Education Committee

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As you will be aware, the Education Committee has a longstanding interest in school transport policy. At the start of the year, the Committee wrote to the chief executives of all local authorities asking them to comment on the Executive’s existing guidance (Circular 7/2003) and how they integrated school transport policies with those on children and young people’s health and safety and environmental concerns, in particular, traffic congestion.

The Committee received responses from 11 local authorities and four other organisations who noted the Committee’s interest in the area. The Committee noted the responses at its meeting on 20 April 2005. The two major themes raised in the local authorities’ responses were concerns over continued relevance of the two and three mile walking distances as enshrined in section 42(4) of the Education Act (Scotland) Act 1980 and the need for the mechanisms for allocating funding to be adequate and flexible enough to take in the very different circumstances of rural and urban situations. All the themes raised are summarised in the Education Committee’s paper ED/02/05/7/5 which I enclose together with the responses received in full.

One of the important points raised by the Committee is that the existing legislative framework appears not to be based on issues of children’s health and safety or environmental concerns. This is perhaps not surprising given the age of the legislation but it begs the question whether there is a need for this to be reviewed.

In parallel to the Committee’s work, the Scottish Consumer Council published a report entitled “A review of school transport contracts in Scotland” which made a
suite of 14 recommendations targeted at the Scottish Executive and local authorities. The Committee noted the publication of this helpful report and asked me to write to you asking you to comment on:

a) the points raised by local authorities and other organisations;

b) the recommendations made in the Scottish Consumer Council’s report;

c) how the Scottish Executive coordinates its policies and guidance on school transport with those on children’s health and safety and environmental issues (eg air quality, traffic congestion); and

d) whether you believe there is any merit in considering legislative change as was proposed in England and Wales prior to dissolution.

In the interests of transparency, and as previously highlighted to the department, the clerks will place a copy of this letter on the Committee’s website along with your response.

As noted above, given the need for school transport policy to interact with children’s health, transport and environmental policies, I am copying this letter to Andy Kerr, Nicol Stephen and Ross Finnie.

Robert Brown
Convener

Enc. (Education Committee paper ED/02/05/7/5 and annexes)
Introduction

1. Following the Committee’s decision on 8 December 2004, all local authorities were contacted by the clerks seeking information on how they had responded to the Scottish Executive’s Circular 7/2003 on school transport and how they integrated their provision of school transport with policies on the environment and children’s health and safety. In addition, an announcement was placed on the Committee’s website noting that the Committee had sought information from local authorities and asking any other organisations who wished to comment to contact the clerk.

Purpose

2. This paper summarises responses received and other developments in this area and asks the Committee to agree what steps it should take next.

Responses

3. Responses were received from 11 local authorities and these are appended to this paper as Annex 1. Additional responses were received from Barnardo’s, the National Autistic Society for Scotland, Scottish Out of School Care Network and Communn Gaèidhlig and these are included as Annex 2.

Walking distances

4. Local authorities commented on the statutory requirement that they should make arrangements to provide free transport or transport facilities for children who live outwith the statutory walking distance from school. This distance is two miles for any pupil under the age of eight years old and three miles for children aged eight and over.

5. The table below summarises varying distance thresholds that are used by different local authorities.

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1 Aberdeen City, Aberdeenshire, Angus, Dumfries and Galloway, East Renfrewshire, Fife, North Lanarkshire, Orkney, Renfrewshire, West Dumbartonshire and West Lothian.
6. The table indicates that a number of Councils have abandoned the age threshold required by statute (see paragraph 4) and chosen to differentiate at the primary/secondary transition and several have chosen to provide school transport significantly beyond the statutory minimum. West Lothian Council observed that: “It seems illogical that there are two distances for primary children, i.e. three miles for over eights and two miles for under eights”.

7. East Renfrewshire and Fife Council’s view was that the net outcome of a return to the statutory minimum thresholds would be detrimental to pupils from the point of view of both risk and their health and that there would likely be an increase in congestion and pollution resulting from car use.

8. West Dunbartonshire Council noted that: “It may be that the current legal walking distance threshold reflects an outdated view of acceptable walking distances where children are concerned” and that discussion over the issue with parents would be prudent. Orkney Council noted that although provision for pedestrians is sometimes not good reducing their distance thresholds would require significant additional funding. This point was echoed by the decision of Aberdeenshire Council who, in 1999, decided to raise their thresholds from 1 mile and 2 miles to 2 miles and 3 miles respectively due to the difference between cost and funding through Grant Aided Expenditure.

9. The issue of funding for school transport was raised by a number of local authorities, noting that there may be merit in considering the mechanism by which resources for school transport are allocated. Angus Council declared itself “bemused and challenged” by the allocation of funding to local authorities. Both Aberdeenshire and Angus Councils observed that their particular geo-demographic settings were not well served by the present arrangements for allocating funding for school transport by central government.

10. Aberdeen City Council noted that free school transport is: “…the one provision for school pupils that is not means-tested and perhaps some consideration should be given to changing the basis on which families are granted free transport”.

Safety

11. West Dunbartonshire Council noted that although it conforms to the legal requirements regarding seatbelts (i.e. seat belts must be provided in all cars, minibuses and coaches, but not in buses), there is a high level of parental expectation that they will be provided in all school transport. North Lanarkshire Council noted that to extend seatbelt provision to all school transport would cost £500 000. Aberdeenshire Council noted that much of the research on the safety implications of seatbelts originated in North America and may not be applicable to the Scottish context.

12. Where double-decker buses are used, several local authorities reported that an attendant/supervisor was present and also, where there have been particular behavioural problems, on single-decker buses. However, this is not a universal policy.
13. A number of local authorities noted the use of CCTV to monitor behaviour on buses and that pupils were issued with rules and information on safe travel (usually on an annual basis).

14. A number of local authorities reported that public and school transport services were dovetailed, especially in rural areas, in order to improve total provision of bus services but, as Aberdeenshire Council noted this “…has generated parental complaints and concerns that carrying members of the general public represents a danger to children”.

School travel planning

15. A number of local authorities reported the use of school travel planning to work across local authority departments and with other agencies (eg the police) to integrate health, safety and environmental (including congestion) issues with school transport policies, develop “green” travel plans and introduce measures such as traffic calming and safer walking routes to school and promote initiatives such as Kerbcraft to develop young people’s pedestrian safety skills.

Scottish Consumer Council report

16. During the period when local authorities were responding to the clerk’s letter seeking information, the Scottish Consumer Council published a report on local authorities’ school transport provision (a copy of the SCC report is included in the papers).

17. The SCC sent a questionnaire to all 32 local authorities and received a response from 27. The report concluded that although there was much excellent and innovative practice among local authorities, there was “…not a consistent service quality across Scotland” even taking into consideration the need to recognise local circumstances. The SCC believed that: “It does not seem reasonable for local authority boundaries to determine the quality of school transport”. Variations included the duration of contracts, the nature of precontract checks on both operators and vehicles, the use of attendants or supervisors and, of particular interest given the Committee’s other work, the application of Disclosure Scotland checks.

18. The SCC report made 14 recommendations (see pages 28-34 of the report) aimed at local authorities and the Scottish Executive.

Other responding bodies

19. Barnardo’s have already sent members of the Committee a copy of their “Reduce Speed Now” report (copy available from the clerks) which was based on interviews with over 150 children across the UK about their views on how traffic affects them. Barnardo’s noted that it was vital that in reviewing school transport guidance children were consulted as often they are the true “experts” and called for the targeting of resources on the poorest areas where children face the most dangerous road environments.

20. The Scottish Out of School Care Network suggested that the provision of transport by local authorities could be extended to preschool education. As it noted: “The

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increase in numbers of children who attend out of school care and wrap around care increases the scale of the logistical problem faced and the complexity of the arrangements which parents might expect local authorities to be able to put in place”.

21. The National Autistic Society Scotland noted that local authorities have no duty to consider free transport for children and young people with special educational needs for whom, regardless of distance, it is their disability that presents the need for appropriate transport and believed that there should be a statutory duty on local authorities to provide free school transport to children with disabilities who live within the statutory walking distance to their school and where it would be unreasonable to expect the child to make their own way to school. NAS also noted that where a placing request had been made there have been some cases where local authorities have refused to provide school transport resulting in children being unable to attend the school selected as being appropriate for their needs. Finally, NAS noted that for some children who are provided with free school transport, the provision is sometimes not appropriate to their needs and concluded that “…local authorities should have a duty to provide free school transport or transport facilities for children with disabilities where it would be unreasonable to expect the child to make their own way to school and that the provision should adequately meet the needs of the child”.

22. Commun na Gàidhlig reported parental complaints regarding the inconsistent application of school transport policy for pupils in Gaelic medium education.

School Transport Bill (England and Wales)

23. Unlike Scotland, school transport has been subject to proposed legislative change in England and Wales (NB the Bill fell at the time of dissolution). The Bill allowed local authorities in England and Wales to develop new schemes for school transport tailored to the needs of each area. Initially pilot schemes would have been introduced. The Secretary of State for Education and Skills and the National Assembly for Wales would have separately approved schemes and decided whether or not the approach should continue and be extended to other LEAs.

Action

24. The Committee is asked to **NOTE** the responses made and **DECIDE** what action to take.
ABERDEEN CITY COUNCIL

1. Integration of school transport policy with policies on:

(a) Children’s Health, Wellbeing and Safety
Integration of health, safety & environment issues associated with travel to school are key to the success of the Safe Routes to School and School Travel Plan initiatives we are involved in.

The Safe Routes to School working group meets monthly to discuss all issues relating to school travel. Representation at the group is wide – Primary Head Teacher; Secondary Depute Head Teacher; Engineers and Planners involved in traffic management, transport policy and cycle policy; Senior Road Safety Officers from Grampian Police; Development Officer for Integrated Children’s Transport; Community Services and representatives from the PTA and community groups.

Examples of issues discussed at these meeting include a strategy for Walk to School Week (the theme of May's event is health); specific parent concerns about walking/cycling to school that arise from parent travel surveys; the School Travel Plan Co-ordinators' contribution to school open days and health week; provision of cycle facilities and engineering improvements taking place. The group also has some input into the spending of the Cycling, Walking & Safer Streets budget.

The School Travel Plan document looks at the travel issues of all those travelling to school and aims to promote safe and active travel. Again, the document should pull together environment, health & safety issues and an action plan will be put together specific to the issues of each school. Plans will be reviewed by the Safe Routes to Schools Working group. This will largely involve raising awareness of transport in relation to health, safety and environment.

School Travel Plan Co-ordinators cultivate links with the Eco Schools initiative and recently participated in awareness workshops. Transport is one of the seven key topics of the Eco Schools programme and offers excellent opportunities for schools to integrate the two initiatives as developing and implementing a School Travel Plan can meet the Eco Transport criteria.

Other links being cultivated are with the Health Promotions team and the Aberdeen Environmental Education Centre. We can promote their work in schools while developing travel plans and have them visit schools accordingly. For example, the Aberdeen Environmental Education Centre has a Traffic First programme, a series of classroom activities looking at all traffic related issues.

The Council also supports Kerbcraft - a scheme designed to provide young children with basic pedestrian safety skills and provide them with a solid foundation for further road safety education.

Active School Co-ordinators will shortly be in post and we see this as another area where work can be done together, perhaps on launching a joint initiative to encourage more walking and cycling.

Aberdeen City Council has appointed a Contracts Monitoring Officer who took up post within the past week. This new resource will enable the Council to address a number of issues pertinent to the safety of children and young people travelling on vehicles contracted for pupil transport, including safety of vehicles and Disclosure Scotland issues.

(b) Traffic Congestion
Communication within the Council between officers working on School Travel Plans and colleagues in the Roads Division is achieved through the Safe Routes to Schools Working Groups where there is representation from the various relevant sections of the Council. A key aim of the work of this group is to reduce the number of children and young people being transported to and from school by car by encouraging safer cycling and walking. In order to track progress, we will carefully monitor the number of children walking to and from school and indeed this has been identified as a Critical Success Factor within the Council’s corporate objectives.

Baseline information has been collected from a recently completed “Hands Up Survey” of pupils in Aberdeen City Council schools and independent schools within the City. We were very pleased with the response which resulted in 17,001 pupils giving us feedback. The results of the survey are attached and progress will be measured against these figures.

(c) The Environment
See comments on eco schools in 1(a) above.

2. Walking Distance (2 and 3 Mile) Threshold
In response to the 2 and 3 mile zones for free transport to schools, we would be reluctant to see anything that would diminish the number of pupils this is available to. If removed, it may increase the number of children being driven to school. Through travel surveys, we are aware that some schools have a very high uptake of public transport and this is because many pupils are travelling a substantial distance, often covering routes which are not always conducive to safe walking.

We are also aware of a number of pupils who travel long distances outwith catchment areas and appreciate that parental choice is the reason for this, but those affected may have a 30-40 minute walk with very little in the way of alternative travel options. It does not seem realistic for children to walk 2 or 3 miles to school and may be contributing to the number of car journeys to and from school. A review of the provision of free school transport would be useful in identifying any way the scheme can be expanded to specifically remove cars from the roads during the school run and also ease the financial burden on those currently for whom public transport is the only realistic option.

From a welfare perspective, it is interesting to note that this is the one provision for school pupils that is not means-tested and perhaps some consideration should be given to changing the basis on which families are granted free transport.

The families most affected are those on low income who live within the 2-3 mile threshold. They will not receive free school meals or clothing grants as they are not in receipt of income support and they will be faced with the choice of paying for transport or having their children walk to school along what they may consider to be a long and potentially unsafe journey.

Finally, it is also worth noting that the Council is progressing towards completion of a major integration exercise bringing together provision formerly made separately under the auspices of the former Education and Social Work Departments. The aim of this exercise is to provide a high quality service to the clients of both of these service areas within a single budgetary and safety framework.

I hope the information I have provided is helpful.
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1 April 2005

Mr Mark Roberts
Senior Assistant Clerk to Education Committee
Room T3.40
The Scottish Parliament
Holyrood
EDINBURGH
EH99 1SP

Dear Mr Roberts

SCHOOL TRANSPORT

I refer to your letter dated 4 February 2005 inviting comment on school transport and how Councils have responded to Scottish Executive Circular 7/2003. Comments on specific issues raised in your letter of 4 February and in Circular 7/2003 are set out in the enclosed response. I hope that the Council’s comments are of interest to and assist the Education Committee.

Aberdeenshire Council has recently concluded a Best Value Review (BVR) of its arrangements for procuring school transport (and also public transport) services. Many of the issues in Circular 7/2003 have been addressed or were considered as part of that review. I also enclose, for information, a copy of a report which was approved by the Council’s Education and Recreation Committee and Infrastructure Services Committee at their meetings on 9 and 2 December 2004 respectively, which summarises the outcomes of the BVR and identifies various changes to school transport practices and procedures which have been, or will be, implemented as a result of the BVR. The Council has just re-tendered all 630 Primary and Secondary school transport services, for renewal of contracts with effect from the start of the 2005/06 school session. A number of the revised procedures and practices identified in the BVR and enclosed report are being implemented as part of the re-tendering process, with others to follow after introduction of the new contracts.

An issue not specifically covered in the Circular, or your letter of 4 February, but which directly influences Councils’ ability to deliver school transport improvements, is the matter of funding. As is indicated in the attached paper, there is a significant shortfall between the costs Aberdeenshire incurs in providing school transport (£11.24m in 2004/05) and the level of GAE the Council receives for this purpose (£3.31m in 2004/05). The present arrangements for funding school transport do not reflect the special geographic and demographic circumstances Aberdeenshire faces. Consequently the Council has, in recent years, had to reduce free transport entitlement by increasing qualifying walking distances. Whilst we continue to provide free transport
entitlement in excess of what is required by statute, this places considerable pressure on the Council’s overall budget.

The Council is of the view that any review of the provision of school transport should also include a fundamental review of the way in which Central Government school transport funding is allocated to Councils.

If you require any further information or clarification of the any of the points made in this response, please contact Eric Guthrie, Head of Transportation on 01224 664580 or e-mail eric.guthrie@aberdeenshire.gov.uk.

Yours sincerely

Alan G Campbell
Chief Executive

Encs
Comments on Specific Issues Highlighted in letter of 4 February 2005

1. The 2 and 3 Mile Walking Distance Threshold

The statutory criteria are felt to be outdated and do not reflect current practice or public/parental expectation. Based on information sought from other Councils as part of a recent Best Value Review (BVR) benchmarking exercise, it appears that the majority of Councils, including Aberdeenshire, have abandoned the statutory age 8 distance threshold, in favour of a Primary and Secondary age threshold, thus ensuring a consistent approach to transport entitlement throughout the Primary and Secondary school years.

In 1999, Aberdeenshire Council was forced to amend its walking distance criteria as a result of severe financial constraints and increasing costs of providing school transport. At that time, the previous policy qualifying distances for free school transport were increased from 1 mile Primary and 2 miles Secondary, to 2 miles Primary and 3 miles Secondary. The decision to increase policy walking distances was a direct consequence of a significant, and indeed continuing, shortfall between the costs of providing school transport and Government funding through GAE. Even after reducing free transport entitlement by around 18% as a result of the policy change, the projected costs of providing school transport in 2004/05 will amount to £11.24m, compared with a GAE allocation of £3.31m.

Whatever the prescribed walking distances are, it is imperative that Councils receive adequate Central Government funding to enable them to meet their statutory school transport obligations, and that funding allocations have regard to the local geographic and demographic circumstances Councils face. As a largely rural Council with a population dispersed across a large geographic area, Aberdeenshire has specific circumstances, which are not adequately recognised in the current funding distribution arrangements.

The Parliament should review current legislation to bring the age and distance qualification criteria for free transport into line with current norms and there should be a parallel review of Government funding arrangements to ensure that Councils receive adequate funding to enable them to meet their school transport obligations.

2. Integration of School Transport with Wider Policies and Initiatives

School Transport and Public Transport

There is a long-standing practice of integrating school transport services with public transport provision in north east Scotland. Around 70 school transport services have operated as registered Local Bus services, carrying members of the general public, since the early 1980’s. A further 250 school transport services were Registered as Local Bus services following revision of the Council’s walking distance criteria in 1999, thus providing a fare-paying alternative to being driven to school for non-entitled pupils.
Special scholars fares are also offered as an added incentive for non-entitled pupils to use these public transport alternatives. Around 1,500 fare-paying pupils travel daily on these services.

Unfortunately, opening up more school transport services to enable carriage of non-entitled pupils and other members of the general public on a fare-paying basis, has generated parental complaints and concerns that carrying members of the general public represents a danger to children. A number of parents indicated that they would not allow their children to travel on services which are open to the general public, despite there being no evidence of any problems on the services which have operated successfully in this way for over 20 years. As a result of similar concerns over “stranger danger” being raised during BVR stakeholder consultations, some 280 services are now to be de-registered and will only carry fare-paying non-entitled pupils from August 2005, under the powers conferred under the Local Government (Scotland) Act 2003.

**School Transport and Land Use Planning**

The Council’s land use policies recognise the impact which land use planning, particularly in rural areas, can have on the delivery and costs of providing school transport. Our housing policies seek to discourage single houses in the countryside and encourage development within existing settlements or as part of definable groups of houses, in order to support existing school transport services and avoid the potential for costly additions to the school transport network.

**Pupil Health and Wellbeing**

Through the previous Safer Routes to School (SRTS) initiative and more recent work on development of School Travel Plans (STP’s), we are seeking to promote school transport services as a safe and more sustainable choice for the home to school journey, for both entitled and non-entitled pupils (see also comments on fare-paying alternatives above).

The provision of fare-paying school transport services is consistent with the principles of School Travel Planning, by providing a safe and affordable alternative to being driven to school, contributing to improving road safety, reducing congestion and improving the environment around schools.

We are working on extending School Travel Plans to all Aberdeenshire schools by April 2008. At the present time, some 35 schools are participating in the SRTS/STP programme.
Comments on other Issues Covered in Circular 7/2003

Section 1 – Duties and Powers of Education Authorities

Circular 7/2003 indicated that authorities are expected to keep arrangements for school transport provision under review. As is indicated in the cover letter to this submission and the accompanying report, Aberdeenshire recently concluded a Best Value Review (BVR) of school transport procurement. Many of the issues highlighted in Circular 7/2003 were either addressed or considered as part of the BVR.

On the issue of charging for “privilege” places, one of the actions arising from the BVR, is the introduction of a charge for all non-entitled pupils travelling on school transport services, with effect from August 2005.

Section 2 – Safety of Pupils

Safe School Travel Packs/Codes

For some years, a School Transport handbook has been issued to pupils who are entitled to free home to school transport via schools (copy enclosed). This is currently being updated, to take account of the outcomes of the recent BVR and will include a Pupil Code of Conduct whilst travelling on school transport and clear and concise information on the Council’s policies and procedures for dealing with anti-social behaviour on school transport. Consideration is also being given to the development and introduction of the “SAFEMark” or an equivalent award scheme. The revised Code of Conduct is to be produced in consultation with Pupil Forums and School Boards.

Many of the issues highlighted in Section 2 (paragraphs 6 – 10) have been reviewed through the BVR and will be addressed through the above measures.

Supervision

Aberdeenshire Council previously operated a policy of employing escorts on all school transport vehicles with more than 33 passenger seats. This policy had to be abandoned in 1998 as a result of financial constraints, the Council being unable to continue meeting the roughly £300,000/annum required to fund this discretionary addition to school transport provision.

The recent BVR re-considered the need for additional forms of supervision on school transport, in response to increasing concerns about misbehaviour (see also comments below). It was concluded that the routine employment of escorts on school transport vehicles is not justified. However, it is intended that CCTV, already used by the Council in partnership with operators on a responsive basis, should continue to be employed, on “problem” school transport services, where this represents Best Value when compared with the costs of employing a temporary or permanent escort. Where CCTV is considered not to represent Best Value or to be effective, consideration will be given to employing escorts.

Pupil Behaviour

There is considerable and increasing concern amongst school transport contractors, parents and pupils about behaviour on school transport. The measures outlined
elsewhere in this response – e.g. proposals for Driver Training programme; Code of Practice for Pupils and others involved in delivery of school transport; increased use of CCTV and, where appropriate appointment of escorts; are all designed to help address increasing concerns about pupil misbehaviour. Also where escorts are employed, the Education and Recreation Service is rolling out training for all escorts under the Passenger Assistant Training scheme.

Smoking

A “No Smoking” policy has applied on all school transport for nearly 15 years, and applies also on public transport services. Breaches of smoking policy by pupils are dealt with through the School disciplinary process and by drivers or other operational staff through contract management procedures.

Walking Distance to School

See earlier comments regarding distance and age thresholds. The Council has regard to its safety obligations through application of a Safety Transport policy. Pupils not eligible to receive free transport on grounds of distance entitlement may be granted free transport if the route is deemed unsafe for an accompanied pupil to walk. The suitability of the route, in terms of road safety is assessed having regard to factors such as road width; existence of footway or step-offs; volume of traffic and proportion of HGV’s; and visibility. Suitability of the route in local winter weather conditions is also considered. Free Safety Transport is not provided if a fare-paying alternative to walking to school exists.

Section 3 – School Transport Contracts

Many of the issues outlined in paragraph 22, relating to sub-contracting; emergency closure procedures; staff and vehicle compliance with statutory standards; dealing with and reporting operational or behavioural problems are set out in the Council’s Terms and Conditions of Contract (copy enclosed).

Good Practice Codes

A drivers Code of Practice has existed for some years and is currently being reviewed and updated to take account of the outcomes of the recent BVR. In addition, arising from the recent BVR, the Council has approved the development and introduction of a Driver Training scheme, under which all school transport drivers will be required to undertake appropriate training within 12 months of commencing employment. The programme for this is to be developed over the next few months, in consultation with operators.

Disclosure Scotland Checking

Aberdeenshire Council has always operated a policy of Disclosure Scotland (previously SCRO) vetting of all school transport drivers. If concerns are raised about any driver, this is taken up with the employing contractor and the driver concerned. An appeal procedure exists for dealing with any actions taken against drivers as a result of Disclosure Scotland checks or complaints received.
Type and Standard of Vehicles

Circular 7/2003 suggests that Councils should consider stipulating a maximum age of vehicle used for school transport. This was considered during our BVR and rejected on the grounds that vehicle age, in itself, is not a reliable indicator of vehicle quality. Locally there are examples of contractors who, through good maintenance and safety regimes, coupled with periodic vehicle refurbishment, are able to maintain vehicle quality and safety standards on vehicles more than 10 years old. As a consequence, the BVR concluded that there should be no inclusion of a maximum vehicle age, but that Conditions of Contract should be amended to incorporate specific quality criteria – e.g. clean vehicle interiors and exteriors; heating; no excessive condensation; seating and vehicle fabric in good condition; drivers and other staff of respectable appearance. These standards/criteria will be taken into account when awarding contracts and continued compliance monitored and enforced through the Council’s Penalty Points system for school transport contracts. It is also planned to appoint a Vehicle Inspector to help monitor safety and maintenance standards on school transport. The purpose of this post is not only to detect problems but also to encourage a culture of ensuring high vehicle quality, safety and maintenance standards.

School Bus Signs and Hazard Warning Lights

Council policy requires the use of School Bus signs at all times when transporting children to/from school, and also the use of hazard warning lights at all times when picking up/setting down pupils. However, the display of School Bus signs at times when vehicles are not transporting children is a significant source of irritation and frustration to parents and other road users, and serves to dilute the intended safety benefits of the signs. The Council seeks to encourage “best practice” by periodically reminding contractors that they should only display the signs when transporting children. However, this has met with limited success, and Councils ultimately cannot enforce compliance when vehicles are “off contract”. The Parliament should consider the case for amending legislation to make it an offence to display school bus signs when not transporting children, in consultation with the UK Parliament, recognising that this is a non-devolved matter.

Prohibiting Access by Certain Vehicles to School Transport Routes

There have been no particular local issues of this nature. Any localised problems would be looked at on their individual merits, using the Council’s powers under the Road Traffic Regulation Act.

Seat Belts

Council policy is based upon the minimum requirements of legislation – i.e. seat belts must be provided in all cars, minibuses and coaches, but not in buses. However, many pupils are transported to school in buses and the apparent inconsistency in current legislation is not generally understood by, and is a considerable source frustration to, parents, pupils and other stakeholders.

Amending current Council policy to require seat belts in all school transport vehicles was considered during the recent BVR. A literature review identified that research on
the benefits of seat belts on school buses is largely confined to North America, which may not be entirely transferable to the UK context. However, such information as does exist, suggests that lap belts may offer limited benefits in reducing injuries in certain accident circumstances and that 3-point belts, if improperly installed or incorrectly worn, could also result in increased risk of injuries. Having considered available research on the relative merits and benefits of installing seat belts in all school transport vehicles, the Council’s BVR concluded that there needs to be further investigation of the safety risks and benefits of amending Council policy to require a minimum of lap-belts on all school transport vehicles.

It is recognised that this is also a non-devolved matter. However, it is recommended that the Scottish Parliament recommends to the UK Parliament that the Department for Transport undertake national research on the relative merits and benefits of installing lap-belts or 3-point belts in Passenger Carrying Vehicles not covered by current seat belt legislation, and legislates accordingly.
Dear Mr Roberts

SCHOOL TRANSPORT

I refer to Mr Verity's letter of 4 February 2005 addressed to the Chief Executive of Angus Council. The Chief Executive has asked me to co-ordinate a response on behalf of Angus Council and I hope this letter discharges that remit.

I think the first thing we need to say is that we continue to be bemused and challenged by the apportionment of funding across Scotland to School Transport. The indicative allocations provided by the Scottish Executive to Angus Council are £950,000 in 2004/2005 whereas our budgeted expenditure for 2004/2005 on school transport has been £1.834 million. Our understanding is that a much higher allocation has been made to some urban authorities who clearly do not have the same lengthy home-to-school journeys as do children in rural Angus – neither for mainstream pupils nor for children and young people with Additional Support Needs. There would be merit therefore in reviewing the current methodology in allocating resources through Grant Aided Expenditure.

We have appointed a School Transport Co-ordinator who has been active in preparing School Travel Plans for a number of schools. Traffic congestion around our schools is an ongoing concern in many of our schools and the School Transport Co-ordinator is proactive in encouraging and supporting arrangements whereby more children cycle or walk to and from school – as healthy and environmentally friendly alterations to vehicular transport. We have been pleased to participate in a number of Road Safety initiatives including Twenty’s Plenty and we have made sensible use of the Safe Routes to Schools funding which has been made available to us. We have set in place Walking Buses wherever possible (3 in all at present with another starting soon), and we continue to work with parents’ groups in order to promote this specific approach – which we see as having considerable potential. We are also introducing legally enforceable part-time 20 mph speed limits outside a growing number of our schools.

We have a well established system of identifying routes to school which may be unsafe, and – we believe – a good track record in providing School Transport for children who would otherwise have to walk along an unsafe route. All concerns regarding safety in relation to the pick-up /set-down points for scholars or for school contract routes are addressed via Angus Council’s Transport Co-ordination Group. This group consists of representatives from Tayside Police, Angus Council’s Education, Roads and Planning & Transport Departments. Site visits are undertaken by this group and the decisions of the group are conveyed to those raising the issue.
15 March 2005

Mr Mark Roberts

We have produced a Safe School Travel Guide detailing the “do’s and don’ts” of safe travel for children travelling to / from school by bus. This booklet is issued annually to all Parents who are asked to ensure that their children are aware of the safe practices and standards of behaviour required. In January 2000 a Pupil Behaviour Reporting System was introduced. This set out a code of conduct for scholars and detailed a disciplinary procedure that would be followed in the event of breaches of the code of conduct. Drivers are required to complete reporting forms that are then submitted to the school detailing any breaches to the code of conduct. To improve safety on vehicles, many vehicles are fitted with video cameras – these allow us to monitor behaviour.

As far as safety on our vehicles is concerned, we have been promoting for some time now the use of vehicles with seatbelts and at present 95% of pupils using School Transport are on a vehicle which is fitted with seatbelts.

Perhaps it might also be helpful to note that 884 primary pupils across Angus are currently entitled to Transport and 1,274 secondary pupils are similarly entitled.

As far as the distance criteria are concerned we have – since 1996 – applied a “two-mile rule” to all primary pupils and a “three-mile rule” to all secondary pupils.

When we undertook a Best Value Review of School Transport three or four years ago, one of the conclusions we reached was that we should try to ensure that as many vehicles as possible could be used as public service vehicles. Although this has caused some unease on the part of some parents, it means that the public transport network across Angus is enhanced, however marginally. It would be our hope to continue to operate on this basis as we believe it brings genuine community benefits in our more rural areas, which have relatively poor public transport links: at present 86% of contracts with 8 passenger seats or more are registered as local bus services. In addition we have integrated the transport requirements of “Out of School Care” clubs in parts of Angus.

Given the financial constraints under which Councils are being forced to operate, we would be reluctant to propose any significant changes to the current distance criteria (other than to set a 2 mile maximum walking distance for all primary children). If significant additional funding could be made available from the Scottish Executive, then there may be an argument to reduce the three-mile criterion to something a little lower.

I hope this brief response is helpful.

Yours sincerely

Jim Anderson
Director of Education
1 INTRODUCTION AND BACKGROUND

1.1 The duty on the Education Authority to provide school transport under the terms of the Education (Scotland) Act 1980 - Section 51 is described in this policy document.

1.2 For pupils attending their zoned school, free transport is provided on the following criteria:-

   i) The first 3.2 kilometres (2 miles) of travel for a child not yet eight years old, or the first 4.8 kilometres (3 miles) of travel for a child eight years old or over is the responsibility of the parents. Children who live outwith the above distances qualify for free transport to and from school.

   ii) Children not entitled to free transport may still be offered this facility if there is spare capacity on a pure Education contract vehicle and the non entitled child lives on the route. Priority will be given to children living furthest away as long as they are attending school in their own catchment area.

   iii) Exceptions to the above policy are:-

      a) Children with a Record of Needs, where transport is prescribed as part of the Record of Needs.

      b) Pupils in fourth, fifth or sixth year who have moved home to a different catchment area, but wish to complete their education at the present secondary school.

      c) Medical conditions which would prevent a child making their own way to school, provided such cases are approved by the Medical Officer of Health.

      d) The Education Authority will meet the cost of transport for extra-territorial pupils who attend a secondary school other than their own designated school in Dumfries Burgh provided that:-

         i) Pupils live on an existing route.

         ii) No additional transport costs arise or special arrangements are required beyond those that would have been needed had they attended their designated school.
1.3 Pupils who attend a school other than their own local school must receive permission from the Director for Education before the placement is agreed and transport may be considered on a ‘grace and favour’ basis.

1.4 The Education (Scotland) Act 1996 amends Section 51 of the Education (Scotland) Act 1980 by requiring that when Education Authorities consider the provision of school transport, they must have regard for the road safety of these pupils.

2 INFORMATION

2.1 On 1 April 2001 the Department of Environment and Infrastructure took over the provision of buses and minibuses for school transport. There are several ways in which they provide this service:-

a) **Commercial Services** - Private Operators will provide a season ticket for travel on a commercial service bus.

b) **Procured Services** - The Department for Environment and Infrastructure will charge the Education Authority a season ticket rate for pupils who travel on a bus procured by them for public service use and will provide a contract ticket for this travel.

c) **Vehicles Contracted for the Education Authority** - The Department of Environment and Infrastructure will contract with the Operators direct to provide an appropriate vehicle where no service exists and again, will provide a contract ticket for travel.

3 YELLOW BUS FLEET

5.1 In April 2002 the Yellow Bus Fleet was transferred to the Department for Environment and Infrastructure who will continue to provide buses in outlaying areas for school transport.

4 CONDITIONS

4.1 All persons transporting pupils to and from school will be screened by Disclosure Scotland.

4.2 The Authority permits drivers aged between 18 and 21 with a PCV licence and who have one years experience/training to drive vehicles providing school transport. The experience/training required for any driver aged between 20 and 21 years who obtained a PSV licence would be limited to the period of time which remained before he/she reached 21 years of age. Drivers over the age of 65 years will require a medical on an annual basis. The upper age limit will be 70 years.

4.3 The Council will issue a travel pass to all pupils being transported to and/or from school. "Duty" tickets are issued when a pupil is entitled to free transport, but a "No Duty" ticket is issued when pupils are not entitled to
free transport but are able to take advantage of spare capacity on the contract vehicles, provided the vehicle does not deviate from the official route.

4.4 The Operator must have the appropriate insurance cover and will supply annually a copy of this on demand. The Operator will also indemnify the Council against any claim arising from the operation of this service.

4.5 Where pupils are travelling on a Yellow School Bus the Council has appropriate insurance cover.

4.6 The Operator shall ensure the provision of the service in accordance with all current legislation and regulations pertaining thereto.

4.7 The seating capacity of the vehicle should not be less than specified by the Authority, and must allow each child a seat of their own except where pupils travel by a Commercial Service, under the Road Vehicle (Construction and Use) (amendment) (No 2) Regulation 1966 (SI No 1996/163).

4.8 Operators shall follow the route laid down by the Authority. Pupils or parents must not re-direct the vehicle.

4.9 No smoking will be allowed in any vehicle contracted to the Education Department.

4.10 Entitled pupils should be dropped off at school no earlier than 15 minutes before school starts and uplifted no later then 10 minutes after school closes, unless otherwise instructed by the Council.

4.11 Auxiliaries will only be supplied on school transport by the Education Authority when a pupil has Special Needs, and an escort is prescribed as part of the Record of Needs or where there are particular behavioural problems.

5 SEAT BELT REGULATIONS

5.1 Any vehicle being used in the performance of a contract must be licensed, equipped with front and rear seat belts and maintained as required by statute and shall be in the charge of a competent driver who shall also be licensed as required by statute. Where children are travelling by taxi, pupils under the age of 12 years old should sit in the rear of the vehicle, fitted with the appropriate seat belt or appropriate seat restraint as specified by the Council.

5.2 The Council will instruct pupils, for their own safety, to wear a seat belt where these are provided. Failure to do so may result in transport being withdrawn.

6 DISCIPLINE
6.1 See appendix 1

JANUARY 2002
GUIDANCE ON THE MATTER OF DISCIPLINE ON SCHOOL BUSES

It is sometimes difficult to know just exactly when youthful spirits become unruly behaviour but, in general, action must be taken when the safety of any member(s) of the bus is being threatened or the fabric of the bus could be damaged.

In the event of misbehaviour, such as running about while the vehicle is moving, not wearing seat belts, shouting and swearing, throwing missiles, the following action should be taken:-

   i) stop the bus
   ii) give a warning to those concerned
   iii) drive on

If this warning has no effect, or in the case of more serious misbehaviour such as assault, fighting on the bus, vandalism,

   i) stop and report this to the Police
   ii) take the names of the offenders if this is possible

All such matters must be reported to the Head Teacher of the appropriate school the following morning using the Incident Record Sheet. Enough information should be included to allow appropriate action to be taken.

i) **ACTION BY SCHOOL :**

   *Schools should apply the disciplinary procedures set out for all schools and inform the drivers what actions have been taken. Persistent misbehaviour by pupils should be referred to the SRG or, if necessary, SARG/PARG for action.*

ii) **ACTION BY DEPARTMENT FOR ENVIRONMENT AND INFRASTRUCTURE**

   A Record Sheet completed by drivers should also be forwarded to Department for Environment and Infrastructure who, in turn, will document all reports and copy to School and bus company on a monthly basis for their information.

   Bus seating plans will also be implemented, with the assistance of the school.

It should be noted that the parent/guardian of any child(ren) who is/are the victim of an attack has without exception the option of informing the Police.

14/02/02
INCIDENT RECORD SHEET

TO BE COMPLETED BY BUS DRIVER FOR ACTION BY APPROPRIATE HEAD TEACHER

School : ________________________ Date : __________ Bus Route ____________________________

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FORWARDED TO HEAD TEACHER ON ________________________________
Dear Sir,

SCHOOL TRANSPORT

Thank you for your letter of 4 February to the Chief Executive. He has passed it to the Director of Education who in turn has asked me to respond in my capacity as Acting Head of Service with responsibilities for school transport related issues within the East Renfrewshire Council area.

This department has in the past year taken the lead role in undertaking a comprehensive Best Value Strategic Review of School Transport Services and it is therefore somewhat timely in that relevant information gathered through that process can be included in this response.

Within this authority there are a number of examples where the council has already integrated transport policy in its widest sense with health related issues, and where traffic congestion has been a source of concern:

- In partnership with the Environment Department, which includes Roads and Transportation, a number of Walking Bus routes have been successfully introduced within the council area in the current school session, with 3 routes fully operational and a number due to come on stream within the next few months and certainly before the end of the current school term in June. The routes have been risk assessed, training has been implemented for volunteer parents, and appropriate equipment such as high visibility vests have been purchased not just for safety purposes but to maximise the visual effect of the Walking Buses in operation.
The authority has also introduced a “Paybus” facility which under the terms of recent changes in national legislation it is now permitted to do. A local bus service was withdrawn from St Ninian’s High School by the operator, affecting some 70 pupils who did not qualify on an “as of right” basis for free school transport, but who nevertheless used the local registered service on a fare paying basis. In response to local concerns, and taking into account the environmental and traffic issues which might otherwise have arisen from upwards of 50 cars being introduced into the campus on a twice daily basis, the council negotiated an agreement with a local bus operator to provide two buses a day to transport these pupils to school. The council in turn invoices parents on a monthly basis to recover the cost of providing the service. The buses are timetabled to operate at times which allows them to “double up” with other school work and the effect has thus been to further reduce the number of vehicles on the road each day.

Again in partnership with Roads and Transportation, schools are working closely with the School Travel Co-ordinator in developing sustainable School Travel Plans which take into account existing travel arrangements, Safe Routes To Schools, and other initiatives including, for example, the installation of bicycle areas to encourage pupils to cycle to school. Currently there are 8 Travel Plans in development out of 24 primary schools.

Education has recently rationalised areas of its operation of transport in respect of pupils with Additional Support Needs to reduce the number of vehicles on the road by the introduction of council-owned/leased minibuses to replace taxis which were hired from private operators, in addition to which the council is now able to develop usage of these vehicles at “down times”.

This authority continues to provide free school transport to a number of schools where there is not considered to be a safe walking route by reason of there being insufficient lighting or the lack of a continuous footpath, for example, along routes that would otherwise be deemed suitable by dint of walking distance.

This council further operates a pro-active Inclusion policy which provides for significant numbers of pupils with Additional Support Needs receiving their education within mainstream educational establishments. In terms of their wellbeing this thus integrates with our transport policy in that such pupils will receive free school transport to facilitate their attendance within such schools.

As indicated above, the authority has been undertaking a Best Value Review of school transport over the last year. While a final paper has still to be formally submitted to and approved by the Council, recommending actions which will enhance provision further, the under noted are likely to appear:

• Following consultation with school head teachers, pupils and School Boards, seven schools will be surveyed with a view to determining whether there is scope to extend pay bus facilities to any or all of them, where the Best Value Review has identified possible and sufficient demand for such services.

• The facility to extend Walking Buses will also be reviewed in terms of responses received from schools.

• Extend the risk assessment regime on a rolling programme to examine all existing school pick up/drop off points and thus minimise risk.

• Examine the possible use of attendants on all school buses.
• Make the use of passes on school buses compulsory.

• Examine the possible introduction of compulsory installation and wearing of seatbelts on all school transport.

With regard to the continued use of the two and three mile walking distance, this authority has for many years operated to a one mile threshold in respect of all primary school pupils, and from 1998 has operated a three mile threshold in respect of secondary school pupils. This policy currently affords an additional 1500 primary school pupils, in general terms, a facility which they would otherwise not enjoy, at an additional cost to the authority of some £350,000 annually in comparison to the legal obligation in respect of the two and three mile thresholds.

It is the authority’s view that in some instances a return to statutory provision only might encourage some pupils who have until now enjoyed a free transport facility, to walk to school. With such an increase there may however be a knock on increase in risk to pupils who would thus be exposed to the dangers of traffic at crossing points, for example. Further, it is thought more likely that the vast majority of pupils, particularly in an area where car ownership is comparatively high, are likely to be added to “school run” statistics, where parents drop them off at school and return for them in the afternoon. Within such a scenario it is therefore felt that in terms of congestion, pollution and increased risk to pupils resulting from greatly increased car usage in and around schools, the net outcome would be detrimental to them. Indeed, it could be argued that a reduction in the walking distance thresholds, with the requisite resources provided to local authorities to fund additional vehicles, would allow for a safer environment to pupils travelling to school on a daily basis either by walking or travelling by school transport, by substantially reducing the volume of vehicles in and around schools while reducing pollution from car emissions simultaneously.

I trust you will find these views helpful and thank you on behalf of the Director for the opportunity to comment.

Yours sincerely,

Mhairi Shaw
(Acting) Head of Service
(Curriculum & Policy Development)
1. **Entitlement**

Fife Council provides free home/school transport for young people who attend their catchment schools and who live more than one mile away in the case of primary and more than two miles in the case of secondary, measured by the shortest reasonable walking route. To ease the transition between primary and secondary, young people who live between one and two miles from school receive a scholastic discount which entitles them to a discount of one third off the cost of a four-weekly season ticket purchased from an operator until they become 14 years of age. Young people who are aged between 16-18 and in full-time education can apply for a travel pass which enables them to travel at half the adult fare.

Looked after and accommodated pupils are provided with free transport on the recommendation of senior social workers. Pupils with special educational needs are provided with free transport if they are incapable of independent travel and temporary transport can be provided on a similar basis to pupils who have received a physical injury or whose families have been made homeless.

If there are vacant places on a school contract vehicle, these may be allocated to non-entitled pupils on a concessionary basis for which no charge is made.

While a reversion to statute might provide some financial savings, this could have a negative impact on the promotion of young people’s health and on traffic congestion at schools if more parents decided to drive their children to and from school. Fife Council does not, therefore, propose to change its policy on distance entitlement. However, certain walking routes are kept under review to ensure that they remain within the criteria for reasonable routes.

2. **Safety of Pupils**

Rules for safe travel on school buses are reinforced by schools and in a booklet sent annually to parents of entitled pupils along with travel passes and timetables. Incidents of misbehaviour are addressed through close liaison between operators and schools which has resulted in prompt reporting and action. Parents and Council officers are involved where appropriate and sanctions range from warnings to removal of travel passes and denial of access to school buses. Acts of vandalism are reported to the police by operators.

Operators are provided with advance details of in-service closure dates and early dismissals and are fully aware of the Council’s contingency plans for inclement weather or emergency closures. Overloading issues are dealt with by colour-coding of passes on routes and monitoring by operators and officers from Transportation Services. At secondary schools and primaries where large numbers of young people travel by bus, boarding is supervised at the end of the school day.

Schools report shortcomings in transport provision and standard of service to Transportation Services through a monitoring report form. Such reports are investigated by Transportation Services.
3. **Supervision**

Nursery pupils must be accompanied by an adult other than the driver. Pupils with special educational needs can be accompanied by paid travel escorts appointed by the Council where appropriate. Fife Council has no policy of appointing supervisors/escorts to mainstream school runs although the Conditions of Contract allow for operators to appoint attendants to travel on special journeys for specific periods at the request of the Council. Extensive use is made of CCTV and senior pupils are increasingly encouraged to monitor and report incidents to school management.

4. **Seatbelts**

All vehicles of whatever size used to carry nursery pupils must have an appropriate seat restraint for all passengers. Beyond that, Fife Council stipulates that vehicles must conform to all relevant seatbelt legislation and encourages operators to consider purchasing vehicles with seatbelts when updating their fleets.

5. **Conditions of Contract**

Operators are required to ensure that all vehicles have proper documentation and conform to all relevant legislation. An age limit is set on buses, which decreases with each contract period. Contractors are also required to have in place contingency arrangements for vehicle failure, staff unavailability and other emergencies. Operators are not allowed to sub-contract without the Council’s permission. A variety of financial penalties can be imposed in the event of non-compliance with a number of contract clauses. Drivers are given guidance on the operation of school transport arrangements and training in the use of specialist equipment.

6. **Disclosure**

Drivers and escorts are required to undertake Disclosure Scotland checks and in addition can be suspended from accompanying pupils if concerns arise about their general suitability.

7. **School Travel Planning**

Following a successful Safer Routes to School pilot project, Fife Council has set up a Steering Group to take forward the School Travel Plan Initiative. The membership of the group reflects the holistic approach needed and consists of School Travel Plan Co-ordinators and Managers; Fife Constabulary Road Safety Unit; representatives from Fife Council Community and Road Safety and Education Service; the Active Schools Co-ordinator Manager; Fife Physical Activity Co-ordinators; lead Marketing Officer and the Integrated Transport Team.

This helps to raise the profile of School Travel Plans and other initiatives in which schools are now encouraged to get involved.
8. **School Minibuses**

Minibuses are a Council resource and schools do not have exclusive use of them. However, staff who are driving on Education Service business are required to present their licences to Fleet Services for approval. They are then registered on a database and are issued with permits to drive minibuses. A rolling programme of assessment is underway to ensure that all staff wishing to drive minibuses have been assessed by competent Fleet Services examiners. Minibus drivers are also provided with a manual which covers best practice, vehicle checks and maintenance and passenger care.

Roger Stewart  
Head of Education
Dear Mr Verity

TRANSPORT POLICY

Thank you for your letter of 4 February 2005 concerning the above. I am pleased to provide the following details of North Lanarkshire policy on school transport.

Transport Policy

North Lanarkshire provides transport to primary children who reside more than one mile from their zoned primary school and to secondary pupils who reside more than two miles from their zoned secondary school. This provision is more generous than the statutory requirement.

Privilege Transport

The Council does not charge pupils for spare seats available on dedicated school transport contracts. The Council has a policy for determining the allocation of “privilege” seats. Priority is given to pupils whose parents/guardians are in receipt of a footwear and clothing grant. Places are then allocated based on the age of the child. The Council appreciates the necessity for seats to be allocated to pupils at the start of the school session and the education department ensures that seats are allocated before the end of September.

I enclose a copy of the Council’s Policy for allocating privilege transport.

Use of Attendants

Attendants are presently used on double decker vehicles only. However if there are problems identified with pupil behaviour appropriate action is taken in conjunction with the head teacher and Strathclyde Passenger Transport. This may involve employing an attendant on a temporary basis to ensure any problems associated with behaviour are dealt with satisfactorily.

The Council may agree for a school member of staff to travel on the bus. The member of staff is used as an adult presence only and receives no payment for this function.
Working Group on Pupil Behaviour

A working group has recently been set up by Strathclyde Passenger Transport and Local Authorities to look at safety issues and pupil behaviour. The Council await the findings of this group.

Seatbelts

The Council adheres to the legislation relating to seatbelts on school transport. In January 1997 the Council approved the seatbelt policy. The policy requires all minibuses and coaches wholly for the purpose of carrying children to be fitted with seatbelts. However, the legislation states that buses that are neither minibuses nor coaches and all vehicles operating as registered services are exempt from these regulations. This means that pupils in North Lanarkshire travel on contracts that do not provide seatbelts. This situation is fully compliant with current legislation.

The cost to install seatbelts on all school contracts would be approximately £500,000. Currently, consideration is being given to the phased introduction of seatbelts on school transport. Priority initially would be given to buses transporting primary pupils.

Safer Routes to Schools

The departments of planning and environment and education work closely to implement safer routes to schools.

Funding for a school travel co-ordinator was received from the Scottish Executive in 2003/2004 and 2004/2005. A school travel co-ordinator was appointed to promote the health and environmental benefits of active school travel choices. School teams consisting of parents, teachers, pupils and council staff are developing travel plans for individual schools.

The ‘Twenty's Plenty’ Scheme has been introduced in North Lanarkshire in a number of locations. Where road signs are due for replacement priority is given to high visibility signage.

I hope this information is of assistance to you. Please do not hesitate to contact me should you require any further information.

Yours sincerely

Murdo Maciver
Head of Educational Provision
Comments on School Transport circular 7/2003

Integrated policy

For the first time, school and public transport contracts were part of the same tendering procedures. This was to maximise continuity between the public and school bus services and ensure that any duplication was kept to a minimum. Selected secondary school routes were also registered for public use to try and increase the scope of public services and reduce the overall costs of providing these services.

Health, wellbeing and safety

The new contracts specify that all school bus drivers:
- must complete enhanced Disclosure Scotland checks before they are permitted to be employed on school transport routes.
- must carry mobile phones
- (who are not licenced to carry over 8 passengers for hire and reward) must complete the MiDAS training course successfully.

All drivers are also issued with laminated cards outlining safety procedures and special arrangements in emergency situations.

Annual reminders are sent to all pupils highlighting the procedures relating to waiting for, getting on and off school transport vehicles. This also clarifies the parental responsibilities.

Codes of practice are also issued with the contracts which highlight procedures and responsibilities relating to safety for drivers, service operators, parents and pupils.

Safety procedures are reinforced at the schools.

All P1 pupils are issued with high visibility vests.

Children with Additional Support Needs - Funding has been identified to provide purpose built midi buses to provide home-to-school transport for pupils with assessed specific transport needs. Separate Codes of practice are issued for this operation and bus escorts who have completed enhanced Disclosure Scotland checks are employed on all routes.

2-3 Mile Walking Distance

In Orkney, where a high proportion of the pupils are travelling in a rural setting, the provision for pedestrians is not always good. There are often no pavements and roads can be very exposed. Reducing the entitlement distance would certainly help children walking under these circumstances but additional funding would be necessary to meet the considerable costs involved in transporting additional children.

General Comments
For Orkney’s size and pupil population, the school transport function is disproportionately large with 50-60% of all pupils travelling on approximately 100 school transport routes. This puts a huge strain on the limited resources of the Education Department both financially and logistically to provide the support and back-up necessary for the service to operate smoothly.

The vast majority of mainland Orkney’s school and public services are currently being provided by a single operator. The capital investment required to take the service in-house or for a new operator to tender successfully would be too great a risk to justify considering the limited opportunity of expanding the business into other public/private services.

Leslie Manson, Director
Section 1 - Duties and Powers of Education Authorities

Para 5 - To date Renfrewshire Council has not charged parents of pupils who take up vacant places in school transport provided by Renfrewshire Council. It is our policy to allow parents to apply for a privilege pass for their child if vacant places are available on dedicated school transport vehicles. If there are more requests for passes than there are vacant places then a ballot is held in order to allocate places.

Section 2 - Safety of Pupils

Paras 6-10 - We are currently, in conjunction with two school travel plan co-ordinators in our roads department, developing 'green' school travel plans. This includes developing and publicising safer walking routes to schools and introducing traffic calming measures around our schools.

Paras 11-20 - Transport provided for primary aged pupils is a dedicated school contract bus. Double decked vehicles have an attendant, in addition to the driver.

For secondary aged pupils the majority are carried by dedicated vehicles but four large contracts are met through local services.

Pupils with special needs, who are entitled to transport to school, are transported by a dedicated bus or by taxi. An escort, is always provided for these services.

Paras 18-20 - This council operates a more generous transport provision policy than is required by statute. Free transport is provided for primary school pupils who live more than 1 mile from school, by safe walking route; and for secondary pupils who live more than 2 miles from school, by safe walking route.

Section 3 - School Transport Contracts

All transport operators who are successful in securing school transport contracts are expected to adhere to the 'Conditions of Contract'. These conditions are legally binding on both the contractor and on the local authority.

Strathclyde Passenger Transport (SPT) places mainstream education contracts and is responsible 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.

Transport arrangements for pupils with special needs are provided by the council internal transport department and private contractors engaged and monitored by education and leisure staff.

Renfrewshire Council : Education and Leisure Services
Dear Mr. Verity

SCHOOL TRANSPORT

I am writing in response to your letter of 4 February 2005 requesting comments on how local authorities are delivering their commitments to transporting children to school and specifically how we are responding to circular 7/2003 issued by the Executive. My apologies for the late return of this response, I hope it will still be helpful.

West Dunbartonshire Council has spent the past year undertaking a comprehensive review of all school transport policies and procedures. The new draft policy and procedure document is currently out for consultation with schools and parents and I enclose a copy for your information.

The provision of school transport by local authorities is a potentially contentious issue with groups of parents and staff and it is certainly our view that a clear policy and procedure, consistently applied, is vital in this area of operation. The circular on school transport issued by Colin Reeves on behalf of SEED in August 2003 covered all the main policy and operational issues and provided a good outline framework for local authorities. West Dunbartonshire Policy and Procedures document covers all of the areas outlined in the curricular but we have paid particular attention to developing better practice in a range of areas following feedback from schools and parents and in the light of our experience with contractors.
Distance Criteria

West Dunbartonshire Council operates a more generous policy than that laid down by the guidance. Free school transport is provided to all primary aged pupils who live more than one mile from their zoned school, and all secondary pupils who live more than two miles from their zoned school. In spite of budget constraints the Council has maintained this level of service for a number of reasons. Firstly this is an area of considerable deprivation and it is considered appropriate to offer parents all possible support to ensure that their children attend school regularly in order to benefit from the educational opportunities available. Secondly although West Dunbartonshire is a relatively compact area there are a number of distinct communities within the Council boundaries and parents express considerable concern at their children covering even relatively short distances to access services. Given the current level of road congestion parents appear to have a heightened sense of concern in terms of their child’s safety. It may be that the current legal walking distance threshold reflects an outdated view of acceptable walking distances where children are concerned. Although parents generally accept the benefits of their children walking to and from school, they only consider this to be safe and appropriate within a very restricted community boundary.

Safety of Pupils

As noted above this is a particular area of concern for many parents and relates to numerous aspects of the school transport service. In order to reassure parents that all appropriate measures are being taken this authority has introduced information leaflets for parents and pupils which outline entitlement, rights and responsibilities, pupil behaviour, pupil safety and the complaints procedure. In addition we have also issued a code of conduct for contractors which is available to parents.

The specific issue of seatbelts on school buses has been raised repeatedly by parents. Although the authority conforms to the legal requirements with respect to this, parents are now expressing an expectation that all school transport will ensure a seatbelt for every pupil. As a result of this feedback from parents the use of seatbelts on school contracts will be taken forward on a rolling programme through the annual tendering procedures. In addition we are currently entering into a partnership with Strathclyde Passenger Transport and a local contractor to pilot the use of CCTV on a secondary school contract which has been fitted with seatbelts. The aim of this is to investigate the impact of seatbelts, and CCTV, on pupils’ behaviour and to highlight any issues which require to be addressed prior to rolling out the use of seatbelts. It is my understanding that contractors across Scotland have expressed concern at the level of vandalism which they have experienced on secondary school contracts in particular where seatbelts are in use.

The other aspect of pupil safety which parents often raise with us is in relation to pick-up and drop-off points for pupils. We work closely with our colleagues in other Council departments, notably the Roads Section, and we are currently reviewing the risk assessment process for pick-up points to maximise the safety aspects of all pick-up points. This review will also look at the placement of crossing patrols in relation to walking and transport routes to schools.
**School Transport Contracts**

With the support of the Council’s Legal Services department we have radically updated our conditions of contract for all school transport to clarify or address issues of safe operating and liability which have been highlighted over the past few years.

Particular attention is now being focussed on providing training for staff in terms of child protection, manual lifting and handling and safe systems of work. In future we will be insisting as a condition of contract that contract staff attend for such training and comply with the instructions given.

**Supervision**

This authority operates a similar system to other neighbouring authorities by providing an attendant on all double-decker school buses. In addition on some single-decker school contracts an attendant has been provided to deal with particular issues related to the nature of the journey, the pupils or a pattern of misbehaviour on the part of pupils. Parents do have a high level of expectation in terms of supervision and this is an issue which will require to be kept under review.

The possibility of school staff and/or parents taking over the supervisory role on school buses has been considered but is not felt to be appropriate.

As noted above the use of CCTV cameras on some contracts may prove a useful addition to the safety and supervision debate.

**Type and Standard of Vehicle**

Although the revised conditions of contract impose very strict conditions on all contractors in terms of the condition and suitability of the vehicles used, in our experience the visual presentation of some older vehicles does lead members of the public to assume that vehicles are not road worthy and fit for purpose.

**Integration of Council Policy affecting School Transport and Related Areas.**

This is particularly relevant as the Council is currently undertaking consultation in relation to the regeneration of the Schools Estate which may result in the closure of some small schools and the need for children to walk or be transported for longer distances to reach school. The Housing and Technical Services department within the Council supports schools very effectively to take forward a range of initiatives including Travelling Green and Kerb Craft. The Travelling Green initiative has been particularly effective in the areas that it has been piloted and offers a good model to promote safe travel to school and a healthy lifestyle for children.

/..
I hope the above information is helpful to you in taking forward your review of Scottish Executive’s policies and the work being undertaken by local authorities. My apologies again for the delay in responding.

Yours sincerely

Lynn Townsend
Head of Service
Dear Mr Roberts

School Transport

I refer to the letter sent by Martin Verity regarding school transport and in connection with circular 7/2003.

West Lothian Council has a more generous qualifying distance than the statutory requirement, this being 2 miles for all secondary children and 1.50 miles for primary children attending their catchment school. Many other councils also have lower qualifying thresholds and these have a high impact on the schools transport budget. It seems illogical that there are two distances for primary children, i.e. three miles for over eight’s and two miles for under eight’s. Given the commitment of reducing car travel on the school run it would seem prudent to carry out a review of these distance thresholds and seek the views of parents with a consultation exercise.

West Lothian Council has for the time being decided not to charge for vacant seats known as grace and favour on dedicated school transport.

West Lothian Council employs a full time school travel co-ordinator who has developed a rolling programme of developing school travel plans within both primary and secondary schools. These have been looking at safer school travel and trying to drop the number of school journeys made by car. The travel plans have also been encouraging more children to walk or cycle to school. They have 5 sections, one of these being school transport. This section looks at recommendations from the SSTAG (Scottish School Travel Advisory Group) report and recommendations if necessary are implemented following consultations with the school team and parents.

The school travel co-ordinator works closely with schools on school travel issues including children’s health when travelling to school. There is close liaison with Lothian and Borders Road Safety Unit, which encourages schools to take part in the West Lothian Road Safety Charter, which involves a progressive approach to road safety from nursery to primary 7.
Other initiatives include cycle training, pedestrian skills; walking buses and a co-ordinated approach to travel issues arising from travel plans. The safety of drop off points and pick up areas for school buses within schools are also monitored regularly.

Many of the guidance examples contained in circular 7/2003 West Lothian Council already adopts as good practice. West Lothian defines a safe walking route as follows.

- The route must be paved and of adequate width or a shared roadway
- The route path must have an all weather surface
- The route must be street lit

All walking routes are assessed by a qualified transportation engineer and are physically checked. Where suitable walking routes do not exist, free transport to school is made available.

The council has recently introduced as council policy, pupil conduct guidelines on school buses. This incorporates a three-stage procedure dealing with pupils who misbehave on school transport. The guidelines outline procedures dealing with the removal of free passes for short periods and in more serious cases of misbehaviour for longer periods.

The procedure also attempts to deal with the issue of smoking on buses. These are complimented by the use of Digital CCTV which the council has funded for a few operators on some routes. With the advent of digital images CCTV has been particularly successful in reducing instances of misbehaviour on school buses. Close liaison with the Councils Community Safety Wardens has also resulted in reduced instances of vandalism such as stone throwing at school buses.

West Lothian Council has provided training for all school bus drivers, which has included conflict management. The training was tailored to the council’s specification by M2 training and was fully funded by the Council. The feedback from drivers was very positive.

School transport contracts are monitored constantly to ensure operators are adhering to contract compliance and all drivers including taxi drivers are disclosure checked at the enhanced level. The council bears the cost of the disclosure.

All children on larger vehicles are encouraged to wear the seat belts provided. Legislation is shortly coming into force, which will make the wearing of seat belts obligatory on larger vehicles. It remains to be seen how this will be effectively enforced, given the driver will not be responsible if compliance with the law by the children is not adhered to.

West Lothian Council makes the safety of children travelling on school transport a top priority and provides free school travel well below the statutory qualifying distances. On many contracts children not entitled to free transport can travel on registered dedicated school buses and pay a fare. Ten journey tickets are sold to pupils at discounted rates making travel to school affordable and an alternative to car travel.
The council has funded the upgrading of many footpaths on which children walk and cycle to school.

I trust this information is of assistance to you.

Yours sincerely

Alex Linkston
Chief Executive
BARNADO’S

Paul Howell
Education Committee
Scottish Parliament
Edinburgh, EH99 1SP

17th February 2005

Re: School Transport Policy

Dear Paul,

I am writing with regard to the Education Committee’s current interest in school transport and to present two recommendations arising from Barnardo’s work in this area. Please find enclosed a copy of our recent Reduce Speed Now report, which we are sending to all members of the Committee, for your information.

Barnardo’s is interested in transport policy because mobility, accessibility and safety are issues of real concern for children. The Reduce Speed Now report is the result of talking to over 150 children around the UK to find out how traffic affects their lives. The report highlights the extent to which young people are worried by the direct impacts of traffic, including accidents and casualties, but also how the details of transport policy have a wider impact on their opportunities for play and social interaction. Research highlighted in the report illustrates how poorer communities bear the brunt both of accidents and of social dislocation caused by traffic. However, making the effort of talking to children about local transport also showed that “The children we talked to were experts on their local communities. They knew the dangerous places. They knew where they and their friends wanted to play and they had some very clear ideas about what could make their neighbourhoods safer and better for everyone.”

Barnardo’s Scotland has recently engaged with the Scottish Executive over guidance for local authorities on determining local speed limits and on developing local transport strategies. In each case we have proposed two themes:

- that children are vulnerable road users and their needs (and the impacts on their lives) must be taken into account in planning transport systems; and
- that children have a particular viewpoint and perspective, which can help in understanding and responding to local transport conditions so that consulting with children can make an important contribution in transport planning.

Similar lessons can be drawn for school transport. Section 20 of the current guidance on provision of school transport states “Ministers expect authorities to keep under review their criteria on this provision [for providing school transport] by introducing added flexibility and taking into consideration the increased volume of traffic on our roads, the availability of crossings, sufficient pavement and footpaths, subways, built-up and wooded areas, adequate street lighting etc.”

We welcome this flexibility, and the recognition that the safety of school trips cannot be measured by distance alone. However we would like to make two additional points:

1 Reduce Speed Now, page 13
2 http://www.scotland.gov.uk/Topics/Education/School-Education/18056/schooltransportguidance
1) we again stress the importance of consulting with children and young people in developing a true picture of the local transport situation, which can help in identifying those areas of greatest need; and
2) we also call for the targeting of resources on the poorest areas, where children negotiate the most dangerous road environments and where lifts from parents are least likely to be available.

We would like to see both of these themes included in any revised guidance.

The burden of a duty to consult with children would be reduced by leaving local authorities to choose the most appropriate means of consultation. For example many schools are already conducting their own consultations in developing “school travel plans”. Others are involved in the Eco Schools programme, of which transport is one of the seven themes. All 32 local authorities have School Travel Co-ordinators, funded by the Executive. In addition, new Guidance to local authorities on developing broader transport strategies will instruct them to consult with young people so local authorities should be embarking on this process already. All this existing work will provide a range of mechanisms for planners to tap into the experience and perspective of local children.

I hope that you find the Reduce Speed Now report useful in your consideration of this issue and would be happy to provide any further information you might require.

Yours sincerely,

John Watson
Parliamentary/Policy Officer
Màrtainn a charaid chòir

I understand that the Committee is going to look at the provision of School Transport and I thought it might wish to consider areas where parents have had considerable problems in obtaining school transport for children who are attending Gaelic Medium Units, outwith their "catchment" areas. The provision of such transport varies depending on the attitude of the local authority concerned. For example, we have had numerous complaints, over the years, from parents in the Lothian/Edinburgh Council area, at the inconsistent application of school transport policy for pupils attending Gaelic Medium Education. The provision which applies in Glasgow, however, seems to be quite satisfactory in that it does not seem to generate the same problems as in Edinburgh. In other areas, there have been one or two difficulties. I think that it might be worthwhile for the Committee to consider the approach which local authorities have taken in dealing with transport provision for GME as opposed to main-stream education in order to establish whether a more equitable and consistent policy should not be recommended for all authorities.

If necessary, I can provide you with more detailed information of specific examples, at the appropriate time.

Regards

Dòmhnall
Dòmhnall Màrtainn
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Comunn na Gàidhlig
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Fòn: 01851 701802
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The National Autistic Society Scotland is one of the leading charities for people with autistic spectrum disorders. It has a membership of over 1,000 and a network of 9 user and parent-led branches across Scotland. The National Autistic Society Scotland is part of a UK-wide organisation, the National Autistic Society (NAS). The NAS has a membership of over 12,000 and a network of 60 branches across the UK. The NAS exists to champion the rights and interests of all people with autism and to ensure that they and their families receive quality services, appropriate to their needs. There are approximately 530,000 people with autistic spectrum disorders in the UK and about 50,000 in Scotland.

The NAS welcomes the opportunity to submit evidence to the Education Committee on school transport. We appreciate that this is not a formal inquiry; however, we hope the Committee will take on board the points made in this submission. We want to highlight to the Committee the concerns of families affected by autistic spectrum disorders (ASD) with regard to the health and well being of their children who are denied free school transport or feel that the transport provided does not meet the needs of their child.

The NAS believes that local authorities should:

1. have a duty to provide free and appropriate school transport for children and young people with disabilities where it is unreasonable to expect the child to make their way to school on their own;
2. that this should happen regardless of whether or not the child with a disability lives within or outwith the statutory walking distance from school; and
3. regardless if the school they attend is through a placing request.

What are Autistic Spectrum Disorders?

ASD are a lifelong developmental disability that affects the way a person communicates and relates to people around them. People with ASD experience difficulties with social interaction, social communication and imagination - known as the 'triad of impairments'. The autistic spectrum includes Asperger syndrome.

ASD is a ‘hidden’ disability. It is a spectrum condition which affects people in different ways: some people have average or above average IQ levels; some have an accompanying learning disability, or other disability or medical condition such as epilepsy; some take things literally and therefore have difficulties in understanding metaphors and jokes; some find it difficult to hold a two-way conversation; some are unable to forsee the consequences of their actions; some become anxious, upset and sometimes aggressive when their routine changes unexpectedly; and some have no sense of danger and can be a risk to themselves.

School transport for children attending schools in their local area

Transport to and from school is a concern for parents of children and young people with ASD. If a child with ASD is attending a school in their local area which is within the statutory walking distance, they will always need someone to accompany them due to difficulties in coping with unpredictability e.g. the traffic lights not working or the bus not turning up, while some children have no sense of danger and are a risk to themselves.

Case Study 1

We are aware of a parent with ASD who has a child with ASD and this has led to difficulties for both involved in transporting the child to their local school without access to free transport. At one point the child was withdrawn from school by the parent as the local authority would not provide free school transport because the school was within the statutory walking distance from the child’s home. This decision did not take into account the needs of the child with a disability and the family circumstance of the parent being disabled too.

Paragraph 20 in the Scottish Executive School Transport Guidance Circular states that local authorities should have flexibility in their criteria for free school transport. We believe that flexibility could have been applied in this case.

Under section 50 and 51 of the Education (Scotland) Act 1980, it is recommended that local authorities should make arrangements as appropriate to provide free transport or transport facilities for children who live outside the statutory walking distance from school. This distance is 2 miles for any pupil under the age of 8 years old and 3 miles for children aged 8 and over. This means that local authorities have no duty to consider free transport for children and young people with special educational needs for whom, regardless of distance, it is their disability that presents the need for appropriate transport.

The NAS believes that there should be a statutory duty on local authorities to provide free school transport to children with disabilities who live within the statutory walking distance to their school and where it would be unreasonable to expect the child to make their own way to school. Non-disabled children may have no problems in walking or taking public transport to their local school, but if a child has a disability such as ASD which makes these options difficult or impossible, then the local authority should provide free and appropriate transport.

School transport for children attending school outwith their local area

Local authorities do not have a duty to provide free transport or transport facilities to children and young people attending schools which have been chosen by a placing request. The NAS believes that local authorities should have a statutory duty to provide free and appropriate transport for children and young people with disabilities where it would be unreasonable to expect the child to make their own way to school even if that school has been selected by a placing request.

Often parents of children with disabilities such as ASD make placing requests because their local school or school chosen by the local authority is not considered by the parents to meet the needs of the child. For example, the school placement requested may be a mainstream school with a communication unit attached to it or it may be a special school. These schools are chosen out of necessity to ensure that the child with a disability benefits from school education and that their talents and personality is developed in an appropriate environment.

The NAS acknowledges that many children with disabilities who attend school through placing requests are provided with free school transport. However, we are also aware of some cases where local authorities have refused to provide school transport which can mean the child cannot attend the school considered appropriate for their needs. It can also mean an extra burden on the family in having to transport the child to school themselves when their non-disabled peers can make their own way to school by walking or using public transport. Also, for parents with more than one child, they have the difficulty of transporting the child with ASD to a school outwith their local area and may have to transport their other children to a school elsewhere.

We believe the current situation is unacceptable and that all children with disabilities, where it would be unreasonable to expect the child to make their own way to school, should be provided with free school transport which is appropriate for their needs if they attend a school which has been selected through a placing request. Parents do not make the decision to send their disabled child to a school outwith their area lightly; it is guided by the presenting needs of the child.

Inappropriate school transport where it is provided

Almost 20% (19.7%) of Scottish school pupils received free school transport in 2000-01. This will include children and young people with special educational needs, including ASD. According to the Scottish Consumer Council (SCC), 85% of local authorities provide school transport as part of special educational needs provision. Three-quarters use accessible mainstream school transport when appropriate.

The NAS is aware that where transport is provided by local authorities, sometimes it is not appropriate and can trigger behavioural difficulties in a child with ASD. In a recent NAS survey, 61% of those caring for a person with ASD described using transport as difficult for those they cared for, with nearly a

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4 Scottish Executive School transport guidance circular. Available from: http://www.scotland.gov.uk/Topics/Education/School-Education/18056/schooltransportguidance#top
quarter (24%) saying it was very difficult. Twelve percent of carers surveyed indicated that transport triggered behavioural difficulties.  

16. For example, sharing transport may prove difficult as a consequence of the behavioural difficulties associated with autism, and this may have implications for other children sharing the transport, as well as for the child themselves. A parent of a child with autism said:

‘My son …travels without an escort. In reality he probably doesn’t really need an escort for his daily journey to school, because on his own in the taxi he is placid and well behaved. However if another child were to travel with him then an escort would definitely be needed as he can get very protective about his space and could lash out.’

17. Factors associated with transport arrangements such as sharing transport, exposure to bullying, sensory problems, changes in routine and long journeys impact on anxiety and fatigue levels for children with ASD. This may have consequences for their ability to concentrate and could lead to behavioural problems either during the journey or in school time. Low-level stresses and tensions built up during the journey could stimulate an aggressive response at a later time and such an outburst may be apparently ‘unprovoked’ and the disruption may have disciplinary consequences. Unless the school is aware of possible underlying causes of changes in behaviour, disciplinary action will not be effective, and unlike their non-disabled peers, children with ASD will have difficulties in learning from the experience due to impairments in understanding.

18. This is significant as an NAS survey found that 21% of children with autism have been excluded from school at some time, the most common reason given being that the school was unable to cope with the child. Moreover, figures for school exclusions in 2002-03 found that children and young people with special educational needs are more likely to be excluded compared to the overall school population: ‘pupils entitled to free school meals, pupils with Record of Needs, or pupils looked after by the local authority, all had higher exclusion rates than other pupils’.

19. Sharing transport may create difficulties where the pupils using the transport have different needs, especially in the absence of appropriately trained attendants/escorts. The SCC found that 52% of local authorities in Scotland never use attendants on transport vehicles. The NAS would like to see all local authorities use attendants on transport that is provided for more than one child and that drivers and attendants are trained in disability and autism-awareness. Guidance on school transport states that in circumstances such as where ‘children with special educational needs are travelling’, supervision may be desirable.

Case study 2

We are aware of a case where a driver transporting a child with ASD to school used threatening behaviour towards the child. One threat included telling the child he would be sent to a secure accommodation unit which the driver passes en route to the school. The child became very upset at this and the parent asked the local authority to provide a different driver. However, this was not possible and the parent is reluctantly sending the child to school using this driver as they cannot afford the expense of transporting the child to school themselves.

20. The NAS believes that in case study 2, the local authority should have been more flexible about the situation. One solution could have been to pay the parent to transport the child to school themselves. This case also highlights the urgent need for training for those who transport children and young people to school.

Child protection

21. According to the SCC, only 78% of local authorities who responded to their survey said they undertake Disclosure Scotland checks for drivers and attendants. The NAS believes that the Education Committee should look into local authority adherence to child protection requirements for the provision of school

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8 Ibid
13 Scottish Executive School transport guidance circular. Available from: http://www.scotland.gov.uk/Topics/Education/School-Education/18056/schooltransportguidance#top
14 Ibid, p. 16
transport, particularly in light of recent child protection legislation coming into force. For example, only a third of local authorities who responded to the SCC survey said they undertake Enhanced Disclosure checks on drivers. This check is available for employment which involves being in sole charge of children and we find the lack of Enhanced Disclosure checks worrying given that 52% of local authorities never used attendants on transport.

After-school activities

22. Inflexible transport arrangements for children with ASD often mean that they are unable to participate in after school clubs and activities. With a growing number of schools offering a wrap-around service, local authorities should be required to look at access to the resources and activities located at schools, rather than simply in terms of the traditional school day. Unless this happens, school transport arrangements for pupils with special needs will continue to act as a barrier for pupils with ASD.

Appeals

23. We believe that formal appeal routes for parents should be introduced to allow them to challenge decisions made by local authorities regarding non-provision of free school transport or inappropriate provision of transport. Currently, no such route exists and cases cannot be challenged under the Special Educational Needs Disability Act (2001) either because while SENDA covers school education, it does not cover school transport.

Conclusion

24. The NAS acknowledges that many children and young people with ASD are provided with free school transport by their local authority. However, some children are not provided with this facility because they do not meet the criteria of living outwith the statutory walking distance or they attend a school that was selected through a placing request. Also, for children who are provided with free school transport, the provision is sometimes not appropriate to their needs.

25. As a result, we believe that local authorities should have a duty to provide free school transport or transport facilities for children with disabilities where it would be unreasonable to expect the child to make their own way to school and that the provision should adequately meet the needs of the child.

The NAS is prepared to give evidence in person.

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15 Ibid
Local Authorities have certain legal responsibilities in respect of school transport.

There seems to be a certain logic to extending this to pre-school education. However, there are questions about the requirement for very young children to be transported over long distances.

The increase in numbers of children who attend out of school care and wrap around care increases the scale of the logistical problem faced and the complexity of the arrangements which parents might expect local authorities to be able to put in place.

In the current review being conducted by the Education Committee of the Scottish Parliament, it would be interesting to know how many local authorities consulted their childcare partnerships in the preparation of their submission to the Committee.

It would be interesting to find out the full range of problems which Local Authorities and Childcare Partnerships have identified in relation to transport to and from childcare, and also to ascertain whether any local authorities have been able to address any of these locally.

SOSCN would be interested in anything which is to be published as a result of the inquiry and in contributing in any way we can to the identification of problems and more particularly to finding means to resolve them.

Janet Law
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Scottish out of School Care Network
April 2005