

NORTH YORKSHIRE COUNTY COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

CORPORATE DIRECTOR'S MEETING WITH EXECUTIVE MEMBERS

**Post 16 Policy Statement – Home to school transport.
Contribution Rate for 2022/2023 academic year.**

1. PURPOSE

- 1.1 This paper details proposals for the contribution rate for post 16 home to school transport and spare seats for the 2022/23 academic year.
- 1.2 The policy statement and transport provision ensures 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 2022/2023 academic year, which requires publication no later than 31st May 2022.
- 1.4 The ability to charge for seats is still subject to the outcome of the Government position on the Public Service Vehicle Accessibility Regulations.

2. STATUTORY RESPONSIBILITY

- 2.1 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.
- 2.2 Schedule 35B of the Education Act defines eligible children as those categories of children of compulsory school age (5-16).
- 2.3 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.
- 2.4 Whilst Post 16 provision is beyond the statutory school age, local authorities have a duty to publish a Transport statement outlining what the authority will offer in terms of assistance.
- 2.5 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;
 - Take into account the likely duration of learning and ensure that transport policies do not adversely affect particular groups.

3. RATIONALE FOR CHANGE

3.1 In 2019, following 4 years of no increases, the Corporate Director of CYPS and Elected 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.

3.2 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 be achieved for the 2022/23 academic year. The amounts that have been charged since 2017/18 are:

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

3.3 In 2019, fees were suspended for the majority of applicants due to the Public Sector Vehicle Accessibility Regulations, under direction given from the Department for Transport to local authorities regarding charging.

3.4 Data sets in Appendix 1 and 2 have been used to compare North Yorkshire County Council against a) All other county councils (Appendix 1) and b) councils that have similar characteristics to North Yorkshire (Appendix 2) such as similar population sparsity and excluding those authorities in the South East of England.

3.5 Both data sets confirm that the proposed fees of NYCC are within the median range.

4. FINANCIAL IMPLICATIONS.

4.1 The 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 following table sets out the income that has been, and forecast to be, achieved since the policy was introduced.

Academic year	2018/19	2019/20*	2020/21	2021/22**
Contribution income	£414,233.18	£96,972.96	£416,039.88	£346,133.28

* Significantly reduced due to PSVAR and 1st Lockdown

** estimated subject to PSVAR exemptions and Covid

- 4.3 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.
- 4.4 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.
- 4.5 The appropriate inflationary uplift for the 2022-23 financial year is 5.24%, which reflects the specific expected rate of inflation for public transport expenditure for next year.
- 4.6 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 a higher rate of increase
- 4.7 In order that the charge for spare seats can be brought into line for the 2022/23 academic year, an increase of 18% will need to be applied. In monetary terms this will be an increase of £100 to the cost of a spare seat contribution.
- 4.8 An alternative, to reduce the financial impact on service users, would be to increase the spare seat by £50, which is similar to the 2021/22 increase, and phase the policy change over an additional year. This will then mean bringing spare seat costs in line with post 16 in 2023/2024 academic year.

5 Public Service Vehicles Accessibility Regulations

- 5.1 Following a legal challenge in July 2019 under the Public Service Vehicles Accessibility Regulations 2000, the Council's Executive agreed to suspend taking payment for seats for the 2019/20 academic year, where it was not lawful to do so.
- 5.2 On the 6 July 2021 Baroness Vere issued a letter to the bus industry regarding new arrangements that the Department for Transport have put in place in relation to exemptions from the PSVAR from 1 August 2021. The letter set out an offer to bus operators to apply for a further exemptions up to 31 March 2022
- 5.3 At a meeting on 20th August 2021, BES Executive Members agreed to ask bus operators to apply for the "Short Term" Exemption system, which allows us to charge up until 31 March 2022. After that time, we will have to allow free travel for the summer term (unless something else changes before then or some of our providers qualify for the "medium term" exemption mentioned in the letter).
- 5.4 In December 2021, we received notification that the current exemptions to March 2022 have been extended to the end of the Summer Term 2022. However, as there is still no definite plan as to what will happen beyond that it is still uncertain as to what the position will be in relation to the ongoing sale of passes on non-PSVAR vehicles for September 2022 academic year

- 5.5 In addition to PSVAR, the Department for Education are reviewing the Statutory Guidance for Home to School Transport. Any revisions to this were expected to be published in April 2020, following a public consultation. However, due to the Covid 19 pandemic this has also been delayed.
- 5.6 The Department for Education last published statutory guidance for Post 16 Transport in January 2019. Our current policy is compliant with the current guidance.

6. **TIMESCALE FOR IMPLEMENTATION**

- 6.1 The legal duty is for this process to be completed and the statement published by 31st May each year.
- 6.2 To achieve this legal requirement and manage capacity to deliver for September 2022, the timeframe below is recommended for implementation.

PROCESS	DATE	ACTION
Home to School Transport Board	December 8th 2021	Completed
CYPLT	December 16 th 2021	Completed
Director and elected member	February 1 st 2022	Recommendation agreed and declared
Call in	February 9 th call in end	Subject to call in – fees for 2022 finalised
Publish document	March 31 st 2022	
Open application online	April 1 st 2022	Allowing 3 months to process applications, and time for IPT to commission

- 6.3 Whilst we need to adhere to this timeframe to meet our legal duty, the implementation of Charging for seats on school transport continues to be subject to the decision of the Department for Transport in regards to PSVAR. The outcome of which will require further direction.

7.0 **RECOMMENDATIONS -**

- 7.1 The following recommendations are being made for consideration and approval:
1. Increase the post -16 charge by 5.24% in line with inflation to £650
 2. To continue to implement the previously agreed policy change of incrementally increasing spare seat charges to that of post 16 by either:
 - a. Applying a £50 increase for 2022/23, and extend the policy change implementation by one year to 2023/2024, or,

- b. Apply a £100 increase for 2022/23 and maintain the previously agreed full policy implementation date of 2022/23
3. To continue to support the 50% reduction for families with a low income.

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Report prepared by Chris Reynolds, Head of SEND Strategic Planning Resources

Appendix 1 – Full County Council review

County Council	2017/18	#	2018/19	#	2019/20	#	2020/21	#	2021/2022	#	notes
Buckinghamshire	not published any figures		charging but not publish figure		706-1179.55	3	suspended this year due to covid	4	£900 £600 low income	5	consultation in currently open - to increase by 3% next year fee must be paid within 28 days of transport starting
Cambridgeshire	510	16	£690	8	750	8	750	11	£780 £645-EHCP £390 low	9	created new plans to include low income and a discount for SEND
Cumbria	FREE		No charge but consulting		£410 - low income free	23	£422 - low income free	25	free £422 SS*	23	Free is restricted to low income and SEND only - if not in the above spare seat at £422
Derbyshire	374	19	£390	22	£400 £270 low income rate	24	£408 £275 low income	26		24	not published (still has last year) person in charge is off sick
Devon	580	12	£600	15	£600	16	£600	16	£600	17	
East Sussex	604	10	£646	12	£665 £332.50 - low income	12	£684 £342 - low income	13	£684 £342 - low income	12	
Essex	900	3	£900	3	£900 £450 low income	4	£900 £450 low income	5	£900 £450 low income	6	
Gloucestershire	750	5	£750	6	790	7	790	9	£800	8	
Hampshire*	600-1330	2	£600 - £1330	2	£600 - £1330	2	£600 - £1330	2	£600 - £1330	2	distance based lowest fee for under 5 miles - top fee for over 10 miles
Hertfordshire	1141.5	1	Up to £1411.50	1	up to £1500	1	£354 - £1554	1	£354 - £1554	1	depending on number of days and distance - £354 is for 2 days under 3 miles - 1554 - 5 days over 7 miles figure was based on 20 % average cost of provision
Kent	NOT PUBLISHED		In consultation at £600	16	£400 for a bus pass and £600 for a seat	17	£400 for a bus pass and £600 for a seat	17	£400	25	limited the number of people who can apply and evidence that no other means are available to the family policy is poor and had to call for the figure
Lancashire	NOT PUBLISHED		Unclear with policy of offer		unclear of policy offer		£570-£988 dependant on distance	3	£589-£1007 dependant on distance	3	policy not clear as just a webpage, had to go through lots of links to find costings
Leicestershire*	660	8	Moved to fixed financial grant £660*	11	£660 £330 low income	13	£660 £330 low income	14	£660 £330 LOW INCOME	13	*lost the JR case in 2018
Lincolnshire	570	14	£570 (£9 more p/a if paying in instalments)	18	£570 (£9 more p/a if paying in instalments)	20	£570 (£9 more p/a if paying in instalments)	20	£570	19	
Norfolk	NOT PUBLISHED		£525	20	£552 £414 low income	21	£552 £414 low income	22	£564	20	25% for low income reduction
North Yorkshire	495 - Mainstream only	17	495 - introduced EHCP into charging	21	PSVAR - SUPENDED Should have been £600 but called in	18	£600 £300 low income	18	£618 £309 Low Income	16	3% increase
Northamptonshire	600	11	£600	17	£600 £300 low income	19	£600 £300 low income	19	600 £300 low income	18	free low income WITH an EHCP - only if no other means are available to family or will offer a PTA
Nottinghamshire	free		Free		free		free- £555 depending on circumstances	21	£563	21	fee is not in policy but on separate webpage
Oxfordshire	NOT PUBLISHED		£690 with a 2%inflation for next 3 years	9	690*	10	£705	12	£719	11	Spare seat only policy for non - ehcp holders will provide to EHCP where no other transprot is available
Somerset	675	7	£795	4	£830	5	suspended due to covid	7*	suspended due to covid	26	
Staffordshire	575	13	£625	14	£625	15	£494.00 low income/EHCP	24*	£625 or £494 low income	15	
Suffolk	630	9	£660	10	£690 but consulting to increase over next 3 years	11	£720-EHCP £840 - everyone else	6	£930 £750 sen	4	plan to increase to £1110 by 2023/2024
Surrey	699	6	£699	7	£699	9	£756.20 £547.20 low income	10	£760 £551 low income	10	
Warwickshire	765	4	£780	5	£795	6	£810 £405 low income	8	£826 £413 low income	7	only available to EHCP holders
West Sussex	427	18	£630	13	£630	14	£651 free - low income	15	£658	14	
Worcestershire	547	15	£547 for zone 3	19	£547 for zone 3	22	£547 for zone 3	23	£547	22	

Appendix 2

Comparable Authorities to North Yorkshire based on Rural demographics and Transport infrastructure			
Authority	Post 16 charges 2021/22	Ranking on charging fee (highest to lowest)	Notes, including reduction offer
Cambridgeshire	£780	6	Reduced rates for low income and EHCP – up to 50%
Cornwall	£515	12	No reduction for low income
Cumbria	£422	13	Spare seat policy only, EHCP currently free. Only started charging for spare seats 2 years ago, and was the last authority to start charging
Devon	£600	8	No reduction for low income declared
Durham	£296.40	14	No fee declared on policy only spare seat similar to Cumbria
East Riding	£540	11	Reduced by 50% for low income
Herefordshire	£837	4	No mention of a reduction in the policy
Lancashire	£589 -£1007	1	Dependant on distance but over 10 miles is the full amount 50% low income reduction
Lincolnshire	£570	9	No change in fees for 5 years 50% low income reduction
Norfolk	£564	10	25% low income reduction
Northumberland	£50	15	Free if approved but £50 admin fee
North Yorkshire	£618	7	50% low income reduction
Shropshire	£875	3	70% reduction for low income
Suffolk	£930	2	25% off for EHCP – scale is published increase to £1110 by 2023/24
Wiltshire	£821	5	70% reduction for low income

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;