

STANDARDISATION OF THE PARENTAL PAYMENT SCHEME

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1. INTRODUCTION

This paper details the current processes with regard to payments made to parents under the Home to School Transport Scheme and outlines a single standardised approach for taking this forward for the Authority.

How payments are processed is currently inconsistent across the legacy offices of the Authority and there is a requirement to standardise this and develop a single approach. The current processes also do not represent best value for money, currently costing in excess of £1.7m and does not represent a fair and equitable system for rural residents and students.

It is proposed that the Education Authority addresses the matter in advance of the school year beginning 1st September 2018.

2. THE STRATEGIC CONTEXT

During the academic year 2016-17, approximately 89,000 pupils were provided with school transport by the Education Authority, in accordance with Department of Education Circular 1996/41 – School Transport (updated 2009). Whilst most pupils will travel to and from school on a bus; the Authority can also provide families with financial assistance. The purpose of this is to assist families with transport costs.

The relevant sections of the Circular outline the statutory position as follows:

'5.1 Transport assistance for eligible pupils can be provided by a variety of means including the issue of sessional tickets (commonly referred to as 'bus passes') for public transport, the operation of the Education Authority vehicles, the hire of buses or taxis and the payment of bicycle or car allowances.'

'5.4 Where a Board is constrained in its response, that is, where it cannot provide a service that meets the aims of paragraph 5.2 and or paragraph 5.3 within the constraints of paragraph 5.1, then Boards may offer parents an allowance in lieu of transport and in such cases responsibility for the journey then rests with the parent.'

A full copy of the Circular is attached at Appendix 1.

3. CURRENT PROCESSES

Whilst schemes operated by the five legacy Education and Library Boards (ELB's) were broadly similar, each of the legacy ELB's developed schemes which resulted in a number of differences including:

- different daily rates used to calculate payments;
- payments calculated on the basis of different total number of school days;
- payments made at different times of the year; and
- payments paid in different circumstances i.e. in lieu of Translink pass.

Historically payments were made on the basis of the cost of public transport to the ELB's and families could receive an amount up to the value of the Translink pass. This position started to change in the mid 2000's as ELB's started to come under increasing financial pressures.

Consequently in 2004 the former SEELB (Dundonald Office) took the decision to cap payments and despite continued increases in the cost of a Translink pass, payments made to Parents stayed at the 2004 rate £459.60.

In 2011, the former SELB (Armagh Office) reviewed its scheme for parental payments and along with freezing the maximum amount payable, which is £615.60; changed the basis on which it made payments to reflect average pupil attendance at school (which was less than the 190 days a pupil could attend).

Another key difference is that the former NEELB and SELB used their discretion to pay parents travelling expenses as an alternative in those cases where a Translink pass would have been issued to the pupils/students. This was done in the acknowledgement that for some pupils/students the provision of a Translink pass did not always meet their transport requirements for attendance at school/college. However, over time, a practice developed which meant that, regardless of the suitability of the public transport network, families could 'cash in' their pass and receive a payment. As Translink passes are purchased on an individual basis this could be done without incurring any additional cost. In NEELB and WELB a payment equated to the value of a Translink pass, whilst in SEELB and SELB the opportunity was taken to achieve efficiency by paying a reduced rate. The BELB (Belfast Office) do not provide any transport assistance for mainstream pupils; only pupils with a special educational need.

4. THE CASE FOR CHANGE

4.1 Developing a single consistent approach

Currently there is a need to develop a single standardised approach to the Parental Payment Scheme for all service users, regardless of which legacy ELB a person is resident in. The creation of the Authority represents a significant opportunity to rationalise and harmonise the services we provide. If the current system were to continually operate, as well as being financially unsustainable, it potentially leaves the Authority open to challenge on the grounds of a failure to recognise the needs and circumstances of rural residents. There is a clear procedural, business and service need to harmonise this Scheme.

4.2 Delivering best value for money

Currently there are different rates of payments in the various legacy ELB areas. The highest payment is £660 per pupil, followed by £658. The lowest paid is £418. The difference between the highest and lowest payment is £230. This is regardless of distance travelled and is a result of which area a pupil happens to reside.

Currently there is no allowance for rurality in so far as distance is not a factor. Therefore one pupil could be 3.1 miles from their school and another 20 miles and both will receive the same payment.

Further to this in three of the legacy areas, there is no differentiation between those that need a payment, i.e. there is no available public transport route, and those that do not, i.e. those that just wish to 'cash in'.

This does not, represent best use of public money and there is a need to rationalise the Scheme to continue to make it viable and available for those that need it.

4.3 A fair and equitable scheme for rural residents / pupils

As stated there is no allowance for rurality in the current schemes, in so far as distance is not a factor. The development of a new standardise scheme represents an opportunity to meet the unique needs of rural pupils, through the introduction of support based not on a flat payment, but rather a distance travelled model and one which dis-incentivises families from cashing in where this is not required. This will help demonstrate the Authority's consideration of the newly introduced 'Rural Needs Act- (NI) 2016 for Public Authorities'.

5. PROPOSAL FOR NEW SCHEME

In accordance with Department of Education Circular 1996/41 – School Transport (updated 2009), it is a matter for the Authority to determine the most appropriate method of transport assistance. The Authority will accordingly continue to provide Travelling Expenses where it deems this to be the most appropriate method of transport assistance. Where a public transport option exists and capacity allows, the scheme will encourage pupils to use this. Where an adequate service does not exist or there are legitimate reasons (eg. Service does not meet timetable needs, social/family issues, exceptional circumstances) why it cannot be utilised, a payment can be offered.

Underpinning the development of the proposed new scheme are the following key principles:

- a) The basis for the calculation of payments will no longer be linked to the cost of a Translink pass but will be linked to the cost of using a car (i.e. per mile). This more accurately reflects how travelling expenses are used.
- b) Full rate of payments to families may be paid in the following circumstances:
- c) Where no school transport is available/provided;
- d) There is a legitimate familial or learning reason, such as school schedule that means a young person is unable to use the public transport network.
- e) In recognition of the greater distance some pupils have to travel to and from school in rural areas; payments will be banded to reflect the increased travelling costs per distance travelled;
- f) The new scheme will underpin the Authority's preference for pupils to travel to and from school on the existing school transport network;
- g) The total cost of the new scheme will not exceed the total cost of the previous schemes operated by the ELB's and will make a contribution to the Authority's need to make continued efficiencies, thereby ensure the Schemes sustainability.

5.1 Cost Basis for Payments Proposed Under New Scheme

In order to determine what should be taken into consideration in setting the value of payments under the new scheme, it is proposed that the scheme is linked to the cost of using a car.

The 5 legacy ELB's used a rate known as the Public Transport Rate, which amounts to 25.7pence per mile, when awarding a fair and consistent reimbursement of transport costs to parents of Special Needs pupils, where suitable transport could not be sourced.

As this method of reimbursement continues to be used for certain payments within EA and is considered a fair and manageable method, this mileage rate will be used for this scheme.

The Public Transport Rate (PTR) is part of the mileage allowance system operated by a number of public sector departments to reimburse employees (who do not fall under the terms of the Approved Mileage Allowance Scheme) and members of the public for the use of their own cars in relation to public sector activities.

The rate of 25.7 pence per mile is a notional rate and is used in order to prevent the determining applicant having to calculate the actual equivalent cost of public transport. This approach is consistent with normal principles of taxation and used across the public sector.

5.2 Payments made when the Authority is unable to provide school transport

Consequently the Authority proposes the following payment bands:

Table 2: Payment Bands

BAND • Distance from pupils home to nearest suitable school	YEARLY AMOUNT PAYABLE
Band A 0-4 miles	£185.00
Band B 4 – 10 miles	£465.00
Band C 10 – 15 miles	£695.00
Band D 15+ miles	£740.00

The following will apply:

- if all students from the same family are travelling in the same direction (determined by the transport office), only one payment will be made to the family, irrespective of the number of siblings;
- payment will only be based on the distance to the nearest suitable school. Including the scenario where a pupil is over 3miles to all schools, but has not attempted to enrol in a nearer suitable school and decided to attend one further away.

Department of Education Circular 1996/41 – School Transport (updated 2009)

Subject:
School Transport

Circular Number 1996/41
Date of issue: 31 October 1996
Updated 18 September 2009

Target Audience:
Education and Library Boards/
Education and Skills Authority
School Principals
Parents

Governor Awareness
School governors

Summary of Contents:
This circular gives advice about transport arrangements which are operational from 1997/98 school year onwards.

Status of Contents: Advice

Enquires:

Any enquires about the contents of this circular should be addressed to:
School Access Team
Department of Education
Rathgael House
43 Balloo Road
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BT19 7PR

Related Documents: None
Superseded Documents: 1992/95
Expiry Date: Not Applicable
DE Website:
<http://www.deni.gov.uk>

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CIRCULAR NO 1996/41

To: Education and Library Boards/
Education and Skills Authority

31 October 1996
Updated 18 September 2009

SCHOOL TRANSPORT

1.1 The Department announced on 20 August 1996 decisions arising from a review of the home to school transport policy. This Circular gives current advice about the transport arrangements which came into operation from the beginning of the 1997/98 school year and has been updated in September 2009.

THE STATUTORY POSITION

2.1 Article 52 of the Education and Libraries (NI) Order 1986, as substituted by Article 23 of the Education (NI) Order 1997, Requires education and Library boards/ Education and Skills Authority (ESA), with the approval of the Department, to make such arrangements as they consider necessary to facilitate the attendance of pupils at grant-aided schools and such pupils as the Department may from time to time specify at institutions of further education. This Circular sets out the arrangements approved by the Department under Article 52 (as substituted).

- 2.2 To determine those pupils who should receive transport assistance, boards/ESA should have regard to “walking distance” as defined in paragraph 3(6) of Schedule 13 to the 1986 Order, i.e. 2 Miles in relation to a pupil under 11 years of age and miles for older pupils measured by the nearest available route.

Notes (1)

- (i) The term “walking distance” should not be interpreted as an injunction upon parents that their child must walk to school. The term is applied to a route once it has been established by the EA/ESA that it can be walked. Thereafter it may be used to determine whether responsibility for assisting a pupil with the transport to and from school lies with the parent or the board/ESA.

TRANSPORT ARRANGEMENTS

- 3.1 Transport assistance should not normally be provided for any pupil who lives within statutory walking distance of the school or institution of further education attended. A board/ESA may however, consider whether there are circumstances sufficiently exceptional to set aside normal consideration (see paragraph 8). Neither should assistance be provided for pupils before the beginning of the academic year in which they attain compulsory school age. Pupils who pay tuition fees, for example, those in preparatory departments of grammar schools, are not eligible for transport assistance. A board/ESA is satisfied, having regard to the length and time of the total journey, that the remainder of the journey is not excessive.

Notes (2)

- (i) Boards/ESA have no obligation to provide door-to-door transport assistance. In practice, parents may be expected to contribute with assistance to their child of up to, but not exceeding, statutory walking distance. For example, when asked to assist their child to get a bus pick-up point.
- (ii) The pupil’s home is the residence of the legal guardian of the pupil.

SCHOOLS

- 3.2 Where there is a suitable school or schools within statutory walking distance from a pupil’s home and a pupil attends a school outside statutory walking distance, transport assistance will be provided only where the pupil has been unable to gain a place in any suitable school within statutory walking distance.
- 3.3 Where there is no suitable school within statutory walking distance from a pupil’s home boards/ESA may provide transport assistance to any suitable school, provided that a suitable board/ESA or public transport service to or in the vicinity of that schools is already available. A board/ESA will not be expected to introduce new bus routes or services for individuals or small groups of pupils where the cost of such transport would result in unreasonable public expenditure.
- 3.4 A suitable school is a grant-aided school in any of the following categories:-

PRIMARY/SECONDARY SECTOR

Categories of School
Catholic Maintained,
Controlled, or
Other Voluntary

GRAMMAR SECTOR

Categories of School
Denominational
Non-Denominational

Integrated
Irish Medium

Or bi-lateral school in any of the above categories. [For the purposes of eligibility for transport assistance, the grammar stream of a bi-lateral school shall be treated as a Grammar school and the secondary stream as a post-Primary (Secondary) School.]

Notes (3)

- (i) The categories of schools do not extend to take account of other factors such as range of nature of curriculum provided, proficiency at particular sports, relationship with parish boundaries, or single sex or co-educational schools. Preferences expressed on these or similar grounds will not qualify for transport assistance if an otherwise suitable school exists within statutory walking distance and the chosen school lies outside the limit.
- (ii) Notwithstanding the above provisions, there is no obligation to seek a place in any Category B voluntary grammar schools within statutory walking distance of a pupils home.

[Category B SCHOOLS REQUIRE PARENTS TO PAY TUITION FEES.] The category B schools are Campbell College and Royal Academical Institution. Pupils outside statutory walking distance who wish to attend these schools must, however, demonstrate that they were unable to gain a place in a non-denominational grammar school within the statutory walking distance if they are to qualify for transport assistance.

- (iii) The general rules set out above will apply to the “Dickson Plan” area in the Southern Education and Library Board/ESA in regard to attendance at primary schools, transfer to junior high schools at age 11 and transfer to grammar or senior high schools at age 14. Parents will, however, continue to have the right to express a preference at 11+ for a grammar school outside the area and qualify for transport assistance, subject to the provisions of paragraphs 3.2, 3.3 and 3.5.
- 3.5 As at present, applications may be made for a place in a school in more than one category in each school sector, and for schools in both the secondary and grammar sectors. Following the closure date for such applications by parents, each application will be treated individually for the purposes of assessing transport entitlement and a suitable school will be the category of school in which the pupil is finally placed. To be eligible for transport assistance to a school outside statutory walking distance, applications must first of all be made to all schools in the same category that are within statutory walking distance before a preference is expressed for the more distant school. To qualify for assistance to the more distant school applicants must be able to show that they were unable to gain a place in such schools in the same category within statutory walking distance of their home.

Pupils Below Compulsory School Age

- 3.6 Pupils below correspondence school age, including those in reception classes, are not eligible for assistance with transport. When such pupils reach P1 stage the procedures in paragraph 3.5 must be followed if transport assistance is being sought to a school outside statutory walking distance.

FURTHER EDUCATION

- 4.1 The terms of this Circular apply to pupils following full-time courses in institutions of further education who are under 19 years of age at the beginning of the academic year in which their course commences, and who are not in receipt of a student award or a boarding allowance.
- 4.2 A suitable institution of further education is one that provides a place on a full-time course which leads to the qualification sought by the student.
- 4.3 Notwithstanding the provision of paragraph 4.1, boards/ESA may wish to give consideration to assisting full-time pupils who have special educational needs and who are attending institutions of further education.

MEANS OF ASSISTANCE

- 5.1 Transport assistance for eligible pupils can be provided by a variety of means including the issue of sessional tickets (commonly referred to as “bus passes”) for public transport, the operation of board/ESA vehicles, the hire of buses or taxis and the payment of bicycle or car allowances. In determining the most suitable methods of assisting pupils, boards/ESA should have regard to the interests of efficiency and economy as set out in Article 44 of The Education and Libraries (NI) Order 1986. Cost, availability and convenience, both in the short and in the long term, should be taken into consideration when determining the means of assistance.
- 5.2 In determining whether a transport service is suitable boards/ESA should also take into account such factors as the age of the pupil, whether it would entail an unduly early start or late ending to the pupil’s period of absence from home, the duration of the journey and distance to and from the pupil’s home or connection point.
- 5.3 Pupils should be able to travel in safety and reasonable comfort. Boards/ESA should ensure that the number of pupils being carried on their vehicles does not exceed the maximum laid down in the Public Service Vehicle Regulations. Where Board vehicles are fitted with seatbelts boards/ESA should bring this to the attention of pupils. The Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (NI) 1995, which came into operation on 24 January 1996, removed the 3 for 2 concession allowing 3 children under 14 years of age to sit in a seat fitted with over two seat belts.
- 5.4 Where a board/ESA has been constrained in its response, that is, where it cannot provide a service that meets the aims of paragraph 5.2 and/ or paragraph 5.3 within the context of paragraph 5.1, then Boards/ESA may offer parents an allowance in lieu of transport and in such cases responsibility for the journey then rests with the parent.

CONCESSIONARY TRAVEL

6. Where a board/ESA supplies its own transport and seats are available after the requirements of all eligible pupils have been met it may offer seats to ineligible pupils on a concessionary basis. The offer should be made on the basis of a written contract with parents, which should set out the terms and conditions under which the offer is made, and under which it may be withdrawn. It is for the board/ESA to determine which pupils should be given such concessions.

ARRANGEMENTS FOR PUPILS WITH STATEMENTS OF SPECIAL EDUCATIONAL NEEDS

- 7.1 Where a board/ESA maintains a statement of the special educational needs of a pupil under Article 16 of the Education (NI) Order 1996 (“the 1996 Order”), the decisions about the pupil’s placement, including his or her entitlement to free home to school transport, will have been made by the board/ESA. The general arrangements described in this Circular may

not, therefore, apply in the case of a statemented pupil, whether the pupil is placed at a grant-aided school or otherwise; (it will be noted in particular that Article 12(2)(c) of the 1996 Order introduces the discretionary power for a board/ESA to provide transport to facilitate the attendance of a statemented child at an independent school).

- 7.2 Boards/ESA should note, however, that placements of statemented children in response to parental wishes, whether at mainstream schools, special schools or independent schools are subject to the statutory condition that they must, amongst other things, be compatible with the efficient use of resources. Boards/ESA should therefore continue, under the 1996 Order, to give the most careful consideration as to whether the provision of free transport is justified in the particular circumstances of each individual case before indicating it in a statement.

EXCEPTIONAL CIRCUMSTANCES

8. The application of the eligibility rule relating to distance may not always be appropriate and it is for the board/ESA to consider any case which is thought to be outside the provisions in the preceding paragraphs. Such cases considered by Boards/ESA should be by their very nature exceptional.

BOARDING PUPILS

Boards/ESA may assist the weekend on term-time travelling of a pupil who is not eligible for assistance under the provisions of Article 135 of the Education Reform (NI) Order 1989, but who is attending the nearest acceptable grammar school as a boarder provided his/her home is beyond the distance from the school defined by the eligibility criterion.

GENERAL

10. The department should be consulted in any case where a proposal to assist with transport is not covered by this Circular.
11. The Education (School information and Prospectuses) Regulations (NI) 2003 require boards/ESA to publish their arrangements for the provision of home to school transport and for the information to be published not later than six weeks before the date up to which parents may express a preference for a school. Boards/ESA should ensure that their published arrangements are revised to take account of the advice contained in this Circular. Information should also be made available to prospective further education students.

IRISH MEDIUM PROVISION

12. Article 89 (1) of The Education (Northern Ireland) Order 1998 confers upon the Department a duty to encourage and facilitate the development of Irish-medium education. In response to this duty, the boards/ESA, with the approval of the Department, shall make arrangements under paragraph 5.4 to provide an allowance for Irish-medium pupils in lieu of transport services to enable such pupils to attend Irish medium schools where it would not be reasonably practicable to provide assistance in accordance with paragraph 5.1.

J D WHYTE (1996)

A MCMULLAN (Updated September 2009)