

Spare Seat Scheme:

**Guidance notes for parents of statutory school aged
pupils age 5-16 years**

What parents/carers need to know

Introduction

1. What is the spare seat scheme?
2. Is there a cost for a spare seat?
3. Do you consider the route to and from the bus stop when deciding whether a public service route is available?
4. What if my child can get to school on time using a public commercial service route but they have to wait after school for the next available bus route?
5. Is there any guarantee that my child can use the seat all school year?
6. Are there any other conditions in which a spare seat can be withdrawn?
7. Does the Council reimburse parents/carers whilst a spare seat is being allocated?
8. Can the routes be changed so that my child is picked up closer to home?
9. If my child has a spare seat for one academic year, does that mean they will have a seat every year they remain at school?
10. What if I am behind with my payments, can I still purchase a spare seat?
11. When are spare seats allocated?
12. How do you prioritise the offer of spare seats?
13. What are Public Service Accessibility Regulations (PSVAR) and how do they impact how spare seats are offered?
14. Why has my child not been offered a spare seat when I can see seats are available on the vehicle when it travels each day?
15. Why couldn't more, larger vehicles be provided so that all requests can be accommodated?
16. Will I be able to secure a seat on the vehicle operating nearest to my home address?
17. Are there any conditions that I have to consider whilst my child has a spare seat?

Introduction

Spare seats are a space on a school vehicle (operated by or on behalf of us) that has not been allocated to an eligible pupil. A spare seat will only be offered where there are no public services on which a child could pay a daily fare on.

These guidance notes may help to parents/carers to understand how and when we offer spare seats and answer any questions they may have regarding the scheme.

1. What is the spare seats scheme?

Spare seats are a space on a school vehicle (operated by or on behalf of us) that has not been allocated to an eligible pupil. Where spare seats exist on school bus or taxi contracts arranged by Cheshire West and Chester Council, they can sometimes be made available at a charge to pupils who are not eligible for free travel assistance to school.

A spare seat will only be offered where there are no public commercial services on which the child could pay a daily fare on. A public commercial service is considered available where the commercial service pick-up point is within a mile of the home address and where the bus times allow for the arrival of pupils at school prior to the school start time.

2. Is there a cost for a spare seat?

There is an annual charge for a spare seat of £880 per academic year, per child. Payments are requested in advance and can be made annually, termly or half termly.

A pass is issued for the amount of time paid for – termly, half termly or annually. If parents/carers have paid for the seat either termly or half-termly, the bus pass will be issued for this time only. Additional payments will be required for the following term or half-term at least **two weeks prior to needing the pass to allow time for the pass to be posted.**

Travel is not permitted without a valid bus pass.

We cannot issue a pass until we have received payment.

Termly payments	Amount (termly) and payment due	Amount (half-termly) and payment due
Term 1 (Sept-Dec)	£330 Upon receipt of letter and acceptance	£165 x 2 Upon receipt of letter and acceptance Mid-Oct

Term 2 (Jan-April)	£330 Mid-Dec	£165 x 2 Mid-Dec Mid-Feb
Term 3 (April-July)	£220 Mid-March	£110 x 2 Mid-March Mid-May

Special educational needs and/or Disability (SEND) needs

A spare seat may be offered on a contracted vehicle where there is the capacity.

If a child is of primary or secondary school age and receives Targeted Free School Meals*, they may be able to pay a reduced charge of £440 per year.

*Targeted Free School Meals is where the family income is less than £7,400 per year.

3. Do you consider the route to and from the bus stop when deciding whether a public commercial service is available?

No, the Council does not consider the nature of the route to the pick-up point from the home address. It is the parent/carers responsibility to make arrangements for their child to get to and from the commercial service pick-up point.

4. What if my child can get to school on time using a public commercial service route but they have to wait after school for the next available bus route?

This would not affect our consideration of the availability of the commercial service. Councils have to ensure that a child can arrive to school on time. And as this is not a statutory requirement, there is no duty on councils to ensure that the return journey home on the commercial public service is at the most convenient time, i.e. immediately after the end of the school day.

5. Is there any guarantee that my child can use the seat all school year?

No, the seat can be withdrawn with a week's notice if an eligible child requires the seat. It is essential for parent/carers have alternative arrangements available should a seat not be available. In such cases, the Council will issue a pro rata refund of any payment made that travel was not received. This will be from the end of the notice period – one week. If for any reason a spare seat is not available, it remains a parent/carers responsibility to ensure their child attends school safely and on time.

6. Are there any other conditions in which a spare seat can be withdrawn?

The spare seat can be withdrawn if those children assessed as eligible for free travel assistance no longer use the route or get moved onto another vehicle. In addition, there are other conditions in which a spare seat can be withdrawn. These are listed below:

- the bus contracts serving the child's school are re-organised, OR
- if the vehicle size is reduced, OR
- the vehicle re-routed, OR
- if the contract is converted into a fare paying service, OR
- an alternative public bus service becomes available.

7. Does the Council reimburse parents/carers whilst a spare seat is being allocated?

Reimbursements for the cost of travel will not be issued whilst a spare seat is being allocated. Parents/carers need to ensure they have an alternative arrangement in place to get their child to and from school.

In the event that a spare seat cannot be allocated, the Council is not responsible for any costs incurred. Parents/carers are responsible for ensuring their child attends school, including making and funding any necessary travel arrangements.

8. Can the routes be changed so that my child is picked up closer to home?

No. Parents/carers must ensure they can get their child to and from an existing pick-up or set down point. The contract will not be diverted from the existing route for spare seat passengers. The pick-up location can be up to a mile from the child's home address. The Council will not take into consideration the nature of the walking route to and from the bus stop.

9. If my child has a spare seat for one academic year, does that mean they will have a seat every year they remain at school?

No. Parents/carers must apply for a spare seat every year. Please see how we allocate spare seats below for further information on how we prioritise the allocation.

10. What if I am behind with my payments, can I still purchase a spare seat?

If an outstanding balance is owed for a previous year, a spare seat will not be issued until this balance is cleared.

11. When are spare seats allocated?

To allow for any late applications for eligible students, allocation may not take place until **after** the start of the academic year. No reduction in the full-term charge will be given where travel assistance is not available.

The Council will use their best endeavours to review spare seat applications in a timely manner. They will allocate spare seats to children as soon as possible. There is no

statutory timescale to be met when offering spare seats, where available. The Transport Commissioning Service aims to respond to all spare seat applications by the October half term following the start of the academic year and parent/carers should have alternative arrangements in place until they have received confirmation of their travel arrangements and payment has been made.

12. How do you prioritise the offer of spare seats?

Parents/carers who have expressed an interest in purchasing a spare seat will be added to a waiting list. If a spare seat becomes available, the team will contact the parents/carers and explain what happens next.

In cases where there are not enough spare seats on a vehicle for the number of applications received, the requests will be considered in the following order:

1. Students resident in the Cheshire West and Chester Borough who had a spare seat in the previous school term
2. Earliest date received for new requests from Cheshire West and Chester Council residents, offers will be made in date order - confirmation of a place at the school must have been received
3. Out of Borough residents

13. What are Public Service Accessibility Regulations (PSVAR) and how do they impact how spare seats are offered?

Our ability to sell seats on a contract is determined by the Public Service Vehicle Accessibility Regulations (PSVAR) which are set in law. Although the PSVAR have been set in law for some time, legal opinion on how it applies can change over time. We became aware that the commonly applied interpretation of these regulations was potentially open to challenge in light of changing legal opinion.

In response to this, we have looked at options available regarding the sale of spare seats. As a result of this, the Council will only offer spare seats where they comply with the legislation.

A Public Service Vehicle is any vehicle that can carry nine 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. Previously we offered spare seats on any school transport where they were available.

14. Why has my child not been offered a spare seat when I can see seats are available on the vehicle when it travels each day?

In deciding whether spare seats exist on a particular vehicle, the Council will have regard to the number of pupils assessed as eligible for free travel assistance who are or may need to be allocated to that vehicle. Although in some cases, a vehicle may travel with empty seats it does not necessarily mean those seats can be allocated as spare seats.

On any given day there may appear to be spare seats as children may be absent from the bus owing to sickness or other temporary reasons. It may also be necessary to 'hold back' a number of seats on a vehicle, in the knowledge that some students who are eligible for free travel assistance have not yet made an application.

15. Why couldn't more, larger vehicles be provided so that all requests can be accommodated?

The spare seat scheme is available for parents/carers to apply for spare seats for their children where they are not eligible for travel assistance.

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 suitable and cost effective. To replace routes with smaller vehicles would increase the cost of existing contracts. We have no statutory requirement to offer a spare seat scheme and would therefore be unable to fund any additional costs for services.

16. Will I be able to secure a seat on the vehicle operating nearest to my home address?

Wherever possible, if a seat is available near to the home address, we will look to see if it is able to be offered.

Where this is not possible (e.g. due to a full/nearly full bus), the next nearest vehicle will be offered.

17. Are there any conditions that I have to consider whilst my child has a spare seat?

Any child that travels to school on a vehicle, either operated by or on behalf of us, will have to comply with the same conditions of travel. These are as follows:

1. Any bus pass issued is valid for use on the school bus route printed on the pass only. It **cannot** be used to travel on any other routes or local bus services.
2. Where issued, a bus pass must be available for inspection at all times of travel. Students unable to show a valid pass may be refused travel.

3. The council's transport behaviour code, issued with the bus pass, must be adhered to while using the contract. Misbehaviour may result in the offer of a spare seat being withdrawn.
4. Any pass which becomes lost must be replaced immediately. The current charge for this is listed on the [School transport frequently asked questions](#) web page. The child will not be allowed to use the service unless they are carrying a pass.
5. No reimbursement will be given in cases where travel assistance is not provided owing to vehicle breakdown, adverse weather or non-attendance due to additional holidays, sickness or study leave.