



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**REPORT TO CABINET MEMBER FOR EDUCATION**

**18 September 2023**

**Report of the Executive Director - Children's Services**

**Rate of increase in charges relating to provision of transport for students not eligible for assistance from the local authority**  
(Cabinet Member for Education)

**1. Divisions Affected**

1.1 County-wide.

**2. Key Decision**

2.1 No

**3. Purpose**

For the Cabinet Member:

3.1 To note the proposed increase in charges for home to school transport provision for those students not eligible for free transport from September 2023 by the rate of inflation (CPI as at January 2023) in-line with the Council's 'Transport Policy for Children of Compulsory School Age'.

3.2 To approve the same proposed increase in charges for home to school transport provision for post 16 students.

**4 Information and Analysis**

**Eligibility**

- 4.1 Derbyshire County Council's ('the Authority') Transport Policy for Children of Compulsory School Age, [www.derbyshire.gov.uk/get2school](http://www.derbyshire.gov.uk/get2school) references the eligibility criteria for assistance with transport in Section 2.2 General Eligibility Criteria and Section 2.3 Home to School Transport Assistance for families on low incomes.
- 4.2 Statutory eligibility to free home to school transport ends when a child ceases to be of compulsory school age. The Raising of the Participation Age under the Education and Skills Act 2008, requiring young people to participate in education or training up to their 18th birthday has not created any new entitlement to transport beyond age 16.
- 4.3 The Authority's Post-16 Transport Policy statement (also published at [www.derbyshire.gov.uk/get2school](http://www.derbyshire.gov.uk/get2school)) specifies the discretionary transport and travel support arrangements that the Authority considers necessary, as a local response to transport needs to facilitate the attendance of Learners of sixth form age receiving education or training at schools and post-16 institutions, and which complies with legal requirements.

#### **Post 16 Special Educational Needs & Disabilities (SEND) Students**

- 4.4 The Authority's Post-16 Transport Policy Statement also specifies the arrangements which are in place for Post-16 Learners for whom an Education, Health and Care plan ("EHC Plan" or EHCP) is maintained by the Authority.
- 4.5 From September 2014, Learners of sixth form age with SEND (special educational needs or physical disabilities), or LDD (learning disabilities/developmental delay), for whom transport assistance is provided by the Authority are required to make a financial contribution towards the cost of the transport.
- 4.6 The contribution is normally charged at the same rate as the Spare Seats Assistance charge for other Learners of sixth form age (Standard rate), with a lower rate for those Learners with SEND or LDD who meet low-income family criteria (Section 2.6 of the Post 16 Transport Policy Statement). The Standard and Low-income rates are subject to annual increase as stated in 4.11 below.

#### **Spare Seats Assistance**

- 4.7 Where the Authority provides contract vehicles, spare places may be offered on request and on a temporary basis for children who are not entitled to free transport assistance and who are not eligible under criteria in Sections 2.2 and 2.3 of the Transport Policy for Children of Compulsory School Age.

- 4.8 The Authority's Transport Policy for Children of Compulsory School Age 2022 provides at paragraph 2.7 that the spare seat charge will increase by the rate of inflation in the September of each year.
- 4.9 Sixth form learners may be able to purchase a pass that allows them to travel to and from a school or Academy on a contract school bus, minibus or specialised transport service, which does not have a fare paying facility - i.e. not on public buses that call at or near schools.
- 4.10 Post-16 SEND Students not entitled to assistance from the local authority may also be able to travel in a contract vehicle subject to availability.
- 4.11 Where a child, sixth form learner or Post-16 SEND student takes up a spare seat, a charge will be made and this charge historically increases annually by the rate of inflation in-line with compulsory school age students.
- 4.12 Spare seat assistance is subject to availability and may be withdrawn if it is subsequently required for an entitled student

#### **Current Charges / Financial Contributions 2022/23 Academic Year**

Year	Secondary Concession £	Primary Concession £	P16 SEN Standard Rate £	P16 SEN Low Income Rate £
22/23	438	394	438	296

#### **Charges/financial contributions 2023/24 academic year if the CPI is applied**

Year	Secondary Concession £	Primary Concession £	P16 SEN Standard Rate £	P16 SEN Low Income Rate £
23/24	483	434	483	326

## **5 Consultation**

- 5.1 There is no change in the procedure for charging non-entitled pupils and the increase in line with inflation has been in place for some time, so this report is to document that procedure for the future. On that basis a consultation is not considered necessary.

## **6 Alternative Options Considered**

- 6.1 Option 1 would be to increase the amounts for compulsory school age children in accordance with the Transport Policy for Children of

Compulsory School Age, but not increase the rates charged for post 16 students however this would have a financial impact on the Council and result in a growing subsidy at a time of decreasing resources

- 6.2 Option 2 would be to increase the amounts for compulsory school age children in accordance with the Transport Policy for Children of Compulsory School Age, but increase the charges / contributions for post 16 students by a different fixed amount. However, this would result in disparity between the amounts payable by compulsory school age students and post 16 students.

## **7 Implications**

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8 Background Papers**

- 8.1 The increase in charges / financial contributions by the rate of inflation has been referenced in the Authority's home to school transport Policies with effect from the 2014 academic year.

## **9 Appendices**

- 9.1 Appendix 1 – Implications.

## **10 Recommendation(s)**

That the Cabinet Member:

- 10.1 notes the proposed increase in charges for home to school transport provision for those compulsory school aged students not eligible for free transport from September 2023 by the rate of inflation (CPI as at January 2023) in accordance with the Council's Transport Policy for Children of Compulsory School Age.
- 10.2 approves the proposed increase in charges for home to school transport provision for post 16 students from September 2023 by the rate of inflation (CPI as at January 2023).

## **11 Reasons for Recommendation(s)**

- 11.1 The rate of inflation is a broad measure which reflects the overall increase in prices or the increase in the cost of living in a country. A rise in inflation rates necessitates the increase to charges for spare seats for non-eligible pupils to protect scarce council resources.

11.2 The transport policies and associated documents which require details of the charges / financial contributions for an academic year are published and / or need to be available in the preceding Spring Term (eg Spare seat forms, Post 16 Travel forms).

**12 Is it necessary to waive the call in period?**

12.1 No.

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## **Implications**

### **Financial**

- 1.1 Impact of increase on parents / carers.
- 1.2 Financial disadvantage to local authority if no increase is applied.
- 1.3 The CPI may not be sufficient to cover general inflation particularly in relation to fuel costs and therefore it may be necessary to review the arrangement. At the latest, the policy will be reviewed after 10 years.

### **Legal**

- 2.1 Pursuant to Part II of the Education Act 1996 local authorities are required to make travel arrangements and set out travel schemes that are available for children, young people and adults to facilitate their attendance at their relevant education institutions.

### **Human Resources**

- 3.1 None directly arising.

### **Information Technology**

- 4.1 None directly arising.

### **Equalities Impact**

- 5.1 An Equalities Impact assessment is not considered necessary as this is not a change to an existing policy but a change in charges which are to be increased in line with the rate of inflation in accordance with the Authority's 'Transport Policy for Children of Compulsory School Age'. It is accepted that in the current cost of living crisis lower income families may be disproportionately affected, however, this impact is mitigated by ensuring low income families pay the lower contribution towards travel costs.

### **Corporate objectives and priorities for change**

- 6.1 None directly arising.

### **Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

- 7.1 None directly arising.