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Fergus D Cochrane
 Clerk to the Public Petitions Committee
 TG01
 Scottish Parliament
 EDINBURGH
 EH99 1SP



09 September 2008

Dear Fergus

Thank you for your letter of 19 March asking what consideration and bearing the decision of Moray Council to provide seat belts on all its school buses will have, what encouragement the Scottish Government will give to other local authorities to follow suit and whether and what encouragement it would give to the Children's Commissioner's suggestion that Children's Rights Impact Assessments of seat belts in school buses be carried out.

May I first of all offer my apologies for the delay in responding to your request. As indicated in my January letter to the Committee on this petition, it is a matter for individual authorities to specify their requirements when negotiating the terms and conditions of school bus contracts with local transport providers, including considerations with regard to seat belts. The issue of seat belts is undeniably a complex one. Various local circumstances will impact on individual school transport contracts. There is the matter of different fixtures being appropriate for children of different ages and the fact that seat belt availability does not always equate to seat belt use. Moreover, not all pupils use dedicated school buses; many (albeit more in urban areas) use public transport.

That said, the Scottish Government wishes to ensure that authorities are doing all they can and should to ensure that appropriate consideration of all the issues concerning school transport are taken into account when they are considering renewing their school transport contracts. To that end (as mentioned in my earlier letter) a survey of good practice in school transport across Scotland was commissioned and the results published in the spring of 2007 as *School Transport; a Survey of Good Practice*. At the time of the launch Ministers re-emphasised not only their recognition of authorities' responsibility in the provision of school transport but also their belief that the display of examples of good practice would assist in re-focusing attention on improving all aspects of the safety of the journey to school.

I think part of the section on seatbelts from the *Survey* is worth quoting since the Petitioner writes on behalf of Kingseat Community Council (in Fife) and the Committee made explicit mention of Moray Council:-

“Authorities can insert various clauses into the contracts to reflect particular needs in their areas. For example, **Moray Council** believes it is one of the first authorities to

- specify seat belts on all school transport vehicles;
- prohibit the use of double-decker buses on school contracts and tendered local services used for school travel; and
- provide CCTV equipment to contractors for use on busy school transport corridors.

These requirements are a response to the local circumstances, and Moray has already balanced the potential benefits against the costs. For example, it is a particularly rural area, school journeys can be long and children get bored and start to misbehave, especially on the upper deck. The authority feels that seat belts and CCTV are the best way of addressing problems, as previous attempts with attendants and pupils acting as monitors were not effective, and they have had a great deal of support from parents who have signed a charter agreeing to get their child to wear their belt. There were few double deck vehicles in operation, and seat belts could be fitted on single deck vehicles, partly because there has been a policy of ensuring each child has their own seat (i.e. no three for two practice in line with legal requirements).

Fife Council has taken a different approach to seat belts. It has not asked operators to provide anything more than the current legislative requirements because most of the buses are operating in an urban area, journeys are short, speeds are low and the risk of being injured is very low. However, where journeys are longer and rural, coaches are normally provided and, as such, have seat belts. The Council is asking operators to reduce the average age of their fleet year-on-year until 2012 to improve perceptions of quality and also capture the improved safety measures built into newer vehicles.”

Authorities do review their conditions of contract and re-tender services on a regular basis. That presents opportunities to test the market response to the introduction of various possible new specifications and standards that they might contemplate imposing, and to understand the practical and other implications of so doing.

In fact, at the time the *Survey* was published (it was based largely on 2006 fieldwork), Ministers were already indicating that, encouragingly, they could see signs that the commissioning of the work leading up to the publication had already begun to have the desired effect of raising the profile of the issues focused on and highlighting the importance and benefits of disseminating and sharing best practice. This has particularly proven to be the case as regards the focus of this Petition. It is the Government’s understanding that, as of now, the number of Scottish authorities which have taken steps to require that seat belts be fitted in all school transport vehicles has grown to ten; and a further four now require them to be fitted in vehicles used for the transport of primary pupils. We also know of another authority that is actively considering whether to impose a requirement in future school transport contracts and have no reason to believe that others too will not also give consideration to these matters as some of the practical issues are resolved and the benefits are demonstrated. The changes to date in authorities’ approach to this whole issue already represents very real forward progress from the position which obtained a year ago; and it is precisely the sort of spreading of best practice which the publication of the *Survey* was intended to promote.

It needs also to be set against a background that neither the relevant EEC Directive nor the reserved legislation relating to seatbelts requires that belts be fitted in all school transport vehicles; in other words a change of practice is being effected to a much quicker timescale than might be the case if authorities were not disposed to change their policy except in response to a change in the legislation, domestic or European.

The Committee also asked whether and how the Scottish Government would take forward the suggestion of Scotland's Commissioner for Children and Young People for a Children's Rights Impact Assessment of Seat Belts on school buses. Such assessments are most usually carried out when legislation is being contemplated. In this particular case the Scottish Government's view is that monitoring the changes to local authority contracts and continuing to encourage their regular review – building on the success and effect which the publication of the *Survey of Good Practice* has clearly had – would appear to be the most productive focus of effort at present.

Yours sincerely

STEPHEN ORR
Committee Liaison Officer