

PE1223/KK

Road Safety Team
Transport Policy

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CÒMHDHAIL
ALBA



Alison Wilson
Assistant Clerk to the Public Petitions Committee
T3.40
The Scottish Parliament
Edinburgh
EH99 ISP

Your ref:

Our ref:

Date:
25 January 2012

Dear Alison

CONSIDERATION OF PETITIONS PE1098 AND PE1223 ON SCHOOL BUS SAFETY

Thank you for your letter of 19 December to Carron Pollock at Transport Scotland requesting a copy of the report and action points from the school transport meeting held on 15 December between Keith Brown, Minister for Housing and Transport and the other Ministers with an interest in school transport. In addition the Committee has requested likely timescales for taking forward the petitions.

The actions agreed at the meeting are attached. The action points were for officials to seek the assistance of CoSLA to help obtain further information from local authorities on the additional costs that would be incurred each financial year if the law was changed to require all distance entitled children to be transported to/from school in coaches/minibuses fitted with seatbelts. CoSLA advised on 21 December that they would be happy to assist but would not be able to do so until after the festive period.

After further discussions with CoSLA and ATCO (Scotland) on the precise questions that should be put to local authorities, ATCO clarified that all coaches and minibuses which transport schoolchildren are, by law, required to have as a minimum lapbelts fitted, irrespective of the age of the coach or minibus.

However, there is no such requirement for buses specifically designed for urban use with standing passengers.

On 17 January ATCO asked its lead officers in Scotland to provide the following information.

Distance Entitled Children

- a. Approximately how many distance entitled children are transported each day?
- b. Approximately how many distance entitled children are transported to school on coaches/minibuses?

c. Approximately how many distance entitled children are transported to school on buses?

Use of Buses

- a. How many buses are used to transport the children in 1c above?
- b. If the law was changed to require all distance entitled children to be transported to/from school in coaches/minibuses fitted with seatbelts:
 - i. How much extra do you estimate that this would cost per financial year?
 - ii. What is the likely availability of suitable vehicles in your area?

Contracts

- a. What is the usual duration of contracts for the conveyance of distance entitled children?
- b. When do your current contracts for the conveyance of distance entitled children expire?

Once provided, the information will be forwarded to Ministers.

With regard to a timetable on this issue, the option currently being explored is to acquire additional devolved powers by means of a Section 30 Order of the Scotland Act which would allow the Scottish Parliament to impose a statutory obligation for the provision of certain safety features (as specified by the Scottish Ministers) on transport contracted to take distance entitled children to and from school.

Once devolved, there would need to be primary legislation in the Scottish Parliament to enact these powers. Due to the amount of proposed legislation for the current programme, the earliest that any Bill could likely be introduced either by latching this work on to a larger Bill or a stand-alone Bill is September 2013. In addition, either Bill would have to be assessed alongside the other competing legislative demands. Thereafter, it could take up to a year before the Bill became law; and, to make allowance for providers of school transport to bring their fleets to the required safety standard and allow for existing contracts to expire, it could be 2018 before implementation of new safety measures.

Any legislative approach involving devolution requests and the use of a Section 30 Order of the Scotland Act needs to be cleared by the Cabinet Sub-Committee on Legislation (CSCL). Once cleared by CSCL, a proposed form of words prepared by solicitors for the Section 30 Order would need to go to the Scotland Office and UK Ministers for agreement, after which a draft of the Order needs to be approved in both the Westminster and Holyrood Parliaments. This part of the process could take around 6 months to complete.

Jill Mulholland
Road Safety Policy Team Leader

Meeting between Keith Brown, the Minister for Housing, Transport and Veterans; Alasdair Allan, the Minister for Learning, Science and Scotland's Languages; and Derek Mackay the Minister for Local Government and Planning to discuss the way forward on school bus safety – 15 December 2011

The Ministers discussed the issues and agreed that the following actions should be undertaken.

Action: Jill Mulholland, Road Safety Team to speak to George Eckton, CoSLA to inform him that we will be gathering the information noted below and ask if Cosla can facilitate this.

Action: Information to be obtained from local authorities – if possible before the next public petitions committee meeting on 24 January 2012

- list of the local authorities that already contract specifically for buses with seatbelts;
- list of the local authorities who partially contract for buses with seatbelts;
- list of the local authorities who do not contract for buses with seatbelts;
- the current total cost of school bus contracts within each local authority;
- the total costs required to contract only for buses with seatbelts fitted;
- the length of school bus contract and the dates on which each local authority is due to renew contracts;
- available stock of suitable transport in each local authority area.