



Argyll and Bute Council

COUNCIL POLICY ON THE PROVISION OF SCHOOL TRANSPORT

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ARGYLL AND BUTE COUNCIL COMMUNITY SERVICES

Council Policy on the Provision of School Transport

1. LEGISLATIVE REQUIREMENTS

It is the responsibility of the parents or guardians to secure their children's education. Sections 50 and 51 of the Education (Scotland) Act 1980 require the education authority to make appropriate provision to assist pupils' education. Under Section 42 of the Act, the authority must provide transport or such other arrangements, for all or part of the journey, for pupils up to age 8 who live more than 2 miles from their local school and for all pupils over age 8 who live more than 3 miles from their local school. The Act also makes provision for a number of exceptional circumstances and special conditions under which the authority may also provide free transport.

2. AIMS

The Council, in discharging its statutory requirements, aims to assist parents in their responsibility of ensuring that their child attends school safely and on time in line with Council policy on the provision of transport. The Council will also strive to ensure, the most effective, safe and economical use of resources. The Council will aim to be responsive to the concerns of parents and guardians in the provision of appropriate transport to meet the needs of each child.

3. COUNCIL POLICY

The Council's policy on school transport is more generous than that required by statute. Primary aged pupils will not exceed a walking distance of 2 miles, and it is assumed that a responsible adult will accompany a child.

The Council will provide school transport in any of the following circumstances: -

- Where a child at primary school, at the start of the school session, lives more than 2 miles away from the local primary school (by the shortest safe walking route).
- Where a child at secondary school, at the start of the school session, lives more than 3 miles away from the local secondary school (by the shortest safe walking route).

(Note – the measurement of distance is taken from the house gate or pavement heel and then by the shortest safe walking route to the school gate. Pupils may be required to walk

from home to the transport pick-up point, but this should not exceed 2 miles for primary school pupils and 3 miles for secondary school pupils).

- Where the child has been recommended for transport on health grounds by a medical officer designated by the Education Service.
- Where the child has been assessed to have additional support needs. The assessment will normally involve the Education Service's Psychological Services staff who may recommend appropriate transport arrangements. Escorts will be provided as required on vehicles carrying children with additional support needs.
- Where the child has to walk a route which, after seeking the appropriate officer's advice, is considered by Development and Infrastructure Services to be unsafe.
- Where a child who cannot be provided with a place at his or her local school due to lack of available accommodation he or she will be given transport to an alternative school nominated by the authority. This applies until such time as a place becomes available at the local school.

In the case of a child who attends a school by virtue of a placing request, the parents or guardians are responsible for arranging transport to school and the Integrated Transport Team will not provide transport.

Transport covers a return journey each school day, to school in the morning and to home at the end of the school day. In the case of infants who have a shorter school day in the August – October term, no additional transport is provided. Pupils who wish to return home for lunch will be required to make their own arrangements. Arrangements may be made locally to cover pupils taking part in activities outwith the course of the normal school day.

When the criteria for walking distances are not met, there are certain exceptional circumstances in which the authority may provide transport:-

- When a walking route may place the child (when accompanied by an adult) at greater risk than in normal circumstances.
- If spare seats exist on dedicated school transport vehicles, a child who does not meet the walking distance criteria may be granted a privileged seat which will be charged at a cost determined by the Council. (A dedicated vehicle is one exclusively used for pupil transport to school). **It should be noted that these privileged places may be withdrawn at very short notice in the event of change of circumstances.**
- If spare seats exist on dedicated transport vehicles, a child attending a school by virtue of a placing request (who would not normally qualify for transport) may be granted a privileged place which will be charged at a cost determined by the Council.
- Children who reside in the school hostels will be provided with transport at specific periods depending on their home location. Children travelling from remote islands will be transported to and from the school at the start and end of each term and at specific holiday periods or staff development days. Dates of transfer between home and the hostel each session can be confirmed by the Officer in Charge of the hostel.

Occasionally bad weather prohibits travel for certain ferry routes. Children would stay at the hostel until the normal service is resumed.

4. **TRANSPORT ARRANGEMENTS**

The Council adopts the following procedures in arranging school transport contracts in relation to mainstream pupils.

- (a) The Integrated Transport Manager will be responsible for drawing up a specification for each transport contract and will invite tenders from transport operators by a stated date and time.
- (b) On receipt of tenders by the due date, the authority will normally accept the lowest tender. Any exceptions will require to be reported to the Executive.
- (c) The successful contractor will be notified and, after the appropriate checks have been made, parents will be notified of the detailed arrangements for the transportation of pupils who qualify for school transport.

In the case of children with additional support needs, the above procedures will be followed.

The precise mode of transport will be decided by the successful contractor, in discussion with the Integrated Transport Manager, taking all circumstances into account. In some areas where there are no contractors the Integrated Transport Manager may decide to pay expenses to parents or guardians to assist them get their child to school. Transport will be provided by any, or a combination, of the following:

- Dedicated school contract bus.
- Bus passes on local public service bus. This can either be a commercial service or a subsidised local service carrying members of the public, known as a schools/local service.
- Train pass on service train.
- Taxi or private hired cars, mini-buses and boats.
- A ferry.
- The Council's own school transport vehicles.

5. **CONTRACTUAL CONDITIONS**

All transport operators who are successful in securing school transport contracts are issued with a set of "Conditions of Contract" which are legally binding on both the contractor and the authority. These conditions state clearly the contractor's and the Council's rights and responsibilities. The main aspects covered include:

- Detailed arrangements for the operation of the contract.
- Administrative and financial arrangements.
- Transport safety.
- Vehicle specifications / modifications /manoeuvres.
- Registration documents / insurance policies / MOT certificates.
- Driver and escorts are checked through the Disclosures (Scotland) procedures.
- Cancellation of contracts (breach of contractual conditions).
- Entitlement to termination of contracts.
- Emergency procedures
- Accident reporting procedures
- Personnel on special needs vehicles carry vehicle and personnel identification

CODES OF CONDUCT FOR DRIVERS/ATTENDANTS/ESCORTS

(a) Mainstream School Transport

All transport operators involved in school contracts must ensure that drivers and attendants are suitably briefed in relation to the safety of passengers in normal operation and in emergency/unforeseen circumstances. All drivers on mainstream contracts will be issued with the appropriate code of conduct. Also, all attendants on mainstream contracts will be issued with the appropriate code of conduct.

(b) Additional Support Needs Transport

All operators must ensure that drivers and escorts are suitably briefed in normal operation and in emergency/unforeseen circumstances. However, the authority expects that particular care will be exercised by drivers and escorts on contracts for children with additional support needs. They will also be issued with an appropriate code of conduct.

7. CODE OF CONDUCT FOR PUPILS

The responsibility for ensuring safe and acceptable behaviour remains with the parents or guardians of a child travelling on a school transport vehicle. Misbehaviour or action which could put the safety of others at risk may result in the child losing the right to transport.

In circumstances where a child's behaviour is unacceptable, the driver may retain the child's ticket/pass for identification purposes and report the incident to his supervisor/operator. The

Operator must report promptly to the Integrated Transport Manager the nature of the incident. The Integrated Transport Manager will consult with the operator, parents or guardians, Head Teacher and (if necessary) Police after which time a decision will be taken. Withdrawal of entitlement to school transport rests with the Head of Service who will communicate his decision direct to the parent or guardian of the child. The period of withdrawal of school transport will be commensurate with the severity of the bad behaviour on the vehicle. During this period the parents or guardians will be responsible for making their own arrangements for the attendance of their child at school.

Prior to the return of the travel pass parents or guardians must give assurance on their child's good conduct.

Pupils must not be set down at any point other than that directed by the Integrated Transport Team. If a decision is taken by the authority to change a set down point then the contractors will be informed. Parents will be kept informed of changes in advance of these taking place.

8. CODE OF CONDUCT FOR VOLUNTEER DRIVERS OF SELF DRIVE MINIBUSES AND COMMUNITY USE OF COUNCIL VEHICLES

When not required by the Council in the evenings and at weekends, it is the practice for vehicles to be made available for use by community organisations. Council owned vehicles can be used by schools and community organisations. All schools wishing to hire any vehicles, outwith the Council's internal fleet, must do so through the Council's Hire Desk using the on-line application form. Telephone: 01546604639.

The Council has produced a Code of Conduct for Volunteer Drivers of Self-Drive Minibuses to emphasise good practice while using minibuses to transport school aged children.

Whilst it is the responsibility of the drivers for the condition of the vehicles and safe transport of their passengers, the leaflet outlines action to assist drivers to carry this out.

Customer Services has established a self insuring fund for community groups who do not have sufficient funds to cover the council's insurance policy excess (currently at £2000.00 per vehicle). A booking charge is now made for each community group minibus booking. All monies received are used to fund any shortfall as a result of an accident or insurance claim involving the community use of the vehicle. Community groups would still be liable for the first £250 of any uninsured loss.

9. CONTRACT MONITORING

The Integrated Transport Team is responsible for school contracts and for their day-to-day operation. The Integrated Transport Team actively monitor the performance of school contracts through the deployment of a team of specialist inspectors.

Meetings take place regularly involving the Integrated Transport Team and the Health and Safety Manager to discuss the operation and monitoring of school contracts. To assist monitoring, the Integrated Transport Manager welcomes the intimation of any issues of concern by schools or by parents.

Expectations of Contractors

All contractors are expected to:

- (a) meet the contract specification in full, including picking up/setting down times, capacity required and being stationary before the close of school if school grounds or turning areas adjacent to schools are used.
- (b) comply with the conditions of contract in full.

Failure to Meet Requirements

This is likely to result in the issue of a letter which, if not challenged or explained satisfactorily within 5 days, will be recorded as a formal warning against the contractor's performance on the contract in question. This will result in non payment for that run/day.

In exceptional circumstances of negligence by the contractor, contracts may be cancelled without notice.

Vehicle Timetable

Tender specifications normally allow a 15 minute time band within which pupils must be picked up or set down with the middle of that band being the preferred time. Variations to this are managed by the authority.

In the case of special needs contracts, the Integrated Transport Team will be responsible for the monitoring of contracts and for their day-to-day operation. However, it may be necessary in a limited number of special circumstances to seek the assistance of specialist contractors or disablement advisory service staff.

10. **COMPLAINTS PROCEDURES**

It is important that parents have the opportunity to ask questions about eligibility for transport. They should contact the Integrated Transport Team.

Parents who have concerns or complaints about any aspect of the provision of mainstream school transport may contact their child's school by telephone giving details. Parents may also complain direct to the Integrated Transport Team in writing to reinforce their concerns. The Integrated Transport Manager will respond direct to parents and advise the school on the outcome of their investigations.

In the case of additional support needs contracts, enquiries and complaints by parents should be directed in the first instance to the school who will liaise with the Integrated Transport Team. Parents may also write direct to the Head of Service with responsibility for transport who will respond to them and advise the school on the outcome of his or her investigations.

11. SAFETY

A number of features have been put in place to enhance pupil safety. These are:

- The transport section provides assistance, on the recommendation of the pre five development officer, psychological services and other agencies, to parents of children attending pre five and nursery units. In such cases children will use either their own child seat provided by the parent or a child booster seat provided by the department. Such booster seats must be used in accordance with the manufacturer's instructions with an adult lap and diagonal seat belt.
- All drivers and escorts on special need contracts require to wear and display identity cards. The Council's Fleet Management have mounted front and rear "School Bus" identification signs on its mini-buses and have painted high visibility markings on the education service's people carriers, estates and saloon cars and specialised mobility vehicles.
- All school transport minibuses have three-point lap and diagonal seatbelts fitted to all seats.
- Guidelines have been produced on the use of self-drive vehicles for volunteer drivers of minibus vehicles transporting school-aged pupils.
- It is now Council policy that there will be no standing passengers on Council subsidised local service or school contracts.
- Where the legislation requires, a forward facing seat fitted with a minimum of a lap belt will be made available. Also, where appropriate, there is a legal responsibility for the driver, passenger or any supervisor to ensure that seat belts are worn. Where seatbelts are fitted but there is no legal requirement for them to be used, the Integrated Transport Team will instruct pupils, for their own safety, to wear seat belts. Failure to comply with the legislation may result in transport being withdrawn by the authority.

Legislation was introduced in February 1997 and requires that seatbelts are fitted in certain vehicles used to convey a party of 3 or more children age 3 to 15 inclusive, on school related journeys, as follows:

- Minibuses with 8 to 16 passenger seats to have seatbelts
- Minibuses with 17 or more passenger seats, but weighing less than 7.5 tonnes – no seatbelts required
- Coaches (defined as vehicles weighing over 7.5 tonnes and capable of a speed in excess of 60 mph) – to have seatbelts
- Buses (defined as vehicles over 7.5 tonnes but capable of a maximum speed of less than 60 mph) – no seatbelts required

However, minibuses or coaches providing a registered local service (whether under contract to the Council or on a commercial basis) which is eligible for fuel duty rebate by virtue of

paragraph 2 of the Schedule to The Fuel Duty Grant (Eligible Bus Services) Regulations 1985 are exempt. This would typically, but not necessarily, be a journey where at least half the accommodation is available to the general public.