

## **REPORT TO THE CHILDREN & YOUNG PEOPLE'S SERVICES POLICY AND SCRUTINY PANEL**

**DATE OF MEETING: 22 JUNE 2015**

**SUBJECT OF REPORT: INCREASES IN CHARGES FOR THE VACANT SEAT PAYMENT SCHEME FOR HOME TO SCHOOL TRANSPORT IN SEPTEMBER 2015 AND SEPTEMBER 2016**

**TOWN OR PARISH: ALL**

**OFFICER/MEMBER PRESENTING: SHEILA SMITH, DIRECTOR OF PEOPLE AND COMMUNITIES**

**KEY DECISION: YES**

### **RECOMMENDATIONS**

That the Panel supports a recommendation to be submitted to the Executive Member for Children & Young People's Services to increase charges for the Vacant Seat Payment Scheme for Home to School Transport by 10% in both September 2015 and September 2016.

#### **1. SUMMARY OF REPORT**

- 1.1 The School Admissions and Transport team are looking at ways to increase discretionary income to offset some of the savings required, as with all Council spending, in the statutory elements of the Home to School Transport budget.
- 1.2 The discretionary Vacant Seat Payment Scheme does include provision for an annual increase in its fare, which reflects an increase in the costs of transport services and of administering the scheme. This has previously been set at 5%. In response to advice from external consultants, it is recommended this is increased to 10% for the next two school years, 2015-16 and 2016-17.

#### **2. POLICY**

- 2.1 Sections 508B and 508C of the Education & Inspections Act 2006 (the Act) make provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. These provisions apply to home to school travel arrangements, and vice versa. They do not relate to travel between educational institutions during the school day. Parents are responsible for ensuring that their children attend school regularly. However, section 444(3B) of the Act provides that a parent will have a defence in law against a prosecution by a local authority for their child's non-attendance at school where the local authority has a

duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

2.2 Section 508B of the Act deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) in an authority's area for whom free travel arrangements will be required local authorities are required to:

- Statutory walking distances eligibility
  - provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is beyond 2 miles (if below the age of 8); or beyond 3 miles (if aged between 8 and 16)
- Special educational needs, a disability or mobility problems eligibility
  - make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements
- Unsafe route eligibility
  - make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk
- Extended rights eligibility
  - provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11); the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools); the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16)

2.3 Section 508C of the Act provides local authorities with discretionary powers to go beyond their statutory duties and provide transport for children who are not entitled to free transport. It is very much for the individual local authority to decide whether and how to apply this discretion as they are best placed to determine local needs and circumstances. It is recognised that local authorities will need to balance the demands for a broad range of discretionary travel against their budget priorities.

### **3 DETAILS**

3.1 The Vacant Seat Payment Scheme (VSPS) allows parents of children who are not statutorily entitled to free travel to school to purchase vacant seats on vehicles at a competitive, subsidised rate. It is generally available to children who do not attend their nearest school, but is also made available to those who live under the statutory walking distance to school or who are attending Post 16 provision and are not of statutory school age.

- 3.2 To ensure cost efficiency on all routes, the most optimum size of vehicle for entitled pupils is always used. Where there are spaces available that are not filled by entitled pupils, these can be offered to non-entitled pupils for a charge. The cost is currently £474.00 pa.
- 3.2 There are currently around 120 children travelling on the VSPS scheme this school year.

#### **4. CONSULTATION**

- 4.1 The increase in cost has not been subject to formal consultation as Council's have discretion to set their own charges for non-statutory school transport services.
- 4.2 The recommendation for a 10% (rather than 5% increase) was made by PricewaterhouseCoopers (PwC) in 2013. The advice was based on actions taken by other Councils when reducing home-to-school transport spend and increasing income.
- 4.3 The increases in the VSPS have been referred to this Panel following a call-in of a Decision Sheet submitted in April 2015.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 The financial implications of introducing a 10% increase in the cost of the Vacant Seat Payment Scheme for parents/carers is as below:

<b>School Year</b>	<b>Charges</b>
2014 – 2015	£474 pa
2015 – 2016	£521.40 pa
2016 – 2017	£573.54 pa

- 5.2 With around 120 children travelling on the VSPS, the current income raised from this form is funding is around £56,880 per year.

In 2015–2016, if the numbers of participants were to remain the same, this income could rise to £62,568pa. This could result in an additional £5,688 of resources. In 2016-2017, again if numbers remain the same, the income could rise to £68,824.80pa which is a further additional £6,256.80 of resources.

Over two years potentially raise an additional £11,944.80 could be raised compared to £5,829.60 if the increased in fares remains at the 5% per year rate.

## **6. RISK MANAGEMENT**

- 6.1 The key opportunity of the 10% increase in fares is to raise additional income which could offset some of the savings required within the Home to School Transport budget. The risk with the increase is that there could be fewer applications for vacant seats if it was felt the increase was too great.
- 6.2 If the Council were to be able to reduce the sizes of essential vehicles further by rerouting or amalgamating routes due to entitled children changing – either moving away or into the area - there could be fewer vacant seats available. Parents are often unhappy if a reroute or increase in statutory entitlement on a route means that the discretionary transport arrangement in place for their child are no longer available. This leads to an increase in complaints even though parents are warned that discretionary travel can be removed at any time.
- 6.3 There could be a “tipping point” where the number of applications drop due to the increases in charges. It is only currently proposed to make a 10% increase in charges for the next two school years. This could be reviewed thereafter. The previous 5% increases over the last few years have not seen a drop in the numbers of applications for vacant seats.

## **7. EQUALITY IMPLICATIONS**

- 7.1 The VSPS only applies to students who are not entitled to free home to school transport. This will be due to the child not attending their nearest school. Parents will have made a preference for a school further away from their home and, in doing so, should have considered how their child would get to school.
- 7.2 All pupils refused statutory transport are entitled to make an appeal to a Transport Panel. All cases are considered on their individual merits. Where exceptional circumstances are present, exceptions can be made.

## **8. CORPORATE IMPLICATIONS**

- 8.1 The students concerned are not attending their nearest school to their home address with a place available. Their parents are fully responsible for ensuring their child can get to school safely and on time.
- 8.2 For most students, once a student reaches the statutory school leaving age of 16, they are no longer entitled to free travel to school. Such students have a range of options available to them such as sixth form, local colleges, apprenticeships and employment. Normally students in years 12 and 13 make and pay for their own transport needs. An exception could be a student with special educational needs for which transport may be appropriate.

## **9. OPTIONS CONSIDERED**

- 9.1 The VSPS continues to reflect a much lower cost to parents than similar commercial ventures. The VSPS does not cover the cost of the actual seat on the vehicle, which is over £1,000 per year for most routes. Costs closer to the full cost of each route

could be charged, although Councils are not permitted to run school transport routes in competition with commercial vehicles.

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## **BACKGROUND PAPERS**

None