

Public Service Vehicle Accessibility Regulation Impact on Charging for Discretionary School Transport

The Public Service Vehicle Accessibility Regulations (PSVAR) came into force in January 2020 for coaches. It does not affect the majority of learner transport contracts. It does have an impact on school contracts where a “fare” is payable. Fares include termly contributions made directly to the Council under the sale of concessionary (i.e. vacant) seats, even though these are paid directly to the Council rather than operator. Such payments allow learners that do not qualify for free school transport to take up a space if there is one.

Ordinarily, the charging for one or more such spaces now results in the Council having to use a vehicle that, among other things, is fully accessible for disabled people (even if there are no such disabled learners travelling). The UK’s Department for Transport has issued exemptions to Denbighshire and other councils where the number of chargeable seats is less than 20 per cent of the total seats available. The exemption allows the Council to use a contractor whose vehicle is not PSVAR-compliant for up to two years. This means that charging for existing concessionary seats to continue in the short term.

We do not yet know what will happen when the exemptions expire. We fully expect that where there is a charge/fare then a fully-accessible, PSVAR-compliant coach must in future be used. This will automatically result in significant additional costs for the Council in ensuring compliance, costs that currently are well above any likely projected income.

We do not know why the DfT pegged the exemption requirement at 20 per cent. It is enough to ensure all existing Denbighshire-resident concessionaires can travel. The 20 per cent would invariably be sufficient, in future, to be able to introduce charges for discretionary sixth formers (who generally form less than this percentage on any given vehicle). Should the Council therefore wish to do so for sixth formers, there would be no impediment under the current exemption but by the time consultation was concluded, a new policy agreed and implemented, the exemptions will have expired.

The situation regarding discretionary college transport is more problematic. Save perhaps for a small number of qualifiers under perhaps hardship grounds, an entire coach’s worth of students would pay a fare. This is over the current 20 per cent exemption threshold even before the exemption is withdrawn.

In order, therefore, to charge discretionary students at any time in the future, we would require vehicles that comply fully with the PSVAR. There are presently insufficient of these available throughout the country or indeed Britain and, as a result, we estimate that contract costs will escalate well beyond our ability to raise income, resulting in a deficit. As the market adjusts and more second-hand vehicles become available, this will slowly change but, in the medium term, the economics are currently weighted against such a move.