
Report To:	Education & Communities Committee	Date:	7 November 2023
Report By:	Ruth Binks, Corporate Director, Education, Communities and Organisational Development	Report No:	EDOCOM/54/2023/RB/TM
Contact Officer:	Tony McEwan, Head of Culture, Communities and Educational Resources	Contact No:	01475 712828
Subject:	School Transport Privilege Passes and Compliance with the Public Service Vehicles Regulations (PSVAR)		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The Public Service Vehicles Accessibility Regulations (PSVAR) were introduced in 2000 principally to improve accessibility for disabled people to access public transport. PSVAR governs the accessibility of buses and coaches and sets out requirements for accommodating wheelchair users, such as the minimum size for wheelchair spaces, specifications for boarding lifts and ramps, and other equipment. It is the responsibility of operators to ensure that their vehicles are compliant with PSVAR but this is only applicable if there is a charge for a service.

1.3 Inverclyde Council currently charges for two types of arrangements on school transport. The first is for privilege passes, which are issued to ensure maximum efficiency of school transport by selling any spare seats on the bus to those who are not entitled under the policy. The second is the subsidised bus arrangement for St. Columba's because of the lack of alternative suitable public transport. The St. Columba's transport arrangements will not be affected because all of the buses on the route are PSVAR compliant. However, not all of the other buses are PSVAR compliant, and this means that the council is unable to make any charge for privilege passes. Because of the cost implications and complexity of changing contracts the recommendation in this paper is to cease the charge for privilege passes.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Education and Communities Committee:

- agrees to alter the Council policy on school transport to withdraw the fee for privilege passes from October 2023.

Ruth Binks
Corporate Director, Education, Communities and Organisational Development

3.0 BACKGROUND AND CONTEXT

- 3.1 The Public Service Vehicles Accessibility Regulations (PSVAR) were introduced in 2000 principally to improve accessibility for disabled people to access public transport. PSVAR governs the accessibility of buses and coaches and sets out requirements for accommodating wheelchair users, such as the minimum size for wheelchair spaces, specifications for boarding lifts and ramps, and other equipment. It is the responsibility of operators to ensure that their vehicles are compliant with PSVAR.
- 3.2 To allow operators time to convert their fleets to fully accessible buses (and where a charge is levied for travelling), Medium Term Exemptions were made available to operators who in turn must commit to improving accessibility to their fleets by 2026. Failure to comply with these conditions will result in an operator not being able to charge a fare on any of their buses.
- 3.3 Although home-to-school services are not referenced in the PSVAR and hence are neither specifically included within or excluded from their scope, it is the view of the Department of Transport, supported by legal advice, that when at least one fare is paid by or on behalf of a passenger travelling on a service, then that service must comply with PSVAR.
- 3.4 In Inverclyde, transport is provided for free for all eligible pupils who live within 1 mile of their catchment primary school and over 2 miles from their catchment secondary school. Specific travel arrangements are also in place for children who attend an additional support needs school or unit. A separate arrangement is made for St Columba's High School, where, in addition to Council distance policy, subsidised transport is made available for pupils who live between less than 2 miles from the school, with a charge of £7.25 a week being levied. Currently, all four operators on these routes comply with the PSVAR and therefore remain unaffected by these changes until 2026.
- 3.5 As part of the Council's transport policy, a system of privilege passes operates where there may be space on a bus after all of the eligible places are filled by pupils eligible for free school transport. For example, if a 39 seater bus only has 37 eligible pupils travelling, then two places are offered as 'privilege passes' through a ballot process. These pupils are then required to pay £7.25 per week to keep their place on the bus. The table below shows that only a small amount of privilege passes are made available each year as every effort is made to ensure that the buses provided closely match the demand.

Year	Granted	Declined	Withdrawn	Income generated
2019-20	20	32	3	£2,498.00
2020-21	11	0	0	£2,316.00
2021-22	9	14	1	£2,166.00
2022-23	7	0	0	£1,481.90
2023-24	9	10	0	£1,957.50

- 3.6 In line with the PSVAR, privilege places can only be made available to operators whose buses are PSVAR compliant, or have an exemption certificate. In 2023/24, only one operator over and above St Columba's provision has an exemption in place, meaning that we are unable to issue privilege passes for most of the current contracts, unless they are provided for free or we seek to alter the contract on each of services to ensure they are compliant with PSVAR.
- 3.7 Following discussion with SPT, only one other local authority currently charges for privilege passes with the others using a similar free process to ensure the most efficient use of space on their school transport.

4.0 PROPOSALS

- 4.1 In terms of Best Value, it is not proposed to alter the existing transport contracts to be PSVAR compliant. Doing so may result in no provider being available or an increase in cost of a change in provider which would likely be more than the £1957.50 income that is generated.
- 4.2 In terms of the current contracts, it is proposed to alter the Council's current policy on school transport to offer privilege places free of charge to all pupils who secure a place through the ballot. For this year this means that those who have already applied will simply not be charged. It is not proposed to open up applications again for the academic year 2023/24 because this would increase the waiting time for those who have applied.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial	x	
Legal/Risk	x	
Human Resources		x
Strategic (Partnership Plan/Council Plan)		x
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing	x	
Environmental & Sustainability	x	
Data Protection		x

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A			£2540		

The income target is £2540, but in reality the recovery of this income has been about half of this amount. Income loss will be contained within the overall transport budget.

5.3 Legal/Risk

This paper ensures that the council is compliant with the legislation for PSVAR

5.4 Human Resources

None

5.5 Strategic

None

5.6 Equalities, Fairer Scotland Duty & Children/Young People

Removal of privilege pass fees could help reduce cost of living for some families not entitled to school transport.

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	YES – Assessed as relevant and an EqIA is required, and will be made available on the Council's website: https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments
	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

X	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed, and will be made available on the Council's website: https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments
	NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

(c) Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
x	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

5.7 Environmental/Sustainability

Summarise any environmental / climate change impacts which relate to this report.

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
x	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

5.8 Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
x	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

6.1 None

7.0 BACKGROUND PAPERS

7.1 None.