



# **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 (catchment) 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 (catchment) 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 assessment has identified that the specific nature of a child's additional support needs results in the need for transport to and from school. This requirement should remain under close review and wherever possible, children and young people should be supported to develop the skills necessary for independent travel.
- Where the additional support needs of children and young people have resulted in the requirement for a day or residential placement in a specialist establishment outwith Argyll and Bute.
- 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.

In the case of children and young people with additional support needs, the possible need for transport will be considered through the Child's Planning process. Where this need is identified, the Named Person will complete the transport application form. This information and the recommendation will be considered by the relevant Education Officer in the first instance for final agreement before forwarding to the Integrated Transport Team. In exceptional circumstances, where there is disagreement or lack of clarity around the need for transport to and from school, other professionals may become involved to provide further assessment information on how a child's additional support needs may impact on their ability to travel independently. This could include Area Principal Teachers, Early Years' Principal Teachers, Educational Psychologists or health professionals.

Transport covers a return journey each school day, to school in the morning and to home at the end of the school day. Pupils who wish to return home for lunch will be required to make their own arrangements. Arrangements may be made by schools 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. **It should be noted that these privileged places may be withdrawn at very short notice in the event of change of circumstances.**
- 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.

- (a) The Integrated Transport Manager will be responsible for drawing up a specification for each road 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 Council.
- (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.

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 ticket on service train.
- Taxi or private hired cars, mini-buses and boats.
- 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
- Compliance with requirements of Data Protection legislation

## 6. **CODES OF CONDUCT FOR DRIVERS/PUPIL 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 pupil 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 pupil escorts on contracts for children with additional support needs. Relevant information on a child's additional support needs will be provided to the Integrated Transport Team by the Named Person.

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 will be communicated direct to the parent or guardian of the child, and to the school. 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. **COMMUNITY USE OF COUNCIL MINIBUSES**

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 hired by schools and community organisations.

The Code of Conduct and Conditions of Let for minibuses is available on the council website, together with the online booking form. Alternatively, bookings may be made through the Customer Service Points. Hire payments should be made at the time of booking the vehicle.

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.

## 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

Contracted transport 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.

Pupils transported by in house minibuses or cars are given a pick-up time, which can vary by up to 5 minutes.

Transport contracted for pupils with additional needs is timetabled to suit individual requirements.

## 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 Named Person who will liaise with the Integrated Transport Team. Parents may also write direct to the Education Officer for their child's school 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 pupil escorts are required to wear and display identity cards.

- All drivers and pupil escorts are PVG assessed.
- The council has 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 drivers of council minibus vehicles are required to complete a driving assessment.
- There will be no standing passengers on Council subsidised local service or school contracts.
- Legislation was introduced in December 2017 that requires that seatbelts are fitted in **all vehicles** used for dedicated school transport. This covers either home to school transport or an organised school trip. The only exception is for pupils transported on a **local bus service** that is also accessible to **fare-paying members of the public**. Buses used in this work are not required to have seatbelts. 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.