

FAQ's Change to Temporary Vacant Seat Scheme

Why are you changing the scheme now so close to the start of term?

Although the PSV Accessibility Regulations have been set in law for some time, as with a lot of legislation legal opinion on how it applies can change over time. We became aware that the commonly applied interpretation, by most local authorities up and down the country, of these regulations was potentially open to challenge in light of changing legal opinion. In response to this, the Council took specialist legal advice on the correct application of the regulations in relation to the sale of seats on school buses. It was necessary to hold applications until the legal advice had been provided as it is important that we correctly apply the law to protect all concerned.

Why does the number of seats affect my ability to buy a seat on the school bus?

Our ability to sell seats on a school bus is determined by the PSV (Public Service Vehicle) Accessibility Regulations which are set in law. A Public Service Vehicle means any vehicle that can carry 9 or more passengers. These regulations state that vehicles with more than 22 seats must meet strict accessibility criteria, including provision of wheelchair access, if any seats are being sold separately. School buses that have 22 or fewer seats are not subject to these regulations and so we are able to continue selling temporary vacant seats.

Why are you offering seats free of charge until October half term?

Under the terms of the Temporary Vacant Seat we state that a seat may be withdrawn if it is no longer available, at short notice. As we have only recently been able to make a decision, we wanted to give parents/guardians time to make alternative arrangements for their transport. As we are unable to sell an individual seat on a vehicle, with more than 22 seats we are offering seats free of charge, so that the children can still travel up until October half term.

What happens now and when will my child receive their bus pass?

You will receive an email confirming your application for a temporary vacant seat has been awarded. Included with this email will be notification of whether your seat will be available after October half term, dependant upon the size of the vehicle.

We will issue temporary passes for all children awarded a seat, these will be dated to October half term. Temporary passes will be sent before the start of the new school term. Please note that operators will be asked to check passes, the temporary passes will not be accepted after October half term.

If your seat is available after October half term you will be issued a link to pay for the seat with your awarded email. This payment request must be actioned before a permanent pass is issued after half term. If you do not respond to confirm a payment method then we will be unable to issue a pass and your child will be unable to travel.

What will happen after October half term?

Temporary vacant seats will no longer be available on any vehicle with more than 22 seats. It will be the parents/guardians responsibility to ensure that children are able to get to school after October half term.

Children on vehicles with 22 seats or less will be able to travel and will need to pay for a seat where it is available. Details of this will be sent directly to parents/guardians once the application is processed. The usual methods of payment will be available with a pro-rata payment calculated. Please be advised that this does not guarantee a seat for the whole year. ***The usual terms and conditions of the scheme will still apply, if the seat is no longer available it can be withdrawn at short notice. It is important to have considered alternative arrangements should a vacant seat not be available.***

Why can't you put on more, smaller vehicles so that all vacant seats can be accommodated?

The Temporary Vacant Seat scheme is available to children who are not entitled to school transport. The scheme works by selling seats on existing school routes where there are spare seats on a contracted vehicle. Contracts are awarded following a competitive tender process to the operator who offers the best option and value for money, these contracts are regularly reviewed to ensure they are cost effective. To replace routes with smaller vehicles would increase the cost of existing contracts. The Council has no statutory requirement to offer a temporary vacant seat scheme and would therefore be unable to fund any additional costs for services.

What will happen next year?

Unless there is any change to the legislation then we will only be able to offer seats on vehicles that have 22 seats or less.

What are Staffordshire County Council doing about this?

It appears that PSV Accessibility Regulation applying to school contracts is an unintended consequence of how the regulations were drafted. We are actively lobbying central government, along with other local authorities, and asking for an extension to the application of these regulations to allow time for our contracts and operators to comply.

Any news or updates to these changes will be published on our website.