

**Transport Accessibility and Road Safety
Team Transport Policy**

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**TRANSPORT
SCOTLAND**

Andrew Howlett
Assistant Clerk to the Public Petitions Committee
Scottish Parliament
Edinburgh
EH99 1SP

Your ref:

Our ref:

Date: 2 April 2014

Dear Andrew,

Thank you for your letter of 18 March in relation to the committee's considerations on petitions PE1098 and PE1223.

As you will be aware, the Minister for Transport and Veterans announced on 18 March that "in principle" agreement from the UK Government has been secured to proceed with a Section 30(2) Order to devolve powers to the Scottish Parliament in relation to school bus safety.

Below is the timeline on correspondence with the UK Government regarding this, as requested by the committee.

I would also like to take this opportunity to further clarify which school transport measures will be pursued via this legislative mechanism, as there is scope for issues on these two petitions to become conflated given they are running alongside each other.

It is Scottish Ministers' intention to legislate to ensure that seatbelts are a requirement on all dedicated school transport, which is the principle issue of petition PE1098. The Section 30(2) Order will transfer competence in this area and Ministers subsequently intend to introduce legislation in the next Scottish Parliament.

On the issues proposed in petition PE1223, the committee is aware that Mr Brown wrote to the UK Government in December last year regarding reserved powers on signage and lighting requirements, seeking that either UK legislation be strengthened or that these powers are devolved to Scotland, yet no willingness was forthcoming in this regard. This means that we are going to be unable to introduce legislation which would enhance signage and lighting as a result of the Section 30(2) Order.

Local authorities are able to implement their own signage improvements through their contracts as, although school bus signs must meet minimum size regulations, there is no maximum size.

To ensure that best practice in relation to school transport could be shared by local authorities around the country, Transport Scotland published the 'Guide to School Transport Safety' in 2010 which included 10 recommendations to improve school transport safety. One of the key recommendations was to encourage motorists to reduce their speed when passing stationary buses by improving school bus signage and the use of lights. Following a Review of the Guide in 2013, Transport Scotland ran a number of workshops last year to disseminate information and expertise.

To further spread knowledge and successful approaches, Transport Scotland has been working with Aberdeenshire Council – which has embraced improved measures in school bus signage – to explore how their approach can be promoted and replicated in other areas to strengthen school transport safety.

Scottish Ministers remain steadfastly committed to ensuring the safety of children travelling to and from school and we will continue to explore a range of options to pursue those aims.

Yours Sincerely,

Graham Thomson
Transport Accessibility and Road Safety Team
Transport Scotland

Timeline

2010

In October, the then UK Government Parliamentary Under Secretary of State for Transport Mike Penning appeared before the Public Petitions Committee, outlined powers granted to the National Assembly for Wales in relation to school transport safety and stated that there may be scope for similar powers to be transferred to the Scottish Parliament.

Following this, the then Scottish Government Minister for Skills and Lifelong Learning Keith Brown wrote to Mr Penning welcoming his comments and seeking a meeting to discuss how matters could progress. Mr Penning replied that he was open to a meeting and arrangements were pursued.

2011

Early in the year, Mr Brown and Mr Penning had telephone discussions to take the issue forward.

Subsequently, Mr Brown (now Minister for Transport and Infrastructure) again wrote to Mr Penning accepting a verbal offer to devolve powers, subject to discussion on the detail of this between respective policy and legal teams. Mr Penning responded that he was content.

During this period, Department for Transport (DfT) and Transport Scotland (TS) officials took forward dialogue on the legislative mechanisms which could be used to devolve powers to Scotland. TS officials also made contact with the Welsh Government to discuss how powers in this area were devolved to the National Assembly for Wales and the associated legislative process.

Given that the issue of school transport safety concerns a number of Scottish Government policy areas, Mr Brown undertook discussions with fellow Scottish Ministers with portfolio interests late in the year. It was agreed that more information should be gathered and work should be done to explore the likely impact proposals on making seatbelts a requirement on dedicated school transport would have on local authorities.

2012

In January, on the direction of Scottish Ministers, TS officials asked CoSLA to initiate work to gather feedback from local authorities on their school travel arrangements, in order to better assess the effect of any future plans. CoSLA pursued this via the Association of Transport Co-Ordinating Officers (ATCO).

There was also ongoing contact between DfT, TS and Scotland Office (SO) officials over this period, enabling updates as matters progressed. However, until we were certain that Ministers were going to agree to pursue the transfer of powers, detailed discussions with DfT on the exact powers that were to be devolved were unable to take place.

There was some difficulty in obtaining comprehensive information from local authorities via CoSLA and ATCO, and, despite further efforts to pursue this, we were unable to compile robust data.

Scottish Ministers with policy interest also continued discussions on the proposals over this period, taking considerations as the issue moved towards the Scottish Government Cabinet Sub-Committee on Legislation (CSCL), which would be required to give approval before powers were formally sought from Westminster.

Ministers were clear that data must be gathered to explore the effects of new requirements in the area of school transport safety before any proposals were agreed and, as we had been unable to gather comprehensive local authority data, MVA Consultancy were appointed to produce a report outlining options on seatbelts and a model for assessing the impact.

2013

Ongoing contact between DfT, TS and SO officials was maintained at this time, enabling updates as matters progressed. The legislative framework of Scotland is different to that of Wales and, as such, internal Transport Scotland discussions to explore legal mechanisms which could be used to devolve the necessary powers were also taking place at this time. These involved significant complexities.

The MVA consultancy report *The Costs and Challenges of Changing the Specifications for School Transport in Scotland* was published in October.

Having been supplied with advice on the legal processes and the results of the MVA report, the CSCL gave agreement to approach the UK Government with the aim of progressing a section 30(2) Order of the Scotland Act 1998 to devolve competence in relation to dedicated school transport and associated safety measures.

TS officials then sent a Scotland Act Order (SAO) document in this regard to SO officials, for consideration by the SO, DfT and the Office of the Advocate General.

Also towards the end of 2013, Mr Brown (now Minister for Transport and Veterans) wrote to UK Secretary of State for Transport Secretary Patrick McLoughlin, seeking that, in addition to the Section 30(2) Order, either UK legislation is strengthened in relation to construction and use regulations (specifically signage and lighting requirements) or that these powers be devolved to Scotland. Parliamentary Under Secretary for Transport Stephen Hammond responded.

2014

Following confirmation that relevant parties were content with the SAO document, officials from TS, SO and OAG met to discuss the drafting of a policy statement.

Keith Brown wrote to Parliamentary Under Secretary of State for Transport Stephen Hammond and Parliamentary Under Secretary of State for Scotland David Mundell seeking formal agreement in principle to the making of the Section 30(2) Order. Mr Brown received an affirmative reply from the UK Government Ministers.

A policy statement was agreed between TS, DfT, SO and OAG and, in March, Mr Brown announced plans to legislate to make seatbelts a requirement on all dedicated school transport.

END