

NORTH YORKSHIRE COUNTY COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICE
CORPORATE DIRECTOR'S MEETING WITH EXECUTIVE MEMBERS
16 MARCH 2021

**Post 16 Policy Statement – Home to school transport.
Contribution Rate for 2021/2022 academic year**

1. PURPOSE

- 1.1 This paper provides the rationale for the contribution fee in relation to the Post 16 home to school transport assistance. This is to ensure it remains fit for purpose and provides a sustainable framework for transport into the future.
- 1.2 The policy statement and transport provision must align with budgetary allocation going forward to ensure the Council can still provide 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 2021/22 academic year, which requires publication no later than 31st May 2021.

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 facilitate transport assistance, these arrangements do not have to be provided free of charge as is the case with eligible statutory pupils.

3. RATIONALE FOR CHANGE

- 3.1 Following the 2018 policy change in which the focus was to realigned SEND transport and Mainstream, back into a single policy position.
- 3.2 The contribution fee was for a number of years static at £490 per annum, with a 50% reduction for low-income families, as recommended by the statutory guidance that the Department for Education publish around charging for transport.

- 3.3 In 2019 the contribution rate was agreed by the Corporate Director – Children and Young People’s Service, in consultation with the Executive Member, Education and Skills, to increase the contribution to £600. This maintained North Yorkshire position within the 26 County Councils at 17/26 with Hertfordshire continuing to be Position 1 at £1400 per year.
- 3.4 This decision was subject to call in by the Overview and Scrutiny Committee, however due to other circumstances, beyond our control, this could not be presented and heard until after the declaration day of 31st May 2019.
- 3.5 Overview and Scrutiny Committee, on the 12th June 2019, agreed with the Director and Executive Member and directed that the fee for the 2020/21 will be set at £600 with yearly reviews to ensure a more graduated approach.
- 3.6 In establishing our position, we have used the comparison of the other 26 county councils, in England, due to the more rural nature that these County Councils share. NYCC is placed 18th highest in the contribution rates, as shown in Appendix 1. However, this is because we have a reduction for Low income. The authority placed at 17th also charge £600 per annum for seats in taxis or £400 for a bus pass.
- 3.7 A small number of County Councils have made increases on 2019 fees, with increases generally being less than £50 per year.
- 3.8 The Council continues to support families on a low income with a 50% reduction. Additional advice is also given for families who qualify to contact the Further Education provider to apply for a government bursary, which would cover the low-income contribution.
- 3.9 The Council also provided exemptions to:
- Looked After Children
 - Young carers
 - Young people in receipt of income support in the own name

4. FINANCIAL IMPLICATIONS.

- 4.1 Whilst the cost of providing the transport will always be greater than the contribution received. It is the decision of North Yorkshire County Council that we support our young people to access further education, by continuing to provide this discretionary provision at a set fee regardless of distance travelled, or level of need required.
- 4.2 The cost of providing transport will vary significantly from year to year based on the number of pupils requiring provision, and the individual needs of each young person in relation to SEN. This can range from a bus pass at around £900 through to a specialist vehicle with support up to £40,000.

- 4.3 The table below shows the income generated by the contribution rate since the implementation of the 2018 Policy change. This does generate on average over £400k per annum.

| Academic Year | Total income for school transport through parent contribution |
|---------------|---|
| 2018/2019 | £414,233.18 |
| 2019/2020 | £96,972.62 |
| 2020/2021 | £447,472.86* |

* Estimated income if all payment are received – pre-national lockdown

- 4.4 The drop in the 2019/20 academic year was a direct result of the Public Service Vehicle Access Regulations (PSVAR) legal challenge. Following an Executive meeting on the 3rd September 2019, a decision was made to suspend contributions for those who were not accessing vehicles, which were compliant with the regulation and those with an EHCP, allowing these pupils to continue to access their education within the legal framework.
- 4.5 The calculation for 2020/2021 will now be reduced by approx. 20%, due to the third national lockdown, which will result in the instalments not being collected for pupils who are home learning. At the time of writing the report, it is still unclear if the current lockdown continues into March and April in respect of Further Education provision. This may result in further payments not been collected.

5. OPTIONS FOR DECISION.

- 5.1 The maximum contribution rate for 2020/2021 is £600 per annum this equates to £2.63 per journey for a person attending college 3 days per week.
- 5.2 In reviewing the data from appendix 1, and in line with the recommendations from Overview and Scrutiny on 12th June 2019. that a minimum 3% increase should be applied yearly to prevent any further large increases in the future. An increase of 3% would also ensure that the charge was increased at least in line with inflation – in line with the County Council fees and charges policy. These are the three options presented to Children and Young Person Leadership Team on the 18th February 2021;
1. Increase to £618
 2. Increase to £630
 3. Increase to £660 to bring North Yorkshire to the median point on the charging table of County Councils.

| Options | % | Annual fee | Low income fee | Extra price per journey * (low income) | Position in County Council table |
|---------|----|------------|----------------|--|----------------------------------|
| 1 | 3 | 618 | 309 | 8p (4p) | 16 |
| 2 | 5 | 630 | 315 | 13p (7p) | 16 |
| 3 | 10 | 660 | 330 | 18p (9p) | 13/14 |

*based on 3 return journeys per week – further education average attendance

- 5.3 In the determination of price increases for 2021/22, we have taken into account the County Council policy on fees and charges. The development of charging options have been informed by consideration of the benchmarking data.
- 5.4 The options continue to offer a single contribution fee, regardless of distance travelled or actual cost of transport. This is to ensure that rural and low-income communities are not disproportionately disadvantaged, as reflected in the Equality Impact Assessment that accompanied the consultation in 2018.
- 5.5 The Children and Young People Leadership Team agreed in light of previous large increases and the recommendation by overview and scrutiny in 2019, that the lower 3% increase would be the preferred option.

6 INTERDEPENDENCIES

- 6.1 The local authority should pay due regard to other priorities within the authority on which the outcomes of these proposals may have an impact or influence. These include:
- Agreement from full council in July 2019 that we would be working towards a single rate of contribution – currently the spare seat option for statutory aged non-entitled pupils is mid-way through its phased increase.
 - 2019/2020 £390
 - 2020/2021 £490
 - 2021/2022 £550
 - 2022/2023 same rate as Post 16 contribution rate.
- 6.2 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 from 3rd September 2019 where it was not lawful to do so. This greatly reduced our ability to collect payments from non-entitled pupils during the 2019/20 academic year.
- 6.3 As the result of a public consultation on Home to School Transport – Use of Accessible Vehicles and Provision of Transport for Non-Entitled and Post 16 Pupils, between 14 February and 19 April 2020. It was decided by the Council's Executive on 19th May 2020, that the sale of seats for non-entitled and Post 16 pupils would resume on vehicles compatible with PSVAR, or where an exemption had been granted by the Department of Transport (DfT) only.
- 6.4 The income figures for the last 3 years can be found in the table at section 4. This table shows the impact that PSVAR had had in relation to income.

- 6.5 It is not yet known what approach the DfT are planning once the exemptions end in December 2021. We are uncertain of the options for what we can do with regard to selling passes from September 2021. An IPT working group is currently working with the DfT to look at options available and will share possible proposals in March 2021.
- 6.6 The Department for Education (DfE) are currently reviewing the Statutory Guidance for Home to School Transport. Following a public consultation in 2019, it was originally anticipated the new guidance would be published in April 2020. However due to the pandemic situation this has been held back.
- 6.7 The DfE also published statutory guidance for Post 16 Transport normally yearly the last been in January 2019, on reflection of this guidance, the current policy is compliant with the guidance.

7. **TIMESCALE FOR IMPLEMENTATION**

- 7.1 The legal duty is for this process to be completed and the post 16 policy statement to be published by the 31st May each year.
- 7.2 The current publication date only leaves 4-6 weeks to process and check eligibility of all applicants, and commission suitable travel provision. This creates a capacity issue that is currently difficult to manage.
- 7.3 The timeframe below to agree fees will assist in the early publishing of the post 16 policy statement. By bringing this forward to April, it will in turn enable more time to process the applications.

| Process | TIMEFRAME | ACTION |
|--------------------------------|---|---|
| Home to school transport Board | January 29 th 2021 | Options to be agreed and timeframe added to the Forward plan |
| CYPLT | February 18 th 2021 | Report to be agreed to go to Director and Executive Members |
| Director and Executive Members | March 16 th 2021 | Option agreed and declared |
| Call in / overview | March 24 th 2021 call in end or overview timeframe | Subject to call in – fees for 2021 finalised |
| Publish policy statement | April 2021 | Publication is on NYCC website, and a link to gov.uk |
| Open application online | April 2021 | Allowing 4 months to process applications and for IPT to commission |

| | | |
|--|----------------|--|
| Implementation of the 2021-2022 Post 16 Policy statement | September 2021 | Single payment and monthly direct debits are collected |
|--|----------------|--|

8.0 RECOMMENDATIONS

To agree the preferred option of a 3% increase, which will be published in the Post-16 policy statement for 2021/2022.

The authority has considered that, if the recommendations are accepted, they have universal application and therefore no adverse impacts upon any person or groups who have protected characteristics under the Equality Act 2010.

Authors;

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Appendix 1

| County Council | 2017/18 | # | 2018/19 | # | 2019/20 | # | 2020/21 | # | notes |
|-----------------|---------------------------|----|---|----|---|----|---|----|--|
| Buckinghamshire | not published any figures | | charging but not publish figure | | 706-1179.55 | 3 | suspended this year due to covid | 3* | distance based *based on last year |
| Cambridgeshire | 510 | 16 | £690 | 8 | 750 | 8 | 750 | 11 | |
| Cumbria | FREE | | No charge but consulting | | £410 - low income free | 23 | £422 - low income free | 25 | |
| Derbyshire | 374 | 19 | £390 | 22 | £400 £270 low income rate | 24 | £408 £275 low income | 26 | |
| Devon | 580 | 12 | £600 | 15 | £600 | 16 | £600 | 16 | |
| East Sussex | 604 | 10 | £646 | 12 | £665 £332.50 - low income | 12 | £684 £342 - low income | 13 | |
| Essex | 900 | 3 | £900 | 3 | £900 £450 low income | 4 | £900 £450 low income | 5 | |
| Gloucestershire | 750 | 5 | £750 | 6 | 790 | 7 | 790 | 9 | |
| Hampshire* | 600-1330 | 2 | £600 - £1330 | 2 | £600 - £1330 | 2 | £600 - £1330 | 2 | distance based |
| Hertfordshire | 1141.5 | 1 | Up to £1411.50 | 1 | up to £1500 | 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 |
| 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 | |
| Lancashire | NOT PUBLISHED | | Unclear with policy of offer | | unclear of policy offer | | £570-£988 dependant on distance | 4 | |
| Leicestershire* | 660 | 8 | Moved to fixed financial grant £660* | 11 | £660 £330 low income | 13 | £660 £330 low income | 14 | *lost the Judicial Review 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 | |
| Norfolk | NOT PUBLISHED | | £525 | 20 | £552 £414 low income | 21 | £552 £414 low income | 22 | |

Appendix 1

| County Council | 2017/18 | # | 2018/19 | # | 2019/20 | # | 2020/21 | # | notes |
|-----------------------|-----------------------|----------------|--|----------------|--|-----------|--|-----------|--|
| North Yorkshire | 495 - Mainstream only | 17 | 495 - introduced EHCP into charging | 21 | PSVAR - SUPENDED - no increase due to late call in | 18 | £600 £300 low income | 18 | |
| Northamptonshire | 600 | 11 | £600 | 17 | £600 £300 low income | 19 | £600 £300 low income | 19 | |
| Nottinghamshire | free | | Free | | free | | free- £555 depending on circumstances | 21 | |
| Oxfordshire | NOT PUBLISHED | | £690 with a 2%inflation for next 3 years | 9 | 690* | 10 | £705 | 12 | *didn't increase |
| Somerset | 675 | 7 | £795 | 4 | £830 | 5 | suspended due to covid | 7* | |
| Staffordshire | 575 | 13 | £625 | 14 | £625 | 15 | £494.00 low income/EHCP | 24* | no longer provide to those who are not either low income or EHCP holders |
| Suffolk | 630 | 9 | £660 | 10 | £690 but consulting to increase over next 3 years | 11 | £720-EHCP £840 - everyone else | 6 | plan to increase to £1020 by 2022/2023 |
| Surrey | 699 | 6 | £699 | 7 | £699 | 9 | £756.20 £547.20 low income | 10 | |
| Warwickshire | 765 | 4 | £780 | 5 | £795 | 6 | £810 £405 low income | 8 | |
| West Sussex | 427 | 18 | £630 | 13 | £630 | 14 | £651 free - low income | 15 | |
| Worcestershire | 547 | 15 | £547 for zone 3 | 19 | £547 for zone 3 | 22 | £547 for zone 3 | 23 | |
| | | | | | | | | | |
| Number of CC charging | | 19/26 charging | | 22/26 charging | | 24/26 | all CC are now apply some form of charge | 26/26 | |
| | | | | | | | | | |
| NYCC position | | 17 | | 21 | | 18 | | 19 | |
| | | | | | | | | | |