



Department
for Transport

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Dear Head Teacher, Principal, School or College Chief Executive,

Temporary exemption from the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) for school-procured vehicles used for the purposes of home-to-school transport

This note concerns any home-to-school bus or coach services you may procure in your capacity as a school, including a maintained school, academy, faith school, independent school, private school or Sixth Form college, or services that you may delegate responsibility for procuring to local authorities (LAs). It has been disseminated to Local Authorities, and we ask that it is forwarded to all such schools in their area.

As you may be aware, the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) require buses and coaches designed to carry over twenty-two passengers on local and scheduled routes to incorporate features to enable disabled people to travel on them comfortably and safely, including a wheelchair space and a ramp or lift. The Regulations have applied to vehicles progressively over the past nineteen years, including coaches manufactured from 2005 onwards. From 1st January 2020, the Regulations will apply to any remaining coaches subject to them, which were manufactured before 2005.

Earlier in the year, the Department became aware of confusion as to whether these provisions apply to any home-to-school service on which some or all of the seats are sold (rather than provided free of charge).

Unless they meet the requirements of a relevant statutory exemption, these services are covered by the provisions of PSVAR and, must either already comply with the Regulations, or comply by 1st January 2020, depending on the age of the vehicle concerned. It is the responsibility of an operator, or organisations commissioning services, to ensure they are complying with the law, and this letter in no way represents legal advice.

On the 21st November we wrote to Local Authorities, schools and colleges offering a temporary exemption from PSVAR for vehicles providing home to school transport, on which up to 20% of seats are made available to fare paying passengers. This offer was intentionally focused on services predominantly used to transport children entitled to free home to school transport, but on which a small amount of spare capacity is made available to children who pay a fare. We understand however, that it has not helped schools and colleges which procure their own home to school transport, on which most children may pay a fare to cover the costs of providing it, and that without some form of exemption such services may not operate from January 2020 onwards, or may be provided only at a significantly higher cost to

passengers.

Ministers have decided that, in these circumstances, it would be preferable to grant temporary exemptions from the Regulations to the operators of affected services. This will provide respective schools and colleges with time to procure accessible services from the beginning of the 2020/21 academic year.

In doing so, Ministers wish to make clear that disabled children who require accessible transport must not be disadvantaged, and they seek assurance from schools that, despite the temporary exemption, where a disabled child is unable to use an exempted home-to-school transport service, because it does not comply with PSVAR, alternative PSVAR-compliant transport will be provided.

Eligibility

A temporary “School Procured” exemption is being offered for vehicles providing home-to-school transport services, irrespective of the number of passengers who pay a fare. To be eligible, services must be:

- Procured directly by the respective school or college; or
- Procured by a Local Authority on behalf of a school or college, where the local authority would not otherwise have a duty to provide transport.

To be clear, this exemption is not available for services procured by a local authority where responsibility for arranging transport does not rest with the school or college concerned. Where a local authority procures a service to fulfil a statutory duty, and where no more than 20% of seats are made available to fare paying passengers, authorities may apply instead for the exemption offered on the 21st November.

Exemptions will be provided only where assurance is received that, in the event a disabled person eligible to travel on a given home-to-school service, is unable to do so in an exempted vehicle, alternative PSVAR-compliant transport will be provided.

Applications for exemptions under the “School procured” scheme must be submitted, on the application spreadsheet attached, by the operators who provide the respective home-to-school transport services.

Length of exemption

The temporary exemption will run until 31st July 2020 (irrespective of the date on which it is awarded).

The exemption is intended to provide schools with sufficient time to procure services for the 2020/21 academic year which comply with PSVAR.

How to apply

Please provide this letter and application form to the operators which provide home-to-school transport for your school or college.

Operators must complete the spreadsheet supplied alongside this letter and email it to HomeToSchoolExemptions@dft.gov.uk , to reach us no later than 31st January 2020.

When an exemption is issued, it will direct operators to the terms and conditions under

which it is issued, and we would encourage operators to read them thoroughly as they may in any respect supplant the terms set down in this letter.

If you have any questions which are not answered in this letter or the application spreadsheet please email HomeToSchoolExemptions@dft.gov.uk and we will endeavour to respond as swiftly as possible.

Annex A: Application and Exemption Requirements

A. Application requirements

1. Bus and coach operators providing home to school transport (“Applicants”) may apply for exemptions from Schedules 1 to 3 of the Public Service Vehicles Accessibility Regulations 2000 (“PSVAR”) for specific vehicles. The exemption will apply when:
 - a. The vehicle has been:
 - procured by a school (or schools) or a college (or colleges) to provide home-to-school transport services to and from the respective school or college; or
 - commissioned by a local authority, on behalf of the respective school (or schools) or college (or colleges), to provide home-to-school transport services for children for whom the local authority does not have a duty to provide free home to school transport. This includes circumstances where some children who are eligible for free home to school transport travel on a vehicle that has been commissioned on behalf of the school.
 - b. Assurance is provided in writing, by the respective school (or schools) or college (or colleges) to the applicant, that alternative PSVAR compliant home to school transport will be provided by the school or college to any mobility impaired student who would otherwise be entitled to use an exempt vehicle.
2. Exemption certificates will be issued to applicant operators (not schools or colleges). The exemption from Schedules 1 to 3 of the Regulations will apply to a vehicle specified in the exemption certificate only when it is providing an eligible home to school transport service. Vehicles will not be exempt at any time that they are not providing such eligible services.
3. Applications should be submitted and received by 23:59 on 31st January 2020. Applications received out of time will be considered, however, priority will be given to those received in time.
4. Applications must be made on the attached spreadsheet in accordance with the application guidelines in the Guidance sheet, and must be emailed to HomeToSchoolExemptions@dft.gov.uk with the subject line “HTSx School Procured Application: [Name of Applicant]” – where “Name of Applicant” is the official name of the Applicant. Applications not made in accordance with the above will be invalid.
5. Application spreadsheets which (i) are incomplete, (ii) are locked for editing, (iii) have had their formatting changed substantially, (iv) are saved in a format other than .xls, .xlsx, or .csv, or (v) otherwise cannot be easily read by the Department, will be rejected.
6. By applying for an exemption, applicants certify that the services being provided meet the eligibility criteria set out above in paragraph A(1). Where an applicant relies upon the assurance of other organisations (such as schools, colleges or local authorities) that the criteria in paragraph A(1) is met, they should obtain, and retain on record, documentary evidence of that assurance.

7. By submitting an application, applicants confirm that they understand and agree that any information submitted will be used for the purposes of:
 - a. Processing exemption requests and providing exemption certificates;
 - b. Communicating with the applicant or operator regarding the application, future applications, and other matters concerned with the application of PSVAR to buses and coaches;
 - c. Providing details of exempt vehicles to the Driver and Vehicle Standards Agency (DVSA), and for vehicles operating in London, to Transport for London; and
 - d. Collating statistics regarding the application of PSVAR to buses and coaches, and exemptions applied for and granted.

B. Example Exemption Requirements

1. Upon receipt of a valid application, the Department will issue an exemption certificate, known as a “Special Authorisation”, valid until the expiry date and in accordance with the conditions specified.
2. The exemption will expire no later than 23:59 on 31st July 2020, after which point the respective vehicle must either be covered by a further exemption, conform with PSVAR or cease providing services within the scope of PSVAR.
3. Applicants granted an exemption must ensure that a copy of the exemption certificate is made available onboard any vehicle providing eligible home to school transport services, alongside documentary evidence that the vehicle is providing such service, such as a declaration by the relevant school or college to this effect. Further investigatory action may be taken where either the exemption certificate or eligible service declaration cannot be presented to a vehicle examiner or other relevant official.