

**PE1098/A**

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Fergus D Cochrane

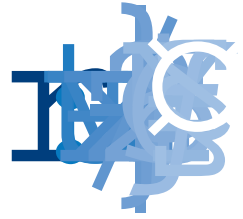
Clerk to the Public Petitions Committee

TG01

Scottish Parliament

EDINBURGH

EH99 1SP



11 January 2008

Dear Fergus

**PE 1098**

Thank you for your letter of 19 December, seeking comments on the above petition, which calls for the Scottish Parliament to “urge the Scottish Government to make provision for every school bus to be installed with three point seatbelts for every school child passenger and to ensure that, as part of a local authority’s consideration of ‘Best Value’ in relation to the provision of school buses, proper regard is given to the safety needs of the children.” You also ask that my reply take account of the Public Petitions Committee’s discussion of the petition at its meeting on 18 December.

Section 51 of the Education (Scotland) Act 1980 requires education authorities to make such arrangements as they consider necessary for the provision of school transport and in so doing, to have regard to the safety of the pupil. Contrary to what the petitioner suggests in the additional information supporting her petition, the 1980 Act makes no mention of seat belts. Legislation on bus standards and safety, including legislation on seat belts, is reserved to the UK Parliament. I note that the Committee has sought the views of the Department for Transport, which has responsibility for these matters.

Most authorities make provision for home-school transport by contracting with local transport providers. The Scottish Government’s guidance on school transport (Circular 7/2003) includes advice on bus and pupil safety and on contracting. It reminds authorities that vehicles must meet any statutory requirements. It includes a section on seat belts, which sets out the minimum statutory requirements in force, but encourages authorities to go beyond the minimum. The guidance is published on the Scottish Government’s website (at <http://www.scotland.gov.uk/Topics/Education/Schools/Parents/transport-guidance>).

Officials are currently considering whether an update may be necessary.

The guidance has been supplemented by *School transport: survey of good practice*, published in March 2007 (at <http://www.scotland.gov.uk/Publications/2007/03/16091028/0>). The *Survey* identifies examples of good practice in contracting, and covers use of seat belts, bus safety and standards, contract monitoring and pupil safety including supervision and use of CCTV. The examples of good practice, some of which were also highlighted in the Petition Committee’s own debate, should serve as an important and effective aid to authorities in driving up the quality and standard of school transport provision. In practice, however, it is for authorities themselves to negotiate the terms and conditions of school bus

contracts with local transport providers, bearing in mind all local circumstances. Ministers cannot intervene, and nor can they impose particular terms and conditions on authorities or their contractors.

The petitioner mentioned a Fife initiative involving police officers travelling on some school bus routes. Authorities are not required to provide supervision on school buses. While it is generally acknowledged that bad behaviour is a problem only on some routes, Circular 7/2003 discusses different approaches to supervision. The *Survey* gives examples of measures to improve behaviour when travelling to school, but also reports on problems experienced by authorities in arranging supervision. It may be worth noting that both parents and children questioned by *Survey's* authors expressed a preference, where supervision was appropriate, for CCTV, which they felt to be more objective than an adult supervisor and less open to challenge. It is, however, for authorities to determine whether, when and by what means supervision should be provided.

The petitioner raised the issue of First Group's US-style yellow bus service, and referred to a visit to Perth by "the yellow school bus commission". The Committee will be aware that this "commission" was established by First Group, under the chairmanship of David Blunkett, to promote the use of a US-style yellow bus service for home-to-school travel. One of First Group's American school buses has been touring the UK to encourage public support for its campaign. There is nothing to prevent an authority from specifying a US-style yellow bus service if that is the model of school transport it believes best suits the needs of its area. It would, however, not be appropriate for Ministers to attempt to influence authorities in favour of a particular contractor, mode of provision or model of bus.

The petitioner's supporting information mentions fuel tax rebate, and she also raised this with the Committee. Locally registered bus services receive financial support directly from the Scottish Government in the form of Bus Service Operators Grant (BSOG - formerly Bus Fuel Duty Rebate). BSOG reimburses these services for around 80% of the excise duty paid on diesel fuel consumed. This recognises the public service role of bus services available to the general travelling public. Dedicated school transport services are not eligible for BSOG as they are not available to the general public. However, services that carry school children as well as the general public are. This is more likely to be the case in rural areas. The Scottish Government has made provision of over £57m for BSOG in 2007-08.

Yours sincerely

**STEPHEN ORR**  
Committee Liaison Officer