charge in line with corporate inflation uplift to £747.50
 2. To implement the policy change and increase the charge for spare seats (paid permits) to £747.50 to match the Post -16 rate for 2023/2024 academic year.
 3. To continue to support the 50% reduction for families with a low income.

STUART CARLTON
CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE’S SERVICE

Report prepared by Gail Chester -SEND Transport Manager

ConsultedExecutive Member

Date:

ConsultedExecutive Member

Date:

ConsultedExecutive Member

Date:

Agreed:Corporate Director

Date:

Attachments

- Appendix 1 - Comparable Authorities
- Appendix 2 - Daily rate comparative
- Appendix 3 - Low- income indicator
- Equality Impact Statement

Appendix 1

Comparable Authorities to North Yorkshire based on Rural demographics and Transport infrastructure				
Authority	Post 16 charges 2022/23	Change from 2021/22	Ranking on charging fee (highest to lowest)	Notes, including reduction offer
Cambridgeshire	£795	Increased by £15	5	Reduced rates for low income and EHCP – up to 50%
Cornwall	£540	Increase by £25	11	No reduction
Cumbria	£422	No change	12	Spare seat policy only, EHCP currently free. Only started charging for spare seats 2 years ago
Devon	£600	No change	7	No reduction for low income
Durham	£309.70	Increase £13.30	13	No fee declared on policy only spare seat similar to Cumbria
East riding	£600	Increase by £60	8	Reduced by 50% for low income
Herefordshire	£875	Increase by £38	3	No mention of a reduction
Lancashire			15	Policy is no-longer displaying fee awaiting call back
Lincolnshire	£570	No change	10	No mention of low income
Norfolk	£576	Increased £12	9	25% low income reduction
Northumberland	£50	No change	14	Free if approved but £50 admin fee, have been directed by LGO to review is policy
North Yorkshire	£650	Increase by £38	6	50% low income reduction
Shropshire	£918	Increase by £43	2	70% reduction for low income
Suffolk	£930	No change	1	Consulting to raise fee to £1020 next year
Wiltshire	£850	Increase £29	4	70% reduction for low income

Appendix 2

Daily rate comparative

Year	Contribution	£	3-day x 36 weeks (540hr)	Price per trip	5 day x 38 week	Price per trip
2020/21	Full rate	£600	£5.50	£2.75	£3.15	£1.58
	Low income	300	£2.75	£1.38	£1.58	£0.79
2021/22	Full rate	£618	£5.72	£2.86	£3.25	£1.63
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	Low income*	£373.75	£3.46	£1.73	£1.96	£0.98

All amounts are rounded up to the next full pence

Public transport comparatives to mainstream colleges

Train - Northallerton to Darlington - £7 per trip York - £ 10.60 per trip Middlesbrough- £10.30

Whitby to Scarborough £65.00 per trip (no direct) Middlesbrough £7.90

Skipton to Bradford £8.10 Leeds £4.10

Knaresborough to Harrogate £3.50 York £3.80

Bus at the time of writing (February 2023), national offer of £2 per journey was available (Jan-March). So information below will be a daily return offer

Arriva – (Coast) £8.60 per day

Transdev – Student offer £8 per day

East Yorkshire – Under 19 £4.50 per day

Harrogate bus Company – under 19 - £3.40 per day local or £8 if traveling out of district

Dales and District Daytripper – under 19 £8 per day

College private services

Askham Bryan - distance based with highest band of 41miles + costing £486 or £4.76 per day (3 day offer)

York College - distance based with the outer zone costing £8.90 per day

Craven college – refunds up to £200 per term for use on Public Transport options

Darlington College - refunds public transport

Bishop Burton college – provide a number of free bus routes including Scarborough, Malton , York and Goole

Prior Pursglove College - £1 per day from Whitby, Hinderwell, Staithes and Sleights

Examples in practise.

Student A lives in Swainby and attends Darlington college 3 days a week Family do not meet the threshold for low income, and do not live on a public service route without occurring 2-3 hours of travel on multiple services
Student A family will be required to Pay £747.50 per annum which is equivalent to £6.92 per day

Student B lives in Northallerton and is attending Darlington College – student B is able to use public services, he can use the Dales and District Tripper at £8 per day and claim the majority of this cost back from the college.
The LA do not have to provide any support and would be more expensive for the family to use our provision.

Student C lives in Hawes and travels to the Dales School, he has a 5 day offer of education. The young person is not able to access public services due to level of need. The family meet the threshold for low-income reduction. The Family will be required to pay £373.75 per year or the equivalent of £0.98 per day

Appendix 3 – Low- income indicator

Pupils who are accessing free school meals, or whose parent/carer are on low income and can provide evidence of a means tested benefit.

These include:

- universal credit(with a net annual earnings threshold of £7400)
- income support;
- income-based Jobseekers' allowance;
- income-related employment and support allowance;
- income-based and contributions-based JSA or ESA on an equal basis;
- child tax credit, provided you are not entitled to working tax credit, and have an annual household income (as assessed by HM Revenue and Customs) that does not exceed £16,190;
- support under part VI of the Immigration and Asylum Act 1999;
- guarantee element of state pension credit;



North

Yorkshire County Council

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

(Form updated May 2015)

Post 16 Home to School Transport contribution rate.

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.

Name of Directorate and Service Area	Inclusion - CYPS Admissions – CYPS
Lead Officer and contact details	Jane Le Sage, AD Inclusion

	Amanda Newbold, AD Education & Skills
Names and roles of other people involved in carrying out the EIA	Gail Chester - SEND Transport Manager
How will you pay due regard? e.g. working group, individual officer	The post 16 contribution rate is reviewed annual to ensure that the proposed and adopted fee is reflective of standard practises
When did the due regard process start?	The process starts in October every year and concludes before the Home to School Post 16 Policy Statement publication on May 31 st

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?)

This EIA is about reviewing the contribution rate set by North Yorkshire County Council on an annual basis, to ensure the authority can continue to provide support to our young people to access further education.

The Council does not have a statutory duty to provide Home to school transport for young people beyond the end of year 11.

However, in North Yorkshire the County Council recognise that assistance is required to enable a number of young people reach their potential, in particular as a rural authority.

This EIA is to ensure that the County Council pay due regard that this review is not detrimental or discriminative to any person with protected characteristics

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 proposed increases are due to an ongoing budget pressure from the continuous growth of transport costs and demand in North Yorkshire.

The Local Authority must ensure its Home to School Transport policy is fit for purpose and is compliant with the legal requirements and code of practice; this is reviewed on an annual basis to ensure the policy is up to date and remains fit for purpose.

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

The Home to School Transport Statutory Guidance 2014 places a duty on the local authority to provide transport assistance for eligible children of statutory school age (5-16). Therefore transport provision for pupils over 16 years old is a non-statutory duty, ie discretionary.

However, the Local Authority still wants to offer support to ensure students can access their education provision and recognise the rural nature of North Yorkshire and the lack of public transport available.

This EIA is to accompany the review of the post 16 contribution rate for 2023-2024 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?)

The increase of the post 16 contribution fee is a delegated decision made by the Director of Children and Young People Service in agreement with the Elected Member with the Portfolio of Education and Skills, and Inclusion

The decision is subject to 5 working day call in process.

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

The current financial projection for Home to School Transport is demonstrating a continuous growth, which is applying budgetary pressures on the Council to meet its statutory duties.

Whilst the Council must discharge its responsibilities appropriately, it must also ensure that areas where the Council has been able to provide additional support such as post 16 assistance is supported where possible with some recuperation of cost in the form of an affordable contribution fee.

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.
Age		✓		The contribution fee is to enable the council to continue to provide support to young people who are no longer entitled to assistance.
Disability	✓			It is anticipated there would be no identifiable impact on Mainstream or SEND pupils as a result of their Disability
Sex	✓			It is anticipated there would be no identifiable impact on Mainstream or SEND pupils as a result of their sex.

Race	✓			It is anticipated there would be no identifiable impact on specific ethnic groups as a result of the proposals.
Gender reassignment	✓			It is anticipated there would be no identifiable impact on specific groups in relation to gender reassignment as a result of the proposals.
Sexual orientation	✓			It is anticipated there would be no identifiable impact on specific groups in relation to sexual orientation as a result of the proposals.
Religion or belief	✓			It is anticipated there would be no identifiable impact on specific groups in relation to religion or belief as a result of the proposals.
Pregnancy or maternity	✓			It is anticipated there would be no identifiable impact on specific groups in relation to pregnancy or maternity as a result of the proposals.
Marriage or civil partnership	✓			It is anticipated there would be no identifiable impact on specific groups in relation to marriage or civil partnership as a result of the proposals.

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.
Live in a rural area?		✓		The ongoing provision of providing assistance is in respect of the rural nature of North Yorkshire.
...have a low income?		✓		The contribution fee has a reduction for Low Income families of 50% The authority also publishes information about bursary schemes and other transport option in the post 16 policy statement to ensure alternatives and funding stream are available

Section 8. 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.**

No, no combination identified at this stage.

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Section 9. 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.	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>
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)	<input type="checkbox"/>
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	<input type="checkbox"/>
Explanation of why option has been chosen. (Include any advice given by Legal Services.) <p>The reason why '1. No adverse impact - no major change needed to the proposal. has been selected on the proposed changes to the Post 16 Home to School Transport contribution rate:</p> <p>This is an annual review of the contribution rate. The post 16 policy statement is review against Department for Education guidance With a reflect on other county councils contribution fees to ensure that North Yorkshire fees are not excessive.</p>	

Section 10. 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?)
<p>The review occurs each year and is monitored for the impact it has on young people. As part of the post 16 policy statement we are required to review alternative provisions and publish these within the policy statement to ensure families have an informed choice before requesting assistance</p>

Section 11. 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

Report Director and Executive members		21 st March 2023		
Call in period		By March 31 st		
Publication of post 16 policy statement		April 1 st 2023		

Section 12. 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.)

The Home to school Transport budget grows each year through increase costs and demand,
The Post 16 contribution fee is reviewed yearly to reflect this growth.
The proposed increase options are to ensure that the support can be continued

Section 13. Sign off section

This revised EIA was completed by: Gail Chester

Name: Gail Chester
Job title: SEND Transport Manager
Directorate: Children and Young People’s Services
Signature:

Completion date: 13 February 2023

Authorised by relevant Assistant Director (signature):
Date: