



**POLICY ON THE PROVISION OF  
SCHOOL TRANSPORT**

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## **NORTH AYRSHIRE COUNCIL : EDUCATION AND SKILLS**

### **NORTH AYRSHIRE COUNCIL POLICY ON THE PROVISION OF SCHOOL TRANSPORT**

#### **1. LEGISLATIVE REQUIREMENTS**

Whilst it is the responsibility of the parents or guardians to secure their Children's education, sections 50 and 51 of the Education (Scotland) 1980 require the education authority to make appropriate provision to assist pupils to have access to education. Under Section 42 of the Act, authority and must provide free transport or such other arrangements for all the pupils up to age 8 who live more than 2 miles from their local school to 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 authority may also provide free transport.

#### **2. AIMS**

North Ayrshire Council, in discharging its statutory requirements, aims to assist parents or carers in their responsibility of ensuring that their child attends school safely and on time in line with Council policy on the provision of free transport. The Council will also strive to ensure with the services of the Strathclyde Partnership for Transport (SPT) the most effective, safe and economical use of resources by close monitoring of contracts. The Council also aims to be responsive to the concerns of parents and carers in the provision of appropriate transport to meet the needs of each child.

#### **3. COUNCIL POLICY**

North Ayrshire Council's policy is:

The Council will provide free home to school transport in any of the following sets of circumstances:-

- The child lives more than 2 miles away from the local primary school (by the nearest appropriate route).
- The child lives more than 3 miles away from the local secondary school (by the nearest appropriate 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. Some pupils will require to walk a reasonable distance from home to transport pick-up point but this should not exceed 2 miles for primary school pupils and 3 miles for secondary school pupils). “walking distance” means, in the case of a child who has not attained the age of eight years, two miles, and in the case of any other child, three miles.

- The child has been recommended to receive transport on health grounds by a designated medical officer.
- The child has been assessed to attend a school to meet the requirements of his or her additional support needs. The assessment will normally involve the authority’s psychological services staff who may also recommend appropriate transport arrangements. Escorts will be provided where recommended by psychological services on vehicles carrying children with additional support needs.
- The Disability Discrimination Act provides for disability by association where children are unable to access education in cases where the disability of their parents may cause them difficulties, should be considered for free school transport where a recommendation from a designated medical officer or with supporting disability living allowances are claimed.
- The child is Looked After and Accommodated is entitled to free school transport for initially 8 weeks. Where transport is recommended to continue beyond the initial 8 weeks, consideration is then given at the Resource Allocation and Management Group (RAMG) and authorised by the Head of Service with responsibility for additional support needs and for transport. Transport in these circumstances is considered annually or subject to any significant changes or terminated when the child is no longer Looked After and Accommodated.
- The child is recommended to receive transport by Barnardos, where children are in temporary housing for 8 weeks only.
- The child has to walk a route which, after seeking advice from the Road Safety Officer, is considered by the Council to be unsuitable in terms of Road Safety for children when accompanied by an adult for a pupil attending Primary or where a Secondary pupil has the appropriate road safety knowledge to complete this journey safely, as per walking route guidelines.
- A child who is placed in a school nominated by the authority for any reason will be provided with free transport if the criteria for walking distances are complied with.

- Children attending P7 induction days at secondary maybe entitled to free school transport, where they would be entitled to free school transport if the criteria for walking distances are complied with.
- Children who require to attend school to sit an exam on a day outwith term time, will be entitled to transport at the beginning and end of the normal school day.
- Pupils who have been re-directed from their catchment area primary school and for whom a place has not become available by primary 7 should be eligible for free school transport, in terms of the existing distance criteria, to the secondary school associated with the primary school they attend. The exception to this arrangement is St Matthew's Academy where admission is through attendance at one of Council's de-nominational primary school.
- In the case of a child who attends a school by virtue of a parental placing request for their children to attend a school other than the school serving their area the parent(s)/carer(s) have to make their own home to school transport arrangements for their children. Parents/carers who have applied for a placing request for their child, must sign the declaration that they accept all transport costs associated with the application, other than in exceptional circumstances.
- A child attending nursery school will not normally be provided with free transport except in the following circumstances:
  - **either**
    - a child with additional support needs who will benefit from attendance;
    - or**
    - where in rural areas privileged seats are available.

(A privileged seat is where spare capacity exists on a vehicle and can be allocated without incurring the authority any additional costs).
  - The child lives more than 5 miles away from the nearest local nursery.
  - certain nursery children who require to access nursery through referral and have been identified by the head of centre as requiring support during holiday periods will receive transport.
- Free transport would normally cover a return journey each school day, to school in the morning and to home at the end of the school day. Some pupils will wish to return home for lunch and parents/carers will be required to make their own arrangements.

Even when the criteria for walking distances are not met, there are certain Exceptional circumstances in which the authority may provide free transport:-`

- Whilst accepting that using any road involves a degree of risk where significant road safety hazards are identified by the Road Safety Officer, transport will be provided. However, where no significant road safety hazards are identified an appropriate route will be identified.
- If spare seats exist on dedicated school transport vehicles, children living in the catchment area who do not qualify can apply to be considered for a privilege pass in terms of home to school walking distance.
- If spare seats exist on dedicated vehicles, a child attending a school by virtue of a placing request (who would not normally qualify for free transport) may apply for a privileged seat, if at no additional cost to the authority, and taking account of home to school walking distances, after all catchment pupils have been allocated spaces in the first instance.
- A child who cannot be provided with a place at his or her local school due to lack of available accommodation will be given free transport to an alternative school nominated by the Council, if it complies with the criteria for walking distances or until such time as a place becomes available at the local school.

The leaflet “Free School Transport – do you qualify?” and standard circulars A2, A8, A9, E17, M1, S11 and the off site activities manual are relevant.

#### **4. TRANSPORT ARRANGEMENTS**

In line with EU tendering regulations on compulsory competitive tendering, the Council adopts the following procedures in arranging home to school transport contracts in relation to mainstream pupils.

- The Council, in consultation with the SPT, will draw up the specification for each transport contract and invite tenders from transport operators by a stated date and time.
- On receipt of all tenders by the stated cut-off point, the authority will accept in all but the most exceptional circumstances the lowest tender.
- The successful contractor will be notified and, after the appropriate checks have been made, parents/carers will be notified of the detailed arrangements for the transportation of pupils who qualify for free school transport (see Section 12 Administration Procedures).

In the case of children with additional support needs, the above procedures will be followed but the responsibility for drawing up the specification, arranging contracts and communication with parents lies with the Educational Services with no involvement of the SPT.

The education authority and the SPT will decide the precise mode of transport where appropriate, taking all circumstances into account. Transport will be provided by any, or a combination, of the following:-

- Dedicated school contract bus. This is a service provided solely for use by pupils.
- Bus pass on local public service bus. This can either be a commercial service or subsidised local service, also carrying members of the public.
- Train pass on service train.
- Taxi or private hired cars, mini-buses and boats.

## **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 Council. These conditions state clearly the contractor's and the North Ayrshire 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.
- Drivers and escorts are checked by the Disclosure Scotland as to their suitability.
- Cancellation of contracts (breach of contractual conditions).
- Entitlement to termination of contracts.
- Emergency procedures.

- Drivers and escorts on additional support needs contract vehicles carry NAC contract signs and photographic identification badges.

The leaflets “Provision of Conveyance of School Children : Conditions of Contract” provided by the Educational Services and “Conditions of Contract for Subsidised Local Services and School Transport Contracts and demand Responsive Transport Services” by the Strathclyde Partnership for Transport provide further information.

## **6. 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 should be issued with the appropriate code of conduct. The leaflet “Code of Conduct for Drivers of School Transport” was produced by the SPT. Also all attendants on mainstream contacts should be issued with the appropriate code on conduct. The leaflet “Code of Conduct for Attendants of School Transport Vehicles” was produced by the SPT.

### **(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 additional support needs contracts due to the nature of children’s needs. They will also be issued with an appropriate code of conduct. The “Code of Conduct” should be issued to all drivers and escorts and displayed in all vehicles operating additional support needs contracts.

## **7. CODES OF CONDUCT FOR PUPILS**

The responsibility of ensuring safe and acceptable behaviour remains with the parents or carers of a child travelling on a school transport vehicle. Misbehaviour or action, 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. The incident will then be reported to the driver’s supervisor. Details will be sent to the Headteacher of the school who will invite the parents our carers to an interview for assurance on their child’s good conduct prior to the return of the “free” travel pass. During this period, the parents or guardians will be responsible for making their own arrangements for the attendance of their

child at school.

In cases of serious misbehaviour, the Head Teacher can still exercise his or her right to have regard to the discipline policy of the school including the facility to implement Standard Circular A8.

## **8. CONTRACT MONITORING**

The SPT is responsible for placing primary and secondary school contracts and for their day-to-day operation. The SPT actively monitors the performance of mainstream school contracts through the deployment of a team of specialist inspectors.

Meetings should take place regularly involving the Head of Service (transport) and the appropriate SPT staff to discuss the operation and monitoring of school contracts. To assist its monitoring, the SPT 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 for which they tendered 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 14 days, will be recorded as a formal warning against the contractor's performance on the contract in question which will result in non payment for that run / day.

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

### **Vehicle Timetable**

Tender specifications normally allow a 10-minute time band within which pupils must be picked up or set down with the middle of that band being the preferred time. No action is generally taken against a contractor who operates within 2 or 3 minutes of the 10-minute band. There is therefore considerable leeway within which contractors can operate.

In the case of additional support needs contracts, SPT's team of specialist inspectors will be responsible for the monitoring of contracts as per the Service Level agreement.

The procedures to be followed in additional support needs contracts where contractors fail to meet the requirements of the conditions of contract are outlined in Section 6 (termination of a contract) of the procedural Guidelines for the Provision of Additional Support Needs Transport.

## **9. COMPLAINTS PROCEDURES**

It is most important for parents to have the opportunity to ask questions about eligibility of their child for free transport and they should be invited to contact the Head of Service (transport).

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 the details that will then be recorded and submitted to the SPT using a postcard system. Parents may also complain direct to the SPT in writing to reinforce their concerns. The SPT will respond direct to parents and advise the school on the outcome of their investigations where they have contacted them directly.

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 Contract Administrator nominated by the Head of Service with responsibility for Transport. Schools, Contractors and Parents should complete a Monitoring Form to report any concerns who will respond to them and advise the outcome of their investigations.

## **10. SAFETY**

Education authorities keep arrangements for school transport under continuous review and a number of improvements have been introduced to enhance pupils' health and safety:-

- Drivers and escorts on school transport duties in vehicles are enhanced disclosed in terms of childcare to ensure that they do not have an unacceptable criminal record in relation to their access to children.
- The use of mini-buses with side-facing seats has been discontinued.
- All drivers and escorts on additional support needs contracts require to wear and display photographic identity cards. Front and rear "School Bus" identification signs and high visibility markings have been mounted on the authority's education fleet mini-buses.

- The previous “3 for 2” seating concession rule on dedicated and combined local / school subsidised services has been discontinued. Pupils will now each have a seat to themselves wherever possible.
- Three-point lap and diagonal seat-belts have been fitted to all school transport mini-buses after December 1994 with assistance being given to schools who own their own mini-buses to fit seat-belts.
- All primary and 95% of secondary mainstream contracts are now fitted with seat belts, with the remaining contracts going to be fitted at contract renewal time, with the exception of school local service contracts.
- A transport contract monitoring team has been established and employed within the SPT.