

PE1098/T and PE1223/P
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Alison Wilson
Assistant Clerk to the Committee
Public Petitions Committee
TG.01
The Scottish Parliament
Edinburgh
EH99 1SP

22 April 2010

CONSIDERATION OF PETITIONS PE1098 AND PE1223

Dear Ms Wilson

Thank you for your letter of 17 March 2010 seeking responses for the Public Petitions Committee on petitions PE1098 and PE1223. The specific purpose of your letter was to seek a written response to:

- the points raised during the discussion on the petitions held on 15 March; and

- the specific written questions for the Scottish Government raised by the Committee and set out on the webpages for these petitions.

We have noted the Committee's position on these petitions and that the Committee wishes to keep them open. The specific questions raised by the Committee have been reproduced below in bold, followed by the responses.

The Committee has now received the response from the Department for Transport (PE1098/R & PE1223/N) to the question asked about a trial of the all-stop rule in limited areas. The Department does not propose going ahead with such a trial. What is its response to this?

The Department for Transport letter explains very well the potential repercussions of a trial scheme. The Scottish Government comprehends the reasoning given by the UK Government against taking the powers for such a trial at this time. We will, of course, continue to keep abreast of any developments on this issue. Stewart Stevenson, the Minister for Transport, Infrastructure and Climate Change has indicated that he would be prepared to raise the matter again with the UK Government should we learn of other pressures for legislative change, if for example, the European Union wanted to promote an all stop rule across its member states.

It is now three years since its *School transport: survey of good practice* was published which 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. What lessons have been learned from that and in what specific ways has school bus safety improved?

This is a matter for local authorities themselves to consider whether any aspects of the survey could be usefully incorporated into practice within their own areas. As the Committee may recall from my response to it in September 2009, local authorities meet regularly under the auspices of the Road Safety Working Group of SCOTS (the Society of Chief officers of Transportation in Scotland) to discuss transport matters and share good practice.

In your letter to the Committee of 9 September 2009 you state that you will call on the UK Government to consider any strengthening of legislation in relation to school transport. Have you done so and what was the response?

The Minister for Transport, Infrastructure and Climate Change wrote to the UK Government asking this question in 2008. At that time, in its response, the UK Government stated it had no plans to do so. On 30 April 2009 the Minister for Transport, Infrastructure and Climate Change informed the Committee that where we have evidence of measures that enhance school transport safety he would be prepared to write again to the UK Government. We subsequently made this a commitment in Scotland's Road Safety Framework to 2020, published in June 2009. Aberdeenshire Council will be evaluating its current school bus sign pilots and if those evaluations provide the evidence required we will write to the UK Government to seek the necessary strengthening of legislation. We expect the evaluations,

which are being funded by the Scottish Government, to be completed by autumn 2010.

In the letter to the Committee of 21 January 2010 the Minister states ‘there are no plans to require local authorities to insert particular provisions into their contracts with school bus providers’. While aware of the legislative limitations that may apply to this subject matter, why not at least indicate to local authorities that the preference of the Scottish Government (through for example the Bus Service Operators Grant and we refer to the point made by petitioner Lynn Merrifield in her letter (PE1098/S)), is for larger safety signage, for three point seat belts etc to be provided? You can do this. What harm would it do to do so?

As set out in several previous responses to the Committee, School Transport Circular 7/2003 sets out what the Scottish Government expects of local authorities on school transport vehicle standards. In particular, paragraph 37 suggests that local authorities consider requiring vehicles fitted with 3 point seatbelts rather than the minimum statutory requirement of lap belts. It is not, however, for central government to try to influence contracts which are the statutory responsibility of education authorities. Negotiating the terms and conditions of school bus contracts is best left to the local authorities who are much better placed than central government to determine school transport needs in their areas after taking into account the distance and nature of local school bus routes. Dedicated school bus services do not qualify for a Bus Services Operators Grant.

The Committee is well aware that spending on this issue is for local authorities themselves to determine but what leadership and guidance is it giving to them, as principal funder, to ensure that school bus safety does not fall down the list of priorities in the face of local authority budgetary pressures?

The Concordat affords local authorities the freedom to allocate resources to best meet the needs and priorities of their area. Local authorities are receiving an increased year-on-year share of the Scottish budget, and have greater flexibility to invest in local priorities but it is for the local authorities themselves to determine what these priorities should be whilst meeting their statutory obligations. Scotland’s Road Safety Framework to 2020 sets national road safety priorities, one of which is children, but recognises that local authorities will also have local road safety priorities on which they will wish to focus.

Does the size of the bus determine the size of the safety sign at the back? For example, is the ‘school bus’ sign the same size at the back of a single deck bus as it is on a large 100 seat double deck bus?

The size of the sign is set out in Schedule 21A of the Road Vehicles Lighting (Amendment) Regulations 1994. The front sign must have sides not less than 250mm and the rear sign not less than 400mm. These are the minimum sizes regardless of the type of bus. The dimensions and design of the school bus safety sign is a one of a number of school transport safety pilot schemes currently being undertaken by Aberdeenshire Council.

What guidance is issued to local authorities on where the signage should be placed? For example, on a back window which also displays text about the size of the coach does obscure the sign. Do local authorities tell bus operators where to put the sign so that it has maximum visibility?

The regulation simply requires the sign to be “plainly visible” to road users ahead and behind the vehicle and does not provide any further guidance. In my view if there is other text obscuring the sign then it is not plainly visible but the exact placement is a matter for the bus operator and local authority to agree upon. The placement of school bus safety signs on buses is part of the on-going pilots of measures being undertaken by Aberdeenshire Council.

What lessons have been learned from the 1 second 1 life learning activity produced by Aberdeenshire Council?

That information will become available once the evaluation of this initiative is complete although the council have reported that one lesson it is learning is with regard to a normal problem of how to continue the momentum of an initiative after it has been issued to schools. After the evaluation has been completed and costed, it and the other initiatives being piloted by Aberdeenshire Council, will feed into a future school transport safety good practice information pack which is currently being developed by Transport Scotland and TRL (the Transport Research Laboratory). It is intended that the pack will outline current policy and best practice procedures and case studies, including the 1Second 1Life initiative, from throughout Scotland in the field of school transport safety. It is anticipated that the work will be completed by autumn 2010 after which the pack will be shared with all Scottish local authorities.

We expect that the pack will make it clear to local authorities what they must be doing regarding transport safety in terms of existing policy; and options for what they could possibly be doing to improve school transport safety via the use of best practice and case studies (i.e. the pack will act as a ‘toolkit’ from which local authorities can draw ideas).

What actions does it intend to take arising from the FAI into the death of Robyn Oldman?

The Sherriff, in his report, did not make any recommendations for central government to pursue. He specifically stated that, on the evidence heard, he was not persuaded to recommend a change in the law to make it illegal for vehicles to pass stationary school buses.

The Sherriff’s view was that the steps taken by Aberdeenshire Council following the accidents in 2008 were an appropriate and proportionate response. The Committee will have noted from the above responses to questions that the Scottish Government is funding the evaluation of some of the measures initiated by the Council.

Jill Mulholland
Road Safety Team Leader