



PE1098/W

PE1223/U

Department for
Transport

From Mike Penning MP, Parliamentary
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Rhona Brankin MP
Convener of the Committee
Public Petitions Committee
TG.01
The Scottish parliament
Edinburgh
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19 OCT 2010

Dear Rhona

CONSIDERATION OF PETITIONS PE1098 AND PE1223

Further to my letter of 21 July confirming my attendance at the public Petitions Committee on 26 October at Holyrood, I am writing in advance of the hearing to outline my thinking on the various school bus safety issues raised in Petitions PE 1098 and PE 1223 in order to facilitate the discussion. I hope that the responses provided below to the particular points raised, in conjunction with our discussions at the forthcoming hearing, will be of interest to you and your committee.

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 children. (PE 1098)

The responsibility for the suitability of the vehicles used for school transport lies with those making the arrangements. Naturally, schools and local authorities have to manage their budgets responsibly and must ensure best value when awarding contracts. However, this best value judgement must give due regard to the safety of the children when using the vehicle. As part of this assessment, consideration should be given to the nature of the journey being undertaken and, in particular, the nature of the route, including the type of road and the speed at which the vehicle will travel. Such consideration may result in different judgements as to the level of safety equipment required and therefore variations between one local authority and another regarding the specification of school transport offered.

Make overtaking a stationary school bus a criminal offence. (PE1223)

Officials have considered very carefully the introduction of such an offence and have concluded that there is a real risk that it could increase casualties to both children and other road users. If children became used to traffic stopping for them as they got on or off their school bus they could forget that they were not protected by an all-stop rule on the other journeys that they make. In addition, they may fail to take reasonable care when using school transport and be at risk from drivers driving past the school bus in violation of the law. The department also has concerns that drivers might take risks in order to get ahead of a school bus that was likely to stop. We also recognise that more children travel to school by public service bus than dedicated school transport and that therefore only a minority of children would be affected by such a provision. I am therefore not minded to create a new offence.

Make provision for every school bus to be installed with three-point seat belts for every school child passenger. (PE1098)

This is a provision that local authorities and schools are already able to specify in the contracts that they have with service providers. Legislation introduced in 1997 requires that all coaches and minibuses used for organised school trips for children aged 3 to 15 years of age (including home to school transport) are equipped with seat belts. These requirements do not extend to buses since it is not always practicable to install them into a vehicle structure that has not been designed to accommodate them. A requirement for three-point seat belts adds a further challenge as, in addition to structural alterations, this is likely to require new seats to be installed.

It is not certain that a sufficient number of vehicles exist that lend themselves to retrospective installation of seat belts and in some cases the conversion costs may be disproportionate to the value of the vehicle. It is possible therefore that demanding three point seat belts could lead to a shortage of vehicles to provide school transport services.

To require local authorities to install proper safety signage and lights on school buses, to be used only when school children are on the bus when necessary. (PE1223)

The current legislation concerning the dimensions of school bus signs and the provisions for hazard warning lights specifies minimum requirements. There is flexibility within the legislation for local authorities to specify increased dimensions for signage and the provision and use of additional

lights. Again, this is something that could be covered in a code of good practice, rather than to specify in regulation.

With regard to legislation to require the removal of the school bus signs when the bus is not being used for school transport, this is something I would be willing to consider with stakeholders.

The government believes that non-regulatory measures should be used wherever possible to bring about change. It also believes that the provision of clear and accurate advice allows decision makers to arrive at the best solution. This is why I welcome the initiative by Transport Scotland and Aberdeenshire Council to develop a 'toolkit' to encourage good practice in local authorities. We believe that this approach is preferable to introducing rigid legislation that might not take account of differences in local operating conditions. We will take a close interest in the development of this proposal, with a view to a possible wider application to other parts of the UK.

Members of your committee may be aware however that a Legislative Competence Order was made earlier this year which gave the Welsh Assembly the competence to pass measures which can make provision regarding vehicles which may be used for persons to travel to and from the places where they receive education or training

I hope that the above gives an indication of our thoughts on the issues raised by the petition. I will be happy to provide further detail and any necessary clarification during the hearing on October 26.

Kind Regards

MP

MIKE PENNING