

# ELL(2) 15-04(p.4)

## Education and Lifelong Learning Committee

### South West Wales Regional Committee SWWR(2)-05-04(min)

#### MINUTES

**Date:** Friday, 22 October 2004

**Time:** 9.30am to 12.30pm

**Venue:** Memorial Hall, Pontyberem, Llanelli

**Attendance:** Members

Tamsin Dunwoody-Kneafsey  
(Chair)

Peter Black

Brian Gibbons

Helen Mary Jones

Dai Lloyd

Val Lloyd

Catherine Thomas

Gwenda Thomas

Rhodri Glyn Thomas

**Presenters:** Paul Buckland

Justin Davies

Matthew Elms

Linda Howard

Gareth Jones

Poppy Lewis

Stephen Pilliner

**Committee Secretariat**

Claire Morris

Meriel Singleton

Preseli Pembrokeshire

South Wales West

Aberavon

Mid & West Wales

South Wales West

Swansea East

Llanelli

Neath

Carmarthen East & Dinefwr

Dyffryn Taf School

First Cymru

Dyffryn Taf School

First Cymru

Transport & General Workers Union

Dyffryn Taf School

Carmarthenshire County Council

Acting Committee Clerk

Acting Deputy Committee Clerk

## **Item 1: Apologies, Substitutions and Declarations of Interest**

### 1.1 Apologies were received from:

Nick Bourne	Mid and West Wales
Alun Cairns	South Wales West
Andrew Davies	Swansea West
Glyn Davies	Mid and West Wales
Janet Davies	South Wales West
Lisa Francis	Mid and West Wales
Chris Gwyther	Carmarthen West & South Pembrokeshire
Edwina Hart	Gower

## **Item 2: 'The Education and Lifelong Learning Committee's Review of School Transport' (9.35 - 12.25pm)**

2.1 The Chair said that the views received would be fed back to the Education and Lifelong Learning Committee. She then invited Peter Black, as Chair of that Committee, to introduce the review.

2.2 Peter Black said that the review had been prompted by recent tragic incidents. It was primarily concerned with the safety of school transport, but would also look at environmentally friendly ways of getting to school. The Committee was due to report in the New Year.

Dyffryn Taf School

2.3 Paul Buckland, Matthew Elms and Poppy Lewis highlighted their concerns regarding safety and suggested ways of dealing with the small minority of pupils who behave irresponsibly. A copy of their presentation is attached at Annex 1.

2.4 In response to questions from Members, the presenters made the following additional points:

- A large number of pupils at the school had concessionary bus passes and concern was expressed that these could be terminated with seven days notice. This would have an effect on the continuity of education, as withdrawal of the pass could result in a pupil having to move to a school closer to home.
- Surveillance cameras could ensure that pupils wore seat belts by recording anyone moving around on the bus.
- Anyone misbehaving should receive a warning before being removed from the bus. It was felt that a warning from the local education authority would carry more weight than one from the school.
- The system of designating seats to pupils adopted in Newport was seen as a positive improvement.
- Not all pupils in Pembrokeshire signed contracts governing their behaviour on buses. Some only

received a letter from the Council setting out the rules and regulations.

- The School Transport Bill aimed to get more children walking or cycling to school, but the large catchment area for Dyffryn Taf School meant that for many this was not feasible. Also, many pupils living in close proximity to the school were apprehensive about walking or cycling because the roads around the school were very busy.

2.5 Members of the public were then invited to ask questions and to comment.

2.6 Tiffany Harding asked whether any consideration would be given to children who lived within a reasonable radius of the school, who walked or cycled, and as a result often arrived at school with wet clothes.

2.7 The Chair said that all issues relating to transportation of children into schools were being looked at. The purpose of the School Transport Bill was to allow Local Education Authorities to be innovative in their approach to provision of school transport.

2.8 Peter Black said that the Committee would also be considering the appropriateness of the three-mile radius.

2.9 Lynne Hamer highlighted the reluctance of some parents to send their children to school in bad weather knowing that they would have to sit in wet clothing all day.

Transport and General Workers Union

2.10 Gareth Jones, the Regional Industrial Organiser for the Transport and General Workers Union, Swansea gave a presentation on his union's position on the provision of school transport. A copy is attached at Annex 2.

2.11 In response to questions from members, Gareth Jones made the following additional points:

- The retraining of drivers would be necessary to raise standards and there were developments in this field through European legislation and National Vocational Qualifications. These developments would help to make the job more attractive.
- The two-way radio system did not always work in rural areas and there was a cost factor associated with the installation of CCTV.
- Many of the problems on school transport were related to behaviour. It was important to ensure that young children were educated at an early age about appropriate behaviour on school transport, such as wearing seatbelts.
- Many of the larger companies provided induction courses for their drivers, which included how to deal with customers.
- Consistency of provision across the Principality could be achieved by having an All-Wales Traffic Commissioner who, with regional assistance, would cover areas like driver vetting.

- The Traffic Commissioner could be a driving force to implement change, working with key partners such as local authorities, schools and emergency services.
- A driver dedicated to school runs would be beneficial. Local knowledge could be considered in selection of drivers, but that could create difficulties if the driver were placed on different duties.
- He was unaware of any problems in the tendering process.
- All aspects of school transport needed to be considered, including drivers of taxis and the infrastructure for walking and cycling to school, and there needed to be a prioritisation of funds.

2.12 Lyn Harmer asked what was the legal age limit for wearing seatbelts on school buses.

2.13 Neither Gareth Jones nor committee members knew the answer to this question.

2.14 Rhodri Evans asked what was being done to ensure that school children travelling on public buses were doing so safely.

2.15 The Chair said this was an area that needed further investigation.

#### Carmarthenshire County Council

2.16 Stephen Pilliner, Transport Manager, outlined the services provided in Carmarthenshire. A copy of his presentation is attached at Annex 3.

#### First Cymru

2.17 Justin Davies, Managing Director, and Linda Howard, Managing Director of Student Services for First in the UK, made a presentation on the Yellow School Bus Project operated by First in Wrexham and Carmarthenshire. A copy of the presentation is attached at Annex 4.

2.18 In response to questions from Members, the presenters made the following additional points:

#### Carmarthenshire County Council

- Camarthenshire County Council had produced a vehicle specification, and had not specified the need for those tendering to use the yellow bus.
- The timescale for the recent tendering process was in line with EU procedures. It had started in April/May and the results were published in July/August. The tender process had been open and the contracts awarded had been for one year. The council intended to bring the tender process forward next year.
- The laws on wearing seat belts were complex. Information on legal requirements would be provided. There had also been some new EU legislation on this subject.
- Criminal Records Bureau (CRB) checks were a contract condition for the employment of school transport providers by Camarthenshire County Council and new checks were done every three

years. There were penalties if a driver was operating on a school run without having had a CRB check.

- There had to be a cut-off point for the provision of school transport. This tended to be three miles but there was some flexibility in the system and some councils had a two mile limit.
- Information would be provided on the cost of providing school transport to optimum standards.

## First Cymru

- In some circumstances, local authorities might buy a season ticket for children to travel by service bus because this was the most economic way of providing a journey to school. There might also be pupils who paid daily or bought their own season ticket from a commercial operator because they had chosen to attend a school outside their local area.
- Any public service vehicle was subject to inspection by the Vehicle and Operator Services Authority (VOSA) and could be stopped and checked at the side of the road.
- All new vehicles purchased by First Cymru were fitted with CCTV.
- Yellow buses could not be used for local service work.
- Local service buses were built to standards approved by the Ministry of Transport for the carriage of passengers.
- There was a danger of developing a set of standards for contract buses that could not be replicated for children travelling to school by service bus.
- Pupils travelling by service bus should also have to sign a behaviour agreement.
- Most local authorities insisted that drivers of school contract buses had a Criminal Records Bureau (CRB) check. In theory, all public service vehicle drivers should have a CRB check if uniformity of standards was to be achieved, but this would have implications both financially and for the number of checks undertaken.
- First Group was looking at introducing CRB checks for the entirety of their workforce.
- Justin Davies was not aware of the consultation on the Mid and West Wales Integrated Risk Management Plan and would check whether First Cymru had been consulted.
- A procedure was in place for drivers to pass on information to a supervisor if they became concerned about a child.
- Staggering school hours worked in America because the local authorities or schools worked with the transport provider and considered all the transport schemes operating in the area. It provided the best quality transport for the most children, and as it was a dedicated service, parents always knew when and where their children were being dropped off.
- Research projects were being developed in North Wales and Swansea to quantify some of the issues associated with staggering school hours. A copy of the findings would be provided to the Education and Lifelong Learning Committee.
- Drivers on yellow buses and all school contracts were paid on a slightly different basis to drivers of public service vehicles. They received a daily rate rather than a weekly rate. All staff received the same benefits, sickness, holiday, pension, etc., and all staff were members of the Transport and General Workers Union.

2.19 Members of the public were then invited to ask questions and to comment.

2.20 Robert Edwards said that on vehicles of 16 seats and fewer, children of 14 years and under were obliged by law to wear seat belts. He then asked whether the specification of the yellow buses, which were made in Turkey, met British requirements.

2.21 Justin Davies said that every vehicle operating in the UK had to meet the standards of the Vehicle Operating Standards Authority. The vehicles used by First Cymru had passed all those requirements and were therefore safe to use in the UK.

2.22 Elfed Lewis asked what comparisons had been carried out between the existing vehicles and the yellow buses, as publicity suggested that the yellow buses were far superior.

2.23 Stephen Pilliner re-emphasised that yellow buses had not been specified as part of the contract, simply those that met the required specifications. Mr Lewis stressed his concerns about the introduction of further yellow buses without comparisons being carried out. Stephen Pilliner said he would write to Mr. Lewis on this matter.

2.24 Jean O'Leary asked if an alarm was activated on the yellow buses if seat belts were not being worn.

2.25 Linda Howard said she was not aware that any vehicle had a means of alerting the driver if a seat belt were taken off.

2.26 Tiffany Harding asked what references to 'yellow bus' meant. She then asked if First Cymru currently held any operational contracts in Wales for the yellow bus scheme.

2.27 Stephen Pilliner said that any reference he had made was to the vehicle specification and that there was no preference for yellow buses.

2.28 Justin Davies said that the yellow bus scheme had been operating in Wrexham for two years and had been introduced in Carmarthen this year.

2.29 Neil Baker asked about the financial implications of any alterations to the service and whether there had been a costing for providing free transport to all the school children in Camarthenshire. He expressed concern that the additional costs of any scheme might fall to parents.

2.30 Stephen Pilliner said it would cost between £12-18 million to provide free transport to the 17,000 pupils, which was a huge financial commitment.

2.31 Peter Black said that between £70-100 million was spent on school transport per year. The Education and Lifelong Learning Committee would be looking to make recommendations that were both reasonable and practicable and would work with the Minister for Education and Lifelong Learning on how best to implement them within the financial constraints.

2.32 Stuart Parry said that it was not fair or sustainable that drivers should be responsible for pupil behaviour on buses.

2.33 Rhodri Evans asked whether there were any plans to introduce dedicated drivers. He also said that staggering school hours might be feasible in urban areas, but would create problems in rural areas.

2.34 Justin Davies said that dedicated drivers had been appointed and were currently undergoing training.

2.35 Jeff Lewis said that under the Highway Code all passengers must wear seatbelts and those aged 14 and over were personally responsible.

2.36 Justin Davies confirmed that the yellow bus scheme did take account of the Disability Discrimination Act.

2.37 Peter Black said that the Education and Lifelong Learning Committee would be looking at the use of escorts on school buses.

2.38 The Chair thanked the presenters and members of the public for their participation.

#### Action

- Stephen Pilliner would provide Information on the compulsory age for wearing seat belts, and the cost of providing school transport to optimum standards.
- Justin Davies would provide further information on the EU legislation relating to seat belts.
- The findings of the research projects on staggering school hours would be submitted to the Education and Lifelong Learning Committee.

### **Item 3: Minutes (12.20 - 12.25pm)**

3.1 The minutes of the meeting on 2 July 2004 were agreed.

### **Item 4: Timing of future meetings**

4.1 It was agreed that future meetings would be held from 10.00am to 1.00pm.

### **Item 5: Date of Next Meeting**

The next meeting would be held on Friday 26 November in the Millennium Hall, Laughtarne.

The topic for the meeting would be childcare with particular reference to the Interim Report of the Childcare Working Group.

## **Annex 2**

"Review of School Transport" - Presentation by Gareth Jones, Regional Industrial Organiser, Transport and General Workers Union

The Transport and General Workers Union (T&G) is the largest private sector Union in Wales. We have collective agreements with the major transport providers, First Group, Arriva, Stagecoach and membership within many of the smaller operators.

We welcome the initiative to review the school transport arrangements in Wales, and also understand the sensitivity and emotion associated with recent events which has pushed the issue to the forefront of public debate.

We also acknowledge the significant cost to the public purse in providing the service, but would advocate that this must not be the main consideration when seeking to make improvements. Indeed it is inevitable that additional costs would be incurred. Our view is that we support the strategic control of local public and school transport by devolved and local authorities. We believe, however that there is a conflict between encouraging high quality service provision whilst at the same time encouraging competition.

The terms of reference for this review ask us to examine the current arrangements by the local authorities, and the type of buses used and measures taken to ensure the safety of pupils during their journeys to and from school.

The problem with this is that there will be significant variations in provision across all of the unitary authorities in the principality. We would advocate therefore a harmonisation of policies across the country with regards to the three major issues, which we believe would be the main influences on student safety. They are vehicle specification, standard policies and procedures, and perhaps more importantly driver standards.

### **Vehicle Specification**

We would advocate that double decker buses are phased out and replaced with single decked vehicles with a relatively high capacity. There are obvious difficulties associated with double decked vehicles, in particular the ability of the driver to monitor upstairs.

Seat belts must be fitted as standard and the use of them be made compulsory. CCTV provision should be phased in for the benefit of students, drivers and bus operators.



There should be adequate and safe storage areas, and provisions made for wheelchair access etc.

## Standard Policies and Procedures

We advocate the appointment of an 'All Wales' Traffic Commissioner whose role would include the coordination between schools (including students and governing bodies), bus operators, local authorities and the police on issues such as traffic control, bus lanes and standard risk assessments.

Common standards should be adopted regarding the vetting of drivers (CRB checks) (we understand that currently a driver may be accepted in one local authority but rejected in another).

Some sort of national student identification system should be introduced, although we recognise some of the difficulties associated with such a proposal. Students should also be expected to conform to standard behavioural expectations and subject to consistent and standard exclusion policies when appropriate.

## Driver Standards

The standard or calibre of driver and that driver's standard of driving are probably the most important issues when considering passenger safety. Put simply, if a bus is being driven safely, then passenger safety is enhanced. Compliance with road traffic law is not enough to ensure the safety of employees and passengers. The Management of Health and Safety at Work Regulations 1999, require employers to assess the risks not only to employees, but also others who may be affected by their work activities (i.e. passengers). We would maintain therefore, that driver training to a nationally recognised standard should be a requirement.

It needs to be recognised that there is an acute shortage of professional drivers for a variety of reasons, but mainly because of the culture of long hours, low pay, poor or no pension provisions and increasing physical assaults. That trend needs to be reversed if local government wishes to provide a first class service for our students and the public at large.

This high quality service should not and cannot be achieved by auctioning off to the lowest bidder as we saw under competitive tendering. Contracts must be awarded on the basis of quality of delivery. To deliver that quality, employment standards are key. Without properly paid and trained staff a quality service cannot be delivered.

"Best Value" must enable minimum employment conditions such as wages, pensions, sick pay and uniform provision to be taken into account.

Contracts should be awarded on a long term basis, ideally for at least a ten year period. This creates stability and job security, with the ability to have dedicated drivers who would gain knowledge of the school and possibly two generations of students. These contracts should obviously include penalty clauses for failure to deliver the required standards.

Local authorities should not engage in a "race to the bottom" when awarding contracts. To do so undervalues a professional group of workers. More importantly, it places our children at risk.

## **Annex 3**

Presentation to South West Wales Regional Committee Meeting on Friday 22<sup>nd</sup> October , 2004 at Pontyberem Hall

Introduction – Steve Pilliner, Transport Manager for Carmarthenshire County. Council.

May I firstly offer my appreciation for the invitation to talk to the Assembly South West Wales Regional Committee.

Carmarthenshire County Council provides free home to school and college transport for just over 8,500 pupils and students. The ages of the pupils and students ranges from 5 to 19 years. 8,500 young people attending school or college per day over a typical academic year of 190 days generates just over 3.2 million individual passenger journeys per annum. Transporting that number of people across all educational sectors is expensive with the authority spending just over £6.5 million per annum on the service.

Almost all of the service is contracted out to the private sector through contractual arrangements with bus, taxi and private hire companies. The mix of provision from the transport sector is 145 large buses, 45 minibuses and a further 289 small vehicles.

It is a complex service with pressures arising from additional demand and the availability of competition.

In terms of the County Councils policy on provision, it is based on legislation from the various Education Acts, starting in 1944 to the most recent 1996 Act Free school transport is provided to children who attend their nearest or designated catchment area school and who live:

More than 2 miles from the school for children under 8 and

More than 3 miles from the school for children aged 8 and over.

From an operational and service delivery perspective the arrangements and issues arising out of provision are the same in Carmarthenshire as the rest of the Wales, the solutions however may be different due to the topography of the County. The issues can be categorised into four areas:

Entitlement, Vehicle Safety, Passenger Safety, Resources.

## Entitlement

Society has changed since the 1944 Education Act set out the grounds for Authorities to provide transport. Parental expectation has grown as a result of concerns about the safety of children on the route to school. Such concerns can relate to the standard of vehicle or the fact that a walking route to the distances outlined in the Acts is not seen as appropriate in today's society. Both nationally and locally parents increasingly expect local authorities to provide transport. Difficult decisions often have to be made especially when families live near to a 3 mile cut off point.

## Vehicle Safety

Despite bus travel statistically being a very safe form of travel some high profile tragic accidents involving school children in recent years have raised the profile of debate on the safety of children travelling to and from school. Vehicle and passenger safety are very emotive matters when children are involved. The County Council is very conscious of this fact and has implemented a number of initiatives over recent years to enhance the safety of school transport vehicles.

Vehicles contracted for home to school transport journeys are equipped with seat belts and each child is allocated a seat. This change was effected during 1997, the County Council does however also make use of public transport vehicles for a minority of children and this is consistent with its statutory responsibilities under Section 88 of the 1985 Transport Act. There is also the wider issue of developing public transport to improve accessibility for rural communities and such services may only survive, if revenue streams can be combined.

South West Wales has a large proportion of older vehicles registered in the large bus sector and although these vehicles are generally maintained to high standards and are licensed by the Traffic commissioner, the public have concerns about the use of older vehicles on school contracts.

It is fair to conclude from evidence gathered by national organisations and supported locally that there is a direct correlation between the quality of vehicle provided and the price paid and because of the financial pressures on local authorities services have historically been procured on the basis of price.

The County Councils contract for the supply of buses on home to school contracts was re-tendered earlier this year. The County Council set itself clear objectives that needed to be achieved during the tender process in an attempt to strike a balance between the cost and quality.

1. There was a need to encourage greater competition in the tender process, to ensure the council was obtaining value for money; and
2. To explore opportunities for securing added value from suppliers that would translate into improvements in service delivery.

The Authority's approach to the tendering exercise was therefore focused on developing a strategy that created an opportunity to drive up standards and control cost. This was achieved, to some extent by encouraging offers from both local and national suppliers through a mix of the vehicle specification, enhanced contract conditions, improved route planning and a mix of contract periods relative to the age of vehicle tendered. Suppliers offering competitive rates for new vehicles for example had an opportunity to secure a 10 year contract, for vehicles upto 10 years old a 5 year contract could be awarded and for vehicles with no age restriction a 1 year contract could be awarded.

The strategy was ambitious and included detail such as:

1. All suppliers, local and national were invited to submit offers for a range of vehicles ages to a common specification. The specification included high back forward facing seats with inertia reel seat belts, preferably lap and diagonal.
2. Option for the county council to fit CCTV on the vehicles.
3. Vehicles to have on board communication facility such as a mobile phone for use in emergencies.
4. Use of hazard lights when vehicles are stationary.
5. Use of vehicle headlights at all times when transporting pupils and students.
6. Contract penalties for non-compliance with contract specification and terms.
7. Using one vehicle to serve a school and college where possible to drive down the unit cost and secure economies of scale. There were limited opportunities to achieve this because there is a limited stagger between start and finishing times in schools and colleges and in more rural areas because of the higher mileages covered it becomes difficult to achieve.

The outcome of the tender is that the Council has achieved an overall improvement of 19% in vehicle quality.

Mixing transport with people will always generate performance issues and with a mix of old and new. We still get performance issues and we look to address these as quickly as possible through the mechanisms built within the contract conditions. We also work closely with the Vehicle Operator Services Agency and the Dyfed Powys Police to undertake a major enforcement exercise at least once a year.

## Passenger Safety

I have stated earlier in my report to Committee that child safety, understandably, is a very emotive matter and besides the vehicle there is the human factor of either the driver or the pupil/student that will have a major part to play.

Incidents on school buses have grown in recent years through the behaviour of the driver or the pupil. The Council has sought to address these issues through the introduction of a number of projects.

1. Codes of Practice for operators, drivers and pupils.
2. The use of bus passes to control access to the service.
3. Formal incident reports and investigation with appropriate action. Warning letters or fixed period suspensions can be effective.

The codes of practise are a useful reference when matters go wrong, but do not provide for a proactive approach that will win over minds of pupils.

4. The use of CCTV, the authority piloted the use of CCTV on two buses last term where there was a behavioural problem. The introduction of CCTV had a very positive impact on pupil behaviour, it also allowed for swift action to be taken when an incident occurred. Interestingly, it also proved useful as evidence in defence of children who were accused of something that they did not do by another parent. The CCTV footage was used to prove that no incident happened on a vehicle.

There is a word of caution though, if there are two vehicles running the same route at the same time, some children can get smart and if they are of a mind to mis-behave will try and swap buses to avoid the CCTV. A rigid enforcement of bus passes is therefore required to maintain safety and discipline.

We have also worked with other authorities in Wales to produce a video to promote good behaviour on school buses. It is envisaged that this will be ready for distribution in January.

## Conclusion

School transport is a complex matter, the supply of transport cannot be treated in isolation. Addressing matters of parental concern whether through expanding entitlement or improving the standards of provision all come at a cost and unless there are some creative ways of reducing unit costs, drastic changes in policy will require financial resources.

Solutions may not reside in providing more of the same but through a mix of:

## Investment

The integration of services.

Stimulating competition through opportunity.

The development of travel plans and safe routes with schools, parents and transport

providers.

And through all stakeholders working together to a common goal. We may make some progress.

The School Transport Bill presents some opportunity for pilot projects to be developed and we at Carmarthenshire are interested in working with the Assembly to explore some of these opportunities.

**Annex 4**

Copy of presentation awaited