



**Argyll and Bute Council**

**COMMUNITY SERVICES**

**COUNCIL POLICY ON THE PROVISION OF  
SCHOOL TRANSPORT**

## **CONTENTS**

1. Legislative requirements
2. Aims
3. Council policy
4. Transport arrangements
5. Contractual conditions
6. Code of conduct for drivers
7. Code of conduct for pupils
8. Code of conduct for volunteer/community group drivers of council minibuses
9. Contract monitoring
10. Complaints procedures
11. Safety
12. Administrative procedures

# 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 free transport or such other arrangements for all 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 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 that required by statute. **It is assumed that a responsible adult in normal circumstances will accompany a child.**

Community Services will provide free home to school transport in any of the following circumstances: -

- Where a child up to age 8 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 over age 8, at the start of the school session, lives more than 3 miles away from the local 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 pupils up to 8 years of age and 3 miles for pupils over 8 years of age.

- Where the child has been recommended for free transport on health grounds by a medical officer, designated by Community Services.
- Where the child has been assessed to have special needs. The assessment will normally involve the service's psychological services staff who may recommend appropriate transport arrangements. Escorts will be provided as required on vehicles carrying children with special needs.
- Where the child has to walk a route which, after seeking the Council's Safety Officer's advice, is considered by the Community 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 free 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 Community Services will not provide free transport.

A child attending pre 5 unit will not normally be provided with free transport except in circumstances where:

either

a child with special needs will benefit from attendance;

or

Community Services cannot provide a pre 5 place within a reasonable distance

Free 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 free 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 free 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 traveling 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 home to school transport contracts in relation to mainstream pupils.

- (a) The education authority, in consultation with the Public Transport Officer, will draw up a specification for each transport contract and 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 Strategic Policy Committee.
- (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 free school transport.

In the case of children with special educational needs, the above procedures will be followed but the responsibility for drawing up the specification, arranging contracts and communication with parents lies with the education service in consultation with the Public Transport Section.

The precise mode of transport will be decided by the successful contractor, in discussion with Community Services and the Public Transport Section where appropriate, taking all circumstances into account. In some areas where there are no contractors Community Services 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) Special Needs School 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 special needs contracts. 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 free 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 Public Transport Section the nature of the incident. The Public Transport Section will discuss the situation with Community Services who 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 free 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 free 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 education service. 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 Community Services 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, out with the Council's internal fleet, must do so through the Council's Hire Desk Telephone: 01546604422.**

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 inescapable responsibility of the drivers for the condition of the vehicles and safe transport of their passengers, the code outlines action to assist drivers to carry this out.

Community 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 Public Transport Section is responsible for school contracts and for their day-to-day operation. The Public Transport Officer and his staff actively monitor the performance of school contracts through the deployment of a team of specialist inspectors.

Meetings take place regularly involving Community Services' Transportation and Health & Safety Manager and the Public Transport Officer and his staff to discuss the operation and monitoring of school contracts. To assist monitoring the Public Transport Officer 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 Community Services' Transportation and Health & Safety Manager 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 free transport. They should contact Community Services Transportation and Health & Safety Manager.

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 Public Transport Officer in writing to reinforce their concerns. The Public Transport Officer will respond direct to parents and advise Community Services and the school on the outcome of their investigations. Complaints prepaid postcards are available from each school.

In the case of special needs contracts, enquiries and complaints by parents should be directed in the first instance to the school who will liaise with the Community Services Transportation and Health & Safety Manager. 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.
- The use of mini-buses with side facing seats has been discontinued.
- 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, estate and saloon cars and specialized mobility vehicles.
- The previous "3 for 2" concession rule on dedicated and combined local/school subsidised services has been discontinued. Pupils will now have a seat to themselves.
- All school transport mini-buses 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 mini-bus 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.
- A programme has been established to replace a significant number of mini-buses and small capacity buses within the education service's fleet.
- A contract monitoring team has been established and operates within Community Services ensuring Best Value.

- New seat belt legislation was recently passed by the government. 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, Community Services 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.

The new seatbelt 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.