



Report to the Leader (Transport portfolio)

Date:	19 April 2023
Reference number:	TR11.23
Title:	School Transport Policy – consultation findings and recommendations
Cabinet Member(s):	Steven Broadbent, Cabinet Member for Transport
Contact officer:	Cheryl Platts, Policy and Improvement Manager
Ward(s) affected:	none specific

Recommendations:

- 1. To agree that future school bus ticket charges under the Spare Seat scheme will be based on the recommended flat fee structure and to agree a flat fee set at £868 for Buckinghamshire residents and £1200 for non-Buckinghamshire residents for the 2023-24 academic year; both to be applied regardless of the distance travelled.**
- 2. To agree the annual fee for Council organised transport element for post-16 SEND students be set at £954 for the 2023-24 academic year, and the reduced annual fee for demonstrated financial hardship be set at £636 for the 2023-24 academic year.**
- 3. To agree the draft Home to School Transport Policy at Appendix 1 and associated draft Post-16 Transport Policy Statement 2023-24 at Appendix 2 having considered the consultation findings.**

Reason for decision:

The School Transport Policy public consultation has been completed. Consultation has informed the recommendation of a new Spare Seat scheme charging method using a flat fee structure. The Home to School Transport Policy and Post-16 Transport Policy Statement have been updated following public consultation and formal approval of these policies is now required.

1. Executive summary

- 1.1 The purpose of this report is to present the public consultation findings and to seek approval for:
- a) The future school bus ticket charges under the Spare Seat scheme being based on the recommended flat fee structure, and to agree the flat fee to be set at £868 for Buckinghamshire residents and £1200 for non-Buckinghamshire residents for the 2023-24 academic year; both to be applied regardless of the distance travelled.
 - b) The annual fee for Council organised transport element for post-16 SEND students to be set at £954, and the reduced annual fee for demonstrated financial hardship to be set at £636, for the 2023-24 academic year.
 - c) The updated Home to School Transport Policy at Appendix 1 and associated Post-16 Transport Policy Statement 2023-24 at Appendix 2.
- 1.2 As part of the school transport policy review, a formal 6.5 week (19 October to 4 December 2022) public consultation was undertaken on the proposed changes, which were designed to ensure that the Council:
- a) Provided a choice between three options for a new approach to Spare Seat scheme charging for the academic year starting in September 2023-24. The options were:
 - i. Option 1: Distance banding (small increments)
 - ii. Option 2: Distance banding (medium increments) and
 - iii. Option 3: Flat fee
 - b) Provided an updated Home to School Transport Policy and Post-16 Transport Policy Statement 2023-24 that are clear and easy to understand.

2. Content of report

Proposed options for a new Council-run school bus ticket charging structure under the Spare Seats scheme

- 2.1 The Client Transport Team run school buses for children who are [eligible for free school transport](#) under national and local home to school transport policy.
- 2.2 There may be a small number of seats on some routes that are spare, which are sold to non-eligible pupils via the Council's [Spare Seats scheme](#). These pupils are not eligible for free school transport, usually because they have chosen schools that are not their nearest suitable school e.g., choosing a grammar school over a nearer all-ability school.

- 2.3 Since September 2021 the number of available Spare Seats on Council-run school buses have reduced due to the Council’s optimisation and commercialisation of school bus routes that carried very few or no eligible children. 18 extra commercial routes now operate across the county resulting in better provision and enabling families to buy tickets directly from bus operators. In June 2021 there were approximately 1,300 Spare Seat passengers compared to just over 400 Spare Seat passengers as at 17 February 2023.
- 2.4 The current spare seats charging structure is complex and difficult to understand and administer, with 7 amounts and 3 payment options – annually, termly and direct debit. The fee charged depends on age, distance and whether customers board within or outside of Buckinghamshire.
- 2.5 Maintaining the status quo was not considered a viable option due to the significant difficulties parents have in understanding the current Council Spare Seat fee structure. The current approach is also difficult and resource intensive to administer.
- 2.6 Three proposed options for a revised Spare Seat scheme charging structure were agreed for public consultation. The options were presented on a neutral basis i.e. no one option was preferred over any other; and the decision would be taken based on the outcome of the public consultation.
- 2.7 As non-Buckinghamshire residents do not pay council tax to Buckinghamshire Council, it was proposed under all options that Spare Seats fees would be higher for non-Buckinghamshire residents than for Buckinghamshire residents.
- 2.8 The proposed options for change which were consulted on were Option 1: Distance banding (small increments), Option 2: Distance banding (medium increments) and Option 3: Flat fee. The details of these are:

- a) Option 1: Distance banding (small increments i.e. £22 and £21 increments respectively)

Bucks residents			Non-Bucks residents
0-3.99 miles	4-6.99 miles	7 miles or more	Any distance
£843	£865	£886	£1,200

- b) Option 2: Distance banding (medium increments i.e. £53 extra per band)

Bucks residents			Non-Bucks residents
0-3.99 miles	4-6.99 miles	7 miles or more	Any distance
£806	£859	£912	£1,200

- c) Option 3: Flat fee (regardless of distance)

Bucks resident rate	Non-Bucks resident rate
£868	£1,200

2.9 A formal public consultation was undertaken over 6.5 weeks (19 October – 4 December 2022) which included the options for Spare Seat scheme charging as well as proposed School Transport Policy updates. The consultation was conducted using the council’s Your Voice Bucks consultation platform and an accompanying communications plan ensured that the consultation was extensive and effective at raising awareness. The School Transport Policy consultation communications evaluation is attached at Appendix 3.

Key consultation findings: Spare Seat scheme charging options

2.10 The consultation findings on the three options detailed above are presented in full in Appendix 4 – School Transport Policy Consultation Analysis. In summary:

- a) There were 72 responses to the Spare Seats scheme charging proposals. A small majority of respondents (40.3%) were in favour of Option 3 (flat fee), with 36.1% in favour of Option 2 (medium distance banding).
- b) The ‘flat fee’ option was the most popular (40.3%) option because it was considered:
 - i. the simplest (83% found the proposal easy to understand),
 - ii. fairest, because parents/carers can’t always choose which educational setting their child goes to, so should not be penalised for this, and because the seat is taken up whether the child travels a short or a long distance, and
 - iii. was the most popular (43.8%) amongst respondents who lived 7+ miles from their child’s educational setting.
- c) Distance-banded options:
 - i. Were considered ‘fair’ because the further a student travels the more they should pay.
 - ii. Respondents preferred Option 2 (medium distance banding) (36.1%) to Option 1 (small distance banding) (15.3%). The preference emerges when considering the individual circumstances of respondents i.e. choosing the cheapest option for their family based on the distance they live from their child’s educational setting.
 - iii. 72.2% of respondents found Option 2 easy to understand compared to 68.1% for Option 1, although these options are conceptually the same.

Recommended option: Flat fee for Spare Seat scheme charges

2.11 All consultation responses to the proposed options for Spare Seat scheme charging were considered by officers. Based on the consultation responses, the recommended option for adoption is **Option 3: Flat fee**. The reasons to support this recommendation are:

- a) Parents will be able to clearly understand what they have to pay in advance of applying for a paid-for spare seat for their child.
- b) It aligns with commercial best practice and the approach taken by other local authorities. 8 out of 10 neighbouring local authorities who offer spare seats do so on a flat rate fee basis, as detailed below.

Flat fee	Distance Banding
Bedford Borough Council Central Bedfordshire Council Milton Keynes Council North Northamptonshire Council Royal Borough of Windsor & Maidenhead Slough Borough Council West Berkshire Council West Northamptonshire Council	Hertfordshire County Council Oxfordshire County Council

- c) It is the simplest option to communicate and will significantly simplify Spare Seats charging administration.
- d) The Service currently receives many Spare Seats fee enquiries over the annual June to August peak enquiry period, so a decrease in these queries would also improve the Service's overall customer responsiveness.
- e) It will eliminate the price disparity for customers living in the same village or only streets apart paying different fees, as is the case under distance-based pricing. Similarly, customers who live in rural areas, who must travel further to their chosen school using paid-for school transport, will benefit from a flat rate fee.
- f) Most pre-16 age customers already pay a flat rate under the current as-is Spare Seats charging structure, which means that when students transition to post-16 transport it will be easier for parents to understand, as it will be the same approach with no age-related increase in the payment rate.
- g) A flat fee will have the least adverse impact on Buckinghamshire residents due to the harmonisation of the fee structure. While the financial modelling undertaken in September 2022 to inform the consultation showed that 20%

of Buckinghamshire customers will pay less than they do currently (post-16), with 80% paying more in 2023/24, to put this change into context:

- i. An uplift is applied to Spare Seat fees each year, therefore an uplift for 2023/24 was factored into the financial modelling.
- ii. For those students where an increase in payment is required in 2023/24, the maximum additional increase applicable is £62 p.a. (7.7% or £5.17 per month).
- iii. Most post-16 students will pay less, with a maximum reduction in fees for Buckinghamshire customers of £482 p.a. (35.7% saving).
- iv. When considering all three options, the flat fee results in the lowest maximum increase and highest maximum saving for Buckinghamshire residents, whilst still protecting income into the Service.

2.12 If the recommended approach is agreed, while the principles of the new Spare Seat scheme charging approach would stay the same (i.e. calculated on a flat fee basis), the actual Spare Seat charges would be reviewed each year, aligned to the Council's annual budget review and fees and charges setting process.

2.13 While the charging structure will change from the 2023-24 academic year, there are no other changes proposed to the [Spare Seat Scheme](#) offer, application process or prioritisation policy.

Proposed policy updates

2.14 The Council has a statutory duty to prepare an annual Post-16 Transport Policy Statement (the Statement) and publish it by 31 May each year. The Statement was last consulted on in Autumn 2021 and published on 16 May 2022.

2.15 The Home to School Transport (H2ST) Policy was last consulted on in Autumn 2020 and published on 9 April 2021. While a consultation is required where there are proposed changes to policy, no changes were proposed to the H2ST Policy in 2021.

2.16 In August 2022 we undertook a review of the H2ST Policy and the Statement with key internal and external stakeholders. The stakeholder policy review included [Bucks SENDIAS](#) (SEND Independent Advisory Service) and [FACT Bucks](#) (a forum for parents/carers of young people with SEND in Buckinghamshire, with whom the Council have a co-production charter).

- 2.17 Following the key stakeholder policy review we proposed updates to the content of the H2ST Policy and the Statement to make the policy intention clearer to parents/carers by providing clarification and more detail where this was deemed necessary.
- 2.18 The Council's budget review and setting process requires that fees and charges are reviewed annually for approval. In the consultation we proposed that the annual charge for Council organised transport for post-16 students with SEND who are eligible for transport assistance be increased by 3% for the 2023/24 academic year.
- 2.19 The proposed Post-16 SEND Council organised transport charges are £954 p.a. for the full fee and £636 p.a. for the reduced fee for the 2023-24 academic year. These charges are pro-rata based on the number of days travelled per week. The charge is a contribution to the cost of transport procured by the Council.
- 2.20 In future the Post-16 SEND Council organised transport annual charges will be reviewed each year, aligned to the Council's annual budget review and fees and charges setting process.

Key consultation findings: School Transport Policy updates

- 2.21 The consultation findings on the policy updates are set out in full in Appendix 4 – School Transport Policy Consultation Analysis. In summary:
- a) 61% of respondents found the policies easy to understand.
 - b) There were a small number of policy specific responses, mainly related to the proposed increase to the annual charge for Post 16 SEND Council organised transport being unaffordable (3 responses mentioned this theme).
- 2.22 The feedback on affordability of the annual charges for Post 16 SEND Council organised transport has been carefully considered and in response:
- a) Many local authorities require families to contribute to the cost of Council organised Post-16 SEND transport.
 - b) The contribution charge has been set at a fixed rate, regardless of distance travelled, and pro-rata rates apply for part-time attendance.
 - c) The charge can be paid in one payment or by Direct Debit in equal monthly instalments over 8 months (or shorter period if less than 8 months remain to the end of the academic year). The family choose which payment option they prefer.

- d) Any family able to evidence financial hardship when applying for transport are charged a discounted annual charge which is two thirds of the full charge. They can also apply to their schools/Further Education settings for one of [two bursaries](#) to support them with transport costs.
- e) Families who are experiencing severe financial hardship can apply for a fee review to reduce or waive the discounted fee. On application and provision of the requested evidence, the Council will consider exceptional circumstances on an individual basis. This provision is set out [on our webpages](#).

Post-consultation updates to draft policies

- 2.23 Having considered the consultation survey feedback on policy wording, as well as emails received during the consultation period from FACT Bucks and Bucks SENDIAS, the draft policies were amended to take this feedback into account. These post-consultation amendments aim to make the Policy and Statement easier for families to understand. While the policy intention remains the same for 2023-24 as in 2022-23, there are several changes throughout both policy documents to aid the readers' understanding.
- 2.24 All proposed changes to the current H2ST Policy and the statement are highlighted in yellow in the revised draft Home to School Transport Policy at Appendix 1 and the revised draft Post-16 Transport Policy Statement 2023 -24 attached at Appendix 2. Proposed changes made because of consultation feedback from the public as well as our key stakeholders are shown in *italics* throughout these appendices.

In summary, the main recommended Policy changes are to provide clarity on:

- a) The types of travel assistance the Council may offer
- b) The approach for elective home education and education other than at school
- c) Criteria for travel assistance for students with SEND aged 16-19
- d) The Personal Transport Budget (PTB) offer
- e) Transport during the school/college day – this provides clarity of current practice in terms of what is and is not provided e.g. no Council transport is provided for medical appointments
- f) A clearer explanation of how to challenge decisions e.g. the transport eligibility appeals process

3. Other options considered

Spare Seat scheme charging options considered

3.1 Several Spare Seat scheme charging options were modelled for consideration by officers and Members prior to proceeding to public consultation.

3.2 All options are set out in the following table. Options 2 and 3 were consulted on.

Options	Details	Pros	Cons
1. As is	13 different pay points. Mix of distance and flat rate approach by age. Post-16s charged more.	Pricing structure is familiar to staff and parents of existing spare seat customers.	<ul style="list-style-type: none"> • Hard for parents to understand • Hard for staff to administer • No clear rationale for why post-16 students must pay more and on distance • Open to age discrimination challenge • Not fit for purpose
2. Three distance bands + non-Bucks resident rate <i>2 distance-banded options included in Autumn 2022 public consultation</i>	Reduce existing bands from 5 to 3 plus a non-Bucks resident rate	<ul style="list-style-type: none"> • Less bands, less complex • No difference in price based on age 	<ul style="list-style-type: none"> • Parents unable to know how much they will pay in advance of application as payment rate is calculated based on boarding point (only possible to allocate paid-for seats after allocations for eligible students complete). • Similar challenge of contact centre staff being unable to resolve enquiry first time • Increased administrative pressure from parental enquiries and expectations during peak summer period • Steep rise for non-Bucks residents who currently board in Bucks
3. Flat fee Bucks resident + flat fee non-Bucks resident <i>Flat fee option included in Autumn 2022 public consultation</i>	2 different pay points <ul style="list-style-type: none"> • Bucks resident fee • Non Bucks resident fee 	<ul style="list-style-type: none"> • Easiest of all options to administer and for customers to understand. • No difference in price based on age • Most customers already pay a flat rate (i.e. all Bucks resident pre-16s) 	<ul style="list-style-type: none"> • Steep rise for non-Bucks residents who currently board in Bucks
4. Close the Spare Seat scheme		Less administration time and staff time reallocated to supporting children who are eligible.	<ul style="list-style-type: none"> • Loss of all Spare Seats scheme income • Buses will continue to run, but with more vacant seats • Negative for climate change • Unpopular with parents and schools

School Transport Policy options considered

- 3.3 The Council could not prepare and publish an annual Post-16 Transport Policy Statement; however, this would not meet our statutory duty.
- 3.4 The Council could choose not to increase the fees for Post-16 SEND Council organised transport. This option was considered but is not recommended due to the cost of Post-16 SEND transport provision increasing year on year. In mitigation:
- a) A sub-inflationary uplift is proposed to lessen the impact on families.
 - b) Parents/carers have an alternative offer from the Council to receive a Personal Transport Budget (direct payment) to enable them to make their own transport arrangements. This means that parents/carers are not required to use the Council's discretionary arranged transport service.
 - c) As previously described, a reduced contribution charge mechanism is in place for families experiencing financial hardship.

4. Legal and financial implications

Legal Implications

- 4.1 The draft H2ST Policy and the draft Statement 2023-24 have been reviewed by Legal Services.
- 4.2 Section 508B and section 509AA of the Education Act 1996 set out duties on the Council to arrange travel or other arrangements as it deems necessary for pupils of compulsory school age and Post-16 to enable them to attend educational establishments. For compulsory school age eligible pupils, the arrangements must be free of charge, whereas for Post-16 students the arrangements can include financial assistance. When determining what is necessary, the Council must take account of local circumstances.
- 4.3 In addition to the statutory duties under the Education Act 1996, there are a number of overarching duties that are relevant to the Home to School Transport Policy and the Post-16 Transport Policy Statement. These include duties under:
- a) The Education and Skills Act 2008 to encourage, enable and assist participation of young people with SEND up to the age of 25
 - b) The Children and Families Act 2014 in relation to the Local Offer
 - c) The Equality Act 2010 in relation to having due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not

- 4.4 Further information on the legislative framework for Home to School transport is provided at Appendix 5.

Financial Implications

- 4.5 Due to the timescales associated with the consultation process, the decision to propose a 3% increase to fees as part of the consultation process was taken well before the Council's budget was agreed. In future school transport fee reviews will align with the Council's annual budget review and fees and charges process, which could include a full fee review and setting process.
- 4.6 All proposed options were modelled to be financially neutral. The fees paid contribute to the cost of transport provision and offset some of the Council's contract costs. Therefore, there is no adverse impact and the proposed recommendation is in line with the Council's agreed Medium Term Financial Plan.
- 4.7 In recognition of the differences in the transport assistance offered by the Spare Seat Scheme versus that of Post-16 SEND Council organised transport, the proposed annual charges for these two schemes are not aligned.
- 4.8 The financial impact of the proposed changes to the Council-run Spare Seats scheme charging structure are:
- a) We have applied a below inflationary uplift to make the transition to the new Spare Seats fee structure smoother i.e. to minimise the increase for the majority of passengers.
 - b) The proposed options were based on 2022/23 academic year prices and 2022/23 academic year Spare Seat passenger profile as at 8 September 2022 (start of 2022/23 academic year).
 - c) All proposed options were modelled to achieve a zero % increase on average (across all Buckinghamshire resident Spare Seat fee-payers)
 - d) All proposed options were modelled to be financially neutral as no additional income would be generated. Fees paid are a contribution to the cost of providing transport and offset some of the Council's contract costs.
- 4.9 It is proposed that the Council increases the charge for Post-16 students with SEND who use Council organised transport by a below inflationary level of 3%. The reason for this lower percentage is:
- a) For post-16 SEND transport, the Council's duty is to "facilitate the attendance of sixth form students receiving education or training." While post-16 transport assistance does not have to be provided free of charge, if contributions are set too high, this could prove a barrier to educational attendance for this group of young people.

- 4.10 Setting a sub-inflationary uplift for the Spare Seats scheme and Post-16 SEND Council organised transport for 2023-24 is a way to make incremental changes in a phased manner.

5. Corporate implications

- 5.1 The proposed revised Home to School Transport Policy and Post-16 Transport Policy Statement are important policies which help to support and deliver all of the four priorities of the Council's Corporate Plan: in particular Protecting the Vulnerable and Strengthening our Communities.
- 5.2 The two Equality Impact Assessments (EqIA) have been revised following the consultation close. The post-consultation EqIAs are attached at Appendix 6: EqIA Spare Seats charging options and Appendix 7: EqIA School Transport Policy.

6. Local councillors & community boards consultation & views

- 6.1 As at 17 February 2023, there were just over 400 Spare Seats passengers on Council-run school buses to Buckinghamshire schools, which is a very small percentage of the 72,424¹ school aged children (5-16 years) in Buckinghamshire. Council-run school buses with Spare Seat passengers run to only 48 Buckinghamshire schools. The countywide impact is therefore minimal.
- 6.2 All Council Members were invited to a School Transport consultation on 17 October 2022 which included a Q&A session. The session was attended by 46 members and the feedback to the briefing was very positive. Members were supportive of the consultation to enable residents to have their say.

7. Communication, engagement & further consultation

- 7.1 The consultation was conducted using the council's Your Voice Bucks consultation platform and an accompanying communications plan to ensure that the consultation was extensive and effective at raising awareness. The School Transport Policy consultation communications evaluation is attached at Appendix 3.
- 7.2 No further consultation is expected to be undertaken on the proposed changes outlined in this report.

¹ Autumn School Census, as at 6 October 2022

8. Next steps and review

- 8.1 The agreed school transport policies and new Spare Seat scheme charging structure will apply from September 2023 and changes will be communicated to families.
- 8.2 The agreed policies and Spare Seat scheme charges will be published on the Council's website in May 2023 and all current and new 2023/24 customers will be notified of the contribution charge levels for the academic year 2023/24 as part of the annual renewal and new school transport application processes.

9. Background papers

- 9.1 Appendix 1: Revised draft Home to School Transport Policy
- Appendix 2: Revised draft Post-16 Transport Policy Statement 2023-24
- Appendix 3: School Transport Policy Consultation: Communications Evaluation
- Appendix 4: School Transport Policy Consultation Analysis
- Appendix 5: Legislative framework for Home to School transport
- Appendix 6: EqIA – Spare Seats charging options
- Appendix 7: EqIA – School Transport Policy

10. Your questions and views (for key decisions)

- 10.1 If you have any questions about the matters contained in this report, please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider, please inform the democratic services team. This can be done by email to democracy@buckinghamshire.gov.uk.

