

SUMMARY OF CHANGES RELATING TO PROVISION OF STATUTORY TRAVEL ARRANGEMENTS (WITH COMMENTS ON IMPLICATIONS FOR WILTSHIRE *IN ITALICS*)

1. The Act requires authorities to ensure that arrangements are made to provide free travel for “eligible children” attending “qualifying schools” and institutions. The guidance makes it clear that “arrangements” can include (for example) parental mileage allowances, cycling allowances, or an escort to allow the child to walk in safety – in other words, it does not have to directly provide a bus or taxi service.

The Council already uses parental mileage allowances as an alternative to bus or taxi travel in some circumstances where it is more cost effective. The ability to offer other forms of travel such as a cycle allowance, with parental consent, could increase flexibility but is unlikely to be appropriate in more than a few isolated cases.

2. The Guidance also clarifies that the duty to provide transport only applies to “home to school” arrangements at the start and finish of the school day, and not to travel between institutions during the course of the day.

3. The Act requires that the travel arrangements provided must be “suitable”. The draft Guidance contains a considerable amount of advice on what, in the Secretary of State’s opinion, would be necessary for this to be the case. The over-riding principle is that they “must enable an eligible child to reach school without such stress, strain or difficulty that they would be prevented from benefiting from the education provided.....they must also allow the child to travel in reasonable safety, and in reasonable comfort”.

The requirement that for a journey to be “suitable” it should not cause undue stress, strain or difficulty for the child is little more than a re-statement of existing good practice. However, the existence of written guidance from the Secretary of State provides some clarification about what may be expected by the Courts in any legal challenge, although there remains a good deal of scope for interpretation of how it should apply in particular circumstances.

4. Among the aspects of the journey which the Secretary of State considers should be taken into account when deciding whether they are suitable are:
 - **Length of journey and number of changes** of public service bus that have to be made (although a ‘reasonable’ journey time will depend on a number of factors including the age and individual needs of the child, maximum journey durations of 45 minutes each way for a primary school child and 75 minutes for a secondary school child are suggested as ‘best practice’).
 - **Length of the walk** that is expected to catch a bus at either end of the journey (‘reasonableness’ will again depend on a range of circumstances, and no suggested maximum distances are given).
 - **Drivers and escorts** should have enhanced Criminal Record Bureau (CRB) checks (until the Safeguarding Vulnerable Groups Act comes into force in 2008).

Wiltshire County Council already requires enhanced CRB checks for drivers and passenger assistants on school transport contracts.

- **Drivers and escorts** should all have undertaken disability equality training.

Although the Council has been working with the Transport Access Partnership Project and Learning and Skills Council to encourage bus and taxi operators to provide disability awareness training for their staff, and there are encouraging signs that an increasing number of operators are moving in this direction, there is a long way to go before all drivers will have received such training. It is intended to continue to encourage take-up of training on a voluntary basis rather than to incorporate it as a contract requirement (at least in the short to medium term) as to do the latter would at the present time present a serious risk to the ability to guarantee continuity of transport provision.

- **Vehicle safety** – compliance with existing vehicle safety legislation, including seat belt legislation, is necessary and sufficient (although “research suggests” that requiring all school transport vehicles to be fitted with seatbelts is “one of the features of travel by bus that is highly valued by parents”).

Health and safety procedures and control measures are already in place to monitor and enforce safety on Wiltshire school transport.

- **Poor behaviour on the school bus** – schools are expected to promote appropriate standards of behaviour on the journey to and from school, and to co-operate with transport authorities and local authorities to promote positive behaviour and address instances of unacceptable behaviour. The Act makes explicit the right for head teachers to take action against a pupil even when this takes place outside the school premises, for example on school transport. The Guidance also states the Department’s view that local authorities are within their rights to withdraw free transport, either on a temporary or permanent basis, from a child who has seriously or persistently misbehaved – although with the hope that this would rarely need to be invoked.

The Council already liaises and works with schools and operators to promote good behaviour and to deal with instances of poor behaviour, with a range of initiatives such as the ‘Buscode’ leaflet, Bus Prefect scheme, a protocol to deal with poor behaviour, CCTV and videos for driver training and pupil awareness. The explicit statements in the Act and Guidance about the role of schools and Headteachers, and confirming the Department’s view about the ability of authorities to withdraw transport from pupils who have seriously misbehaved, is welcomed and will assist the work the County Council is undertaking in this respect.

- o0o -