



THE SAFETY OF SCHOOL TRANSPORT

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INTRODUCTION

The purpose of this paper is to:

- a) outline the current situation regarding the safety of vehicles used for school transport and school trips
- b) identify existing problems and concerns
- c) develop RoSPA's policy positions in relation to school transport.

This paper does not address school travel by private car, bicycle or on foot.

Some of the issues in this paper may also be relevant to trips organised and managed by bodies, organisations and societies other than schools.

The 1944 Education Act (and in Scotland, the Education [Scotland] Act 1945) introduced the statutory provision of free school transport in order to facilitate wider attendance of pupils at school. These Acts, broadly speaking, still provide the basis from which school transport regulations are determined today. For example, the two and three mile minimum walking distance in the Acts still determine the eligibility for receiving free school transport.

The Transport Act 1985 introduced a range of measures that influenced school transport, including competitive tendering and the use of 'non-public' transport vehicles, such as minibuses owned and operated by education and social work departments.

The most recent changes to regulations that affect school transport are the requirement to fit seat belts to minibuses and coaches used for carrying groups of children on organised trips and new licence requirements for driving minibuses and vehicles over 3.5 tonnes.

Today, Local Authorities are required to provide free school transport, to the nearest appropriate school, for children under eight years of age who live more than two miles from the school, or for older children who live more than three miles from the school. Also, Local Education Authority's (LEA's) must assess the safety of walking routes used by children who live within two or three miles of the school, and if these routes are judged to be unsafe, free school transport must be provided.

Authorities are permitted (but not required) to provide free, or subsidised, transport to pupils living within the stipulated walking distances and/or for older students.

DUTY TO ENSURE SCHOOL TRANSPORT IS SAFE

LEAs and all other school transport providers and operators are legally required to ensure that the services they provide are safe. Health and safety legislation requires school transport providers and operators, to take all reasonable care to ensure the safety of children transported on school vehicles and journeys.

The Road Traffic Act 1991 also makes it an offence to use, cause or permit to be used a vehicle when its condition or purpose for which its being used involves a danger of injury to any person.

SCHOOL TRAVEL

Table 1 below sets out the modes of transport used to travel to school. Walking and car use are the most common modes of travel to school for children. 33% of journeys to and from school made by secondary school children are taken by bus, including school buses. Two thirds of school trips over 3 miles in length are made by bus at secondary level. Very few children are accompanied when traveling to school by bus.

Table 1: Mode of Travel To School 1997/99¹

Travel Mode	Primary	Secondary	All	1985/6 rates
Walk	53%	42%	48%	59%
Car	38%	21%	30%	16%
Bus/public transport	8%	33%	21%	
Cycle	negligible	2%	2%	
Rail	negligible	1%	1%	

During peak rush hour periods, nearly 20% of cars on the road are engaged in the school run. It is worth noting that in the United States 54% of children under 12 years go to school in the traditional yellow bus the figure is only 9% in this country.

ACCIDENT AND CASUALTY STATISTICS

In Britain during 2001, 18% of road crashes in which children were killed or seriously injured occurred on journeys to and from school.

Table 2: Children injured by road user type, 2001²

Road User	KSI* on School journey	All School Journey Child Casualties	All child casualties
Pedestrian	761	4,330	15,819
Car Occupant	42	1,147	14,415
PSV Occupant	21	642	1,744
Cyclist	55	583	5,451
TWMV	11	70	417
Other	1	67	423
Total	891	6,839	38,269

*Killed or seriously injured

The majority of children killed or seriously injured whilst traveling to or from school are child pedestrians, followed by child cyclists and car occupants. However these figures do not take into account the proportion of children traveling by the different modes of transport, those figures are not available for 2001. However by comparison with table 1, which represents 1997/99 figures, it can be seen that walking is the most popular mode of travel to school, followed by car travel.

¹ DfT: Personal Travel Factsheet No. 2 – March 2001

² RAGB 2001: DfT

THE MAIN SAFETY ISSUES

The safety of school transport depends upon three key issues:-

- **The Driver**
in particular the type and nature of the training and re-assessment they receive, their driving qualifications, and the level of supervision and management provided.
- **The Journey**
in particular, the management of journeys; their planning and the use of second drivers and 'escorts'.
- **The Vehicle**
In particular their age, condition, design, construction; the standards of servicing, maintenance and safety checking; and their overall management.

THE DRIVER

Owner/operator Responsibilities

Owners/operators (this will be the school where they own the vehicle) are responsible for ensuring that everyone who drives their coaches, buses or minibuses is suitable to do so. All legal requirements must be complied with, and appropriate additional best practice procedures for assessing drivers and escorts should be adopted.

There are two categories of school transport drivers:

- professional drivers
- non-professional drivers

Professional Drivers

Dedicated school buses and coaches, and buses or coaches hired for school trips will normally be driven by professional drivers with Public Service Vehicle (PSV) Licences since they are operated for 'hire or reward'. These drivers will necessarily be appropriately trained and qualified. They are also required to comply with either the EC or Domestic drivers' hours rules to ensure that they are not driving for long periods, or when too tired to do so.

However, the rules for drivers' hours are not very restrictive. The Domestic Drivers Hours allow drivers to drive for 5 ½ hours continuously before taking a 30 minute break, and this can be extended to 8 ½ driving provided that breaks totaling at least 45 minutes are taken during the driving period and a 30 minute break is taken afterwards.

EC Drivers Hours are slightly more stringent, but still allow long periods of continuous driving. Under EC rules a driver may drive continuously for 4 ½ hours before taking a 45 minute break.

* see glossary

Table 3 below summarises the main rules concerning Drivers' Hours. A comprehensive explanation of the rules is contained in "Drivers' Hours and Tachograph Rules for Road passenger Vehicles in the UK and Europe" (PSV 375). This is available from The Department for Transport (DfT free literature, tel: 0870 1226236)

Table 3 Drivers' Hours

	DOMESTIC RULES	EC RULES
Maximum Length of Working Day	16 hours	13 hours
Daily Driving Period	10 hours	9 hours
Time Driving without a Break	5 1/2 hours	4 1/2 hours
Minimum Length of Break	30 minutes	45 minutes
Daily Rest Period	10 hours	11 hours

Non-professional Drivers

Many journeys, especially those undertaken by minibus, are driven by volunteer and teacher drivers, who often only have a full car driving licence and have not taken any additional driver training.

Driving Licences Obtained Before 1 January 1997

Drivers who obtained their full car driving licence before the 1 January 1997 may drive a minibus in the UK (until their licence expires) if they :

- hold a valid full driving licence for private cars (group A, or B for automatics on an old style green or pink licence, or category B and D1 (101) on a pink and green or photocard licence)
- are at least 21 years of age
- The vehicle is not being used for "hire or reward".

However, drivers whose licences expire, when they reach 70 years of age or because they develop certain medical conditions, will not automatically retain the D1 (101) entitlement on their licence. They must apply to retain their D1(101) entitlement and also pass a medical to PCV standards. For an explanation of entitlements and for further information, contact DVLA, driver's enquiry line: 0870 240 0009 or www.dvla.gov.uk.

Driving Licence Obtained On or After 1 January 1997

Drivers who obtained their full car driving licence on or after the 1 January 1997 are only licenced to drive a vehicle with up to 8 seats (in addition to the driver). To drive a minibus, such drivers need to gain category D1 PCV entitlement on their licence by meeting higher medical standards and passing an appropriate test.

However, "volunteer drivers" are exempt from this requirement and are allowed to drive a minibus with up to 16 passenger seats (in addition to the driver) **for social purposes by a non-commercial body**, provided :

- the driver has held a full B licence for at least 2 years
- the driver receives no payment or other consideration for driving the vehicle other than out-of-pocket expenses
- the vehicle has a gross weight of no more than 3500kg (4250kg including any specialised equipment for carriage of disabled passengers).
- there is no trailer of any weight attached
- the driver is aged 21 or over, but under 70 (unless driver has passed PCV Medical and gained restriction 120).

Volunteer Drivers

The exemption for volunteer drivers was designed to cater for charities who use vehicles but who would not have been able to provide training for all their volunteer drivers.

Unfortunately, the definition of "volunteer driver" is not clear and has not been tested in law.

It is the Operator's and individual driver's responsibility to ensure that the driver is appropriately licenced to drive the minibus. The DVLA does not rule on specific cases, as this is a matter for the Police and courts. If challenged, an individual driver and the Operator would have to show that they were complying with the Regulations correctly.

Operators should not assume that a driver is a 'volunteer' just because they are not directly paid to drive the vehicle. Teachers are unlikely to be regarded as "volunteer drivers" because they are paid a salary. Although driving the school vehicle is not part of their employment contract, teachers are still being paid and so are probably not eligible for the exemption.

Local Authorities should seek legal advice on this issue, it is still to be ruled on by a court.

Driver's Hours for Volunteer Drivers

People who drive for more than two hours after a full day's work are significantly more likely to be involved in an accident. Around half of motorway collisions resulting in a road death during the hours of darkness involve drivers who have fallen asleep. It is vital that clear rules are set out regarding the amount of time a (non-professional) driver may spend behind the wheel, especially if he or she has been working for a period before the drive.

Vehicles being driven abroad must comply with the EC Driver's Hours rules (see table 3 above). Vehicles being driven in Great Britain by a paid driver, whether under a permit or not, must comply with the Domestic Drivers' Hours Rules (see table 3 above). Further information is contained in the Department for Transport's publication "Drivers' Hours and Tachograph Rules for Road Passenger Vehicles in the UK and Europe" (PSV 375).

Vehicles being driven in this country by a volunteer driver are not required to comply with either of the above Rules. However, RoSPA **strongly recommends** that volunteer drivers who are not carrying out any work other than driving, follow the guidelines set out in the RoSPA's "Minibus Safety: A Code of Practice" and reproduced in table 4 below.

It is **strongly recommended** that volunteers who drive in addition to carrying out their normal duties, do not exceed the following driving hours. A record of driving hours should be kept.

Table 4 Recommended Driving Hours for Volunteers

	Driving Only	Driving + Other Work
Max. Length of Working Day*	13 hours	10 hours
Of which spent Driving	9 hours	4 hours
Max Time Driving Without a Break	2 hours	2 hours
Minimum Length of Break	15 mins **	15 mins**
Daily Rest Period	11 hours	11 hours

*Taking account of other work undertaken before starting a journey

**After 4 1/2 hours of driving, the accumulated length of breaks from driving should be at least 45 minutes.

In the case of people who are required to drive for several days on long trips, attention must be given to the potential for driver fatigue . This applies both to UK based trips, and to continental journeys.

All Drivers

In addition to being appropriately trained and licensed, RoSPA believes that every driver should:

- Undergo an initial and periodic re-assessments of their ability to drive a vehicle used for school transport.
- Receive practical driver training, as necessary, in the vehicle and under the conditions in which they are likely to be required to drive.
- Be medically fit to drive (vocational drivers are required to undergo regular medical checks from the age of 45 years).
- Drive for limited periods to avoid fatigue
- Be accompanied by a second driver on journeys which necessitate them.
- Be accompanied by an escort where the needs of passengers require it.

Driver Assessment and Training

Driver assessment and training is essential. Well-trained drivers are safer drivers. Training increases driver awareness, knowledge and skill, reducing the risk to drivers, passengers and other road users. It increases the comfort of passengers and reassures parents that their children are in safe hands. Training will also result in lower running and maintenance costs and possibly, reduced insurance premiums. It should also provide added confidence to drivers that they are not being asked to undertake tasks for which they feel poorly qualified.

Practical training and assessment is by far the best way of ensuring that anyone who drives a school vehicle has the necessary knowledge, understanding, capabilities and attitudes to do so safely. Training need not be stressful for those taking part; its purpose is to help them increase their competence and become safer drivers, not to discourage them from volunteering their services.

Re-assessment

Re-assessment of drivers should take place **at least** once every four years, and more often if an incident or accident merits it; for example if an individual driver is convicted of a traffic offence, such as speeding, is involved in a blameworthy accident, or if complaints have been received. Drivers who drive infrequently are likely to need more frequent re-assessments. Re-training should be provided if the assessment indicates particular drivers require it.

Medical Fitness to Drive

Drivers must be medically fit to drive. All drivers are legally required to inform the DVLA of any medical condition that affects their ability to drive. Operators should require their drivers to notify them of any declarations they have made to the DVLA.

Operators should consider requiring new drivers to undergo a medical check, prior to acceptance as a driver. At the very least, drivers should sign a declaration that they are medically fit to drive, and not taking any medication, or undergoing any medical treatment that may affect their ability to drive.

Operators should conduct a simple eyesight test on appointment and when drivers are re-assessed. Rule 81 of the Highway Code states that drivers "MUST be able to read a vehicle number plate from a distance of 20.5 metres (67 feet – about five car lengths) in good daylight. Opticians recommend eyesight tests every two years. The Drivers Medical Unit of the DVLA may be able to offer advice.

Whether the check is a physical examination by a doctor or a self-declaration form, it is sensible to conduct re-assessments at regular intervals and to keep a record of the process. Operators should obtain the services of an appropriate medical adviser for this purpose.

Driver Impairment

Drivers can be impaired by a number of factors, each of which can reduce their ability to drive safely and increase the risk of an accident. The main forms of driver impairment are discussed below.

Alcohol

Alcohol reduces the ability to concentrate and increases the risk of being involved in an accident. Drivers should refrain from drinking any alcohol before driving. Alcohol remains in the body for up to 24 hours after it has been consumed and may still affect a driver the morning afterwards.

Medicines

Drivers should never drive if they feel tired or unwell, or if they are taking prescription or over-the-counter medicine or undergoing any medical treatment which advises against driving. If it does, the driver could consult their doctor or pharmacist for an alternative that does not cause drowsiness

Illicit Drugs

As well as being illegal, taking illicit drugs can seriously affect a driver's judgement and abilities. Many drugs remain in the body for much longer periods than alcohol. Drivers should never drive if under the influence of drugs.

Distractions

Anything which distracts a driver could easily cause an accident. There are a number of distractions that should be discouraged while driving: eating or drinking, tuning a radio or changing a cassette, reading a map, writing, smoking, using a mobile phone or other electronic equipment, holding conversations with an escort or passenger unrelated to the task of driving

Mobile Phones

It is very useful to have a mobile telephone on the school transport. However, it is essential that drivers do not make or receive calls while they are driving, as the distraction this causes (even if it is a hands-free phone) significantly increases the risk of an accident. The mobile phone should be kept by the escort, or the driver should only use it when stopped in a safe place. Schools should not expect to be able to contact a driver while she or he is driving.

Tiredness

Thousands of crashes are caused by tired drivers. They are most likely to happen:

- on long journeys on monotonous roads, such as motorways
- between 2:00 am and 6:00 am
- between 2:00 pm and 4 pm (especially after eating, or drinking even one alcoholic drink)
- after having less sleep than normal
- after drinking alcohol
- if taking medicines that cause drowsiness
- on journeys home after night shifts.

Sleepiness reduces reaction time, alertness, concentration and decision making, all crucial driving skills. Tired drivers are much more likely to have an accident, and the crash is likely to be severe because a drowsy or sleeping driver does not usually brake or swerve before the impact. The Highway Code recommends a minimum break of at least 15 minutes after every two hours of driving. **Drivers who drive for more than two hours after a day's work are significantly more likely to be involved in an accident.**

If a driver begins to feel tired during a journey, he or she should find somewhere safe to stop (not the hard shoulder), drink one or two cups of strong coffee or other high caffeine drinks and (if possible) take a nap of about 15 minutes. If there is a second driver, they should take over. Ultimately, sleep is the only cure for tiredness.

THE JOURNEY

Journey Planning

This is essential for organised school trips. A planned journey reduces the risk of drowsiness and falling asleep at the wheel, and is more efficient, saving time, stress and money. Schools should set out rules and procedures for journey planning, and ensure that their drivers are aware of, and adhere to, these rules.

Operators, trip organisers and drivers should ensure that each journey is planned in advance in terms of its time and distance, and their own, and their passengers' comfort. A suitable route should include places for rest, refreshment, comfort breaks and re-fuelling if necessary. Drivers should check information on roadworks and weather conditions that may affect their route, before they set out.

Mode of Travel

If possible, make long journeys by train or air, as these are safer (mile for mile) than road travel.

Time

Consider how long the journey will take, including time for rest breaks and unexpected delays. Avoid driving in the early hours of the morning, when drivers have had less sleep than normal, or in mid afternoon after eating a large meal - these are peak times for sleep related accidents. Avoid starting a long journey after a full day or shift at work.

Plan the Route

Write out a route plan that is easy to read. Check for road works or likely traffic jams, and if possible, plan an alternative route to avoid any major delays. Plan where to stop for regular rest breaks (every two hours, or sooner if feeling tired, for at least 15 to 20 minutes).

Overnight Stop

Consider breaking the journey with an overnight stop (make it part of the holiday) especially if catching an early flight or returning from abroad.

Normal Sleep Time

Drivers should avoid staying up late or reducing their normal sleep before a long journey. Journeys should be planned so that, as far as possible, drivers are not driving when they would normally be sleeping; in the early hours of the morning, for example. Eating a full meal before driving may result in a lower ability to concentrate and/or sleepiness. Drivers should not eat or drink while driving.

Second Driver

A second driver is essential on long journeys or for shorter journeys where traffic conditions might significantly lengthen the journey time or create more stressful driving conditions.

Second drivers should comply with all the same requirements as the main driver, and ideally both should be trained as escorts. It is essential that a nominated person, not on the journey, knows the destination of the vehicle, its route and its expected time of arrival and return, and that parents and relatives are aware of this person's role and telephone number and vice versa.

After the Journey

Schools should introduce a clear procedure for drivers/teachers to follow if passengers are not met at the end of the journey, and ensure that the drivers are aware of the procedure.

Children and other vulnerable passengers should never be left to wait for their parents or guardians, or to travel home alone.

Escorts

The role of an escort (sometimes called a Passenger Assistant) in a school vehicle includes :

- preventing the driver being distracted by passengers, especially when children are being carried
- supervising children and in particular preventing any behaviour that could create a hazard
- helping passengers whom the driver may not be qualified to help
- assisting in the event of a breakdown or other emergency.

Escorts are recommended under the following conditions:

- Where passengers' needs require an escort to be present
- Where children are being carried.

It may not be necessary to require an escort for every journey where children are being carried. Short, local journeys to a neighbouring school, for example, may be undertaken satisfactorily without an escort. However, a risk assessment should be conducted to decide which journeys do not require an escort, and this should take account of local road circumstances and the age and needs of the passengers.

Schools should check whether their LEA specify ratios for the number of adult supervisors for off-site trips. "Health and Safety of Pupils on Educational Visits: A Good Practice Guide (currently being revised), published by the DFES, advises that there should be a minimum of one teacher in charge plus enough supervisors to cope effectively with an emergency. It provides a general guide for adult:pupil ratios on local trips:

- 1 adult for every 6 pupils in school years 1 to 3 (under 5s reception classes should have a higher ratio)
- 1 adult for every 10 - 15 pupils in school years 4 to 6
- 1 adult for every 20 pupils in school years 7 onwards.

Schools should introduce clear guidelines for lone drivers in the event of an emergency and

a mobile telephone should be provided (but must not be used while driving). The guidelines should state that any volunteer driver, including a teacher, who is not prepared to drive without an escort will not be required to do so.

Ideally, the escort should also be able to act as a second driver, in which case he or she should have received the same training and assessment as the main driver.

Escorts have a wide range of duties. It is the operator's responsibility to ensure that escorts are provided when necessary and that they are suitable and capable of carrying out their duties. Operators should ensure that escorts receive an introduction to their duties, and are familiar with the vehicle, especially the emergency exits, first aid kit, fire extinguisher, emergency/breakdown procedures and trip details. Operators must also ensure that escorts are provided with all necessary equipment.

When recruiting or assessing potential escorts, the operator may find the following skills and qualities desirable:

- Ability and willingness to act as a second driver
- Experience of working with children
- Experience of working with people with disabilities.

A major part of the escort's job is to supervise child passengers and ensure they are cared for and behave appropriately. Escorts must be capable of exercising control over children. Escorts should be qualified to provide for the needs of all the passengers. In some circumstances, they may need to be able to speak languages other than English or have special skills, such as sign language.

The Operator should ensure that the duties of escorts are clearly set out and that all escorts are aware of, and adhere to them.

THE VEHICLE

Design (Fitness for Purpose)

In the United Kingdom, school transport is served by a variety of types and ages of vehicles which, when not being used to transport children, are often in use to transport members of the general public. Consequently, they are neither specifically designed nor purpose built to transport children to and from school or on school trips and may therefore be completely inappropriate. Some of the vehicles are not fitted with seat belts and do not have adequate, safe and accessible luggage storage. On some journeys there are more children than seats, and so some children have to stand or share seats.

It is, therefore, essential that schools, education authorities and other organisations who hire or contract vehicles for school transport purposes, carefully consider and (specify in the tender documents and contract) the type of vehicle that is most appropriate for their needs. This should include specifying the supply of vehicles that are fitted with seat belts, that have enough seats for the number of passengers and that have adequate luggage storage.

Roadworthiness

The average age of buses and coaches used for home to school transport in the UK is around 10 years. Although the age of a vehicle is not necessarily a reflection of its roadworthiness, it is likely that older vehicles will require more maintenance and although they met the

appropriate safety standards at the time of manufacture, construction regulations and standards have developed and are better reflected in newer vehicles.

Local spot-checks on the roadworthiness of PSVs frequently highlight serious faults.

Therefore,
it is essential that checks, additional to the annual class VI checks are carried out on PSVs by operators and the Vehicle Inspectorate. It should be noted that PSVs require a Certificate of Initial Fitness, whereas other vehicles do not.

Provision of Seats and Seat Belts

Minibuses and coaches used to carry groups of children on organised trips **must** be fitted with seat belts.

Minibuses and Coaches Registered before 1 October 2001

When the main purpose of the trip is to transport three or more children, minibuses and coaches registered before 1 October 2001 must have a forward-facing seat for each child, fitted with either a three-point seat belt or a lap belt. If there are also side or rear-facing seats in the minibus, the children must only use the forward-facing seats. If adult passengers are carried, they may sit in side or rear-facing seats, but it is much safer not to use side-facing seats.

Newer vehicles will have seat belts fitted when they are manufactured, but older vehicles must have them retro-fitted. In the latter case, it is essential that the retro-fitment is carried out by qualified engineers and that the seat belts and seats are securely anchored to the vehicle frame in compliance with the guidance provided by the Department for Transport (DfT).

Minibuses and Coaches Registered On or After 1 October 2001

All Minibuses and coaches with a gross weight **exceeding** 3,500kg, which are first used on or after 1 October 2001 (except those designed for urban use with standing passengers, or those manufactured 6 months before that date) must have inertia reel three-point seat belts or retractable lap belts in all forward and rearward-facing seats. Lap belts may only be fitted in forward facing non-exposed seats where an appropriate energy absorbing seat or surface is present in front. (Alternatively, disabled persons seat belts or child restraints may be fitted).

All minibuses with a gross weight **not exceeding** 3,500kg which are first used on or after 1 October 2001 (except those designed for urban use with standing passengers, or those manufactured 6 months before that date) must be fitted with inertia reel 3-point seat belts in forward facing seats and inertia reel 3-point belts or retractable lap belts in rearwards facing seats. (Alternatively, disabled persons seat belts, or child restraints, may be fitted).

All seat belt installations in coaches and minibuses are checked by the Vehicle Inspectorate against a legal minimum standard specified by the DfT. Seats and seat belts have to be adequately and regularly maintained in order to pass both occasional (spot) checks and annual tests.

Therefore current legislation allows schoolchildren to be transported to school on a vehicle without seat belts, if that service is designated a public transport service, which does not have to be equipped with seat belts, rather than a school bus service, which does.

Use of Seat Belts and Child Restraints

Front Seats in Minibuses and Coaches

Drivers must wear a seat belt.

Passengers in the front seats, and any exposed seat, must use the seat belts. In these seats, **the driver** is responsible for ensuring that:

- children under 3 years of age use an appropriate child restraint.
- children aged between 3 and 11 year, and under 1.5 metres tall use an appropriate child restraint if available, or if not available, wear the seat belt.
- children aged 12 and 13 years (and younger children who are 1.5 metres or taller) use the seat belt.

Passengers aged 14 years or more traveling in the front seats, or any exposed seat, must wear a seat belt and are personally responsible for doing so.

Rear Seats in Small Minibuses

Passengers sitting in the rear of minibuses that have an unladen weight of 2,540 kg or less must wear the seat belts that are provided. It is the **driver's** responsibility to ensure that :

- children under 3 years of age use an appropriate child restraint if available.
- children aged between 3 and 11 years, under 1.5 metres tall use an appropriate child restraint if available, or if not available, wear the seat belt, if available.
- children aged 12 and 13 years (and younger children who are 1.5 metres or taller) use the seat belt, if available.

Passengers over the age of 14 years in smaller minibuses are legally responsible for wearing a seatbelt themselves.

Rear Seats in Larger Minibuses and Coaches

The law does not require passengers in the rear of larger minibuses (over 2,540 kg unladen weight) or in coaches to wear seat belts, irrespective of age or purpose of journey. However, RoSPA strongly advises all passengers to wear seat belts on all journeys. Wearing seatbelts in coaches will be compulsory by 2006, following a recent EU directive, this will also apply to children on school buses by 2008.

Child Restraints

An appropriate child restraint is one which conforms to the United Nations standard, ECE Regulation 44-03*, is suitable for the child's weight and size and is correctly fitted according to the manufacturer's instructions. Child restraints are divided into categories, according to the weight of the children for whom they are suitable. These correspond broadly to different age groups, but it is the weight of the child that is most important when deciding what type of child restraint to use.

* Alternatively, child restraints may conform to BS 3254 or BS AU 186, but in practice almost all restraints available in the UK conform with ECE R44.03, which is a more recent standard.

Occupant restraint systems in vehicles (including seat belts) are designed for the 'average male adult' and it is therefore often necessary for smaller children to use child restraints to ensure that the seat belts are able to provide the protection for which they are designed. However if child restraints are not available, children should use the adult seat belt rather than not be restrained at all.

The law requires that children traveling in cars, use an appropriate child restraint (baby seat, child seat, booster seat or booster cushion), if available, usually secured by the adult seat belt. The law also requires seat belts to be provided for children aged between 3 and 15 years traveling in coaches or minibuses. However, there is no legal requirement for child restraints to be provided or used for children traveling in PSVs.

To provide the same level of protection for children in PSVs as children in cars, child restraints would need to be provided. However, this would present major practical difficulties:

- Who should provide the child restraints - the operator, LEA or the parent?
- Should the restraints be fitted for each child on each journey and removed afterwards?
- Who should be responsible for ensuring the child restraint are correctly fitted and used?
- Who would be responsible for ensuring that the child restraints were safe (undamaged)?

These issues need to be resolved, but RoSPA is convinced that the use of seat belts in coaches and minibuses should be mandatory. It is, again essential that schools, education authorities and other organisations who hire or contract vehicles for school transport purposes, carefully consider and specify vehicles that are fitted with seat belts.

Failure to Wear Seat Belts

Passengers who do not wear a seat belt put themselves and other occupants at risk because in an accident an unrestrained passenger would be thrown about inside the vehicle with considerable force and could easily injure or kill another passenger or the driver. Therefore schools must establish a policy on what the driver should do if someone refuses to wear a seatbelt. In such cases, the risks should be explained and the passenger should be advised that the driver may refuse to transport them if they refuse to wear a seatbelt. However, the passenger should not be left behind if this would place them in danger.

All Seat Belts

It is important that seat belts and child restraints are correctly adjusted for the wearer to maximise their effectiveness. The basic points to note are;

- the belt should be worn as tight as possible
- the lap belt should go over the pelvic region, not the stomach
- child restraints should be securely fitted and the child should be securely held in the restraint.

Three for Two Rule

Since seat belts must be fitted to minibuses and coaches carrying children, the “three-for-two” rule cannot be applied to children in minibuses and coaches. Where seat belts are fitted, only one passenger must use each seat belt. It is dangerous and illegal for a seat belt to be worn by more than one person at a time. However on public service vehicles where seat belts are not fitted, it is possible for more than one child to sit on each seat. RoSPA recommends that children are transported in vehicles which have a sufficient number of seats to allow one seat per child, with no need for children to share seats or stand.

Types of Seat belts

Three-point seat belts (lap and diagonal) provide greater protection than lap belts. However, lap belts are far better than no belt at all. The lap belt should be placed over the pelvis (not the stomach) and worn as tight as possible.

Passenger Restraints

Some disabled passengers may need postural support during the journey, and a variety of passenger restraints to assist people with disabilities to remain upright in their seat are available. Under no circumstances should they be used instead of a suitable seat belt as they do not conform to a recognised standard nor are they designed for this purpose.

Coach Reclassification

Passenger Service Vehicles are exempt from the requirement for seat belts to be fitted. In some

cases, especially with older vehicles, it may even not be possible to fit adequate seat belts to them. Where the vehicle can be fitted with seat belts, in the main it will be possible to fit only two point (lap-belts). However, the reasons cited for seat belts not being fitted to buses relate to:

- the potential for greater passenger injury in a crash when/if seat belts are used
- the likelihood of wear and tear, and/or accidental or purposeful damage
- the reality that passengers would be unlikely to use seat belts in buses
- the lower speeds at which buses generally travel.

If a coach undergoes permanent modification or adjustment to prevent it from traveling at a speed greater than 60mph the owner/operator may seek to have the vehicle re-classified as a bus. If reclassification is permitted, the vehicle will become exempt from the seat belt regulations which apply to coaches.

Luggage

Schoolchildren have to carry books, games equipment and sometimes musical instruments to and from school. It is therefore essential that appropriate luggage storage is provided within the vehicle. Although there may be under-floor storage compartments in the majority of coaches it can only be accessed from the outside of the vehicle. Whilst this is perfectly acceptable for long-distance journeys it is impractical for the stop-start nature of the shorter distance, home to school journeys. It would certainly not be safe or practical for the driver to leave his seat and assist each child to stow and retrieve their luggage as they board and alight the vehicle.

Experience shows that in the majority of cases school bags are either put on adjacent seats (reducing available capacity), or placed on the floor, frequently in the aisle. The latter is unsafe and probably illegal since it is a requirement that all aisles and exits be kept clear so that, in an emergency, passengers may exit quickly and safely. Such inappropriate storage may leave the operator liable to prosecution. On most buses, an area adjacent to the door is provided for the

safe stowage of luggage. Such facilities are rare on the types of vehicles generally used under contract for home to school transport.

In order for the types of vehicles generally contracted and used for home to school transport to provide safe, adequate and easily accessible luggage storage facilities many will need to be modified. This may well necessitate the removal (or adaptation) of a number of seats to provide storage space. Appropriate luggage storage should be specified in the hire contract.

In the case of minibuses, similar measures may well have to be taken. There are already other related passenger safety issues which, when combined with the luggage storage issue, may provide ready-made solutions. Specifically, the rearmost seats adjacent to the doors are recognised as 'vulnerable seating positions' for occupants since passengers in those positions are far more likely to be injured in rear-end crashes. The removal or adaptation of those seats to provide luggage storage effectively deals with both issues. However, it is vital that the emergency exit/s are not blocked or restricted in any way.

Taxis and Private Hire Vehicles

In some cases, LEA's find it more cost-effective to hire taxis or private hire vehicles to transport

small numbers of children to or from school. These operators, vehicles and drivers are required to be licensed by the Local Authority. Many of the issues discussed in the previous sections apply here. However, several specific concerns have been expressed about the use of taxis and private hire vehicles, these are outlined below.

Seat belts do not always function properly and there is the issue of whose responsibility it is to ensure that they are worn. The law states that taxis which have a glass partition between the driver and the rear of the vehicle are exempt from the regulation requiring children to wear seat belts in the rear, and so the driver has no legal responsibility to ensure this. However, in normal cars being used as taxis or private hire vehicles, the driver is responsible for child passengers wearing seat belts, in the same way as any other car driver.

Child restraints are rarely provided in a taxi and it will therefore be incumbent upon the person responsible for the child(ren) being transported to ensure that a relevant restraint is available. However there may still be issues raised by the driver about the use of the restraint, for example who is responsible for the safe fitting of the restraint, who is liable if the restraint is inappropriate for the child or faulty or dangerous causing injury in a crash?

People carriers are more frequently being used as taxis or private hire vehicles. RoSPA's view is that passengers in taxis and private hire vehicles should have adequate and ready means of access to each and every seat, and passengers should be able to exit the vehicle without having to move a seat or wait for another passenger to exit (with the exception of a passenger sitting in the middle of the rear seat who would have to wait if they had passengers on either side of them). RoSPA does not therefore support the use of MPVs as taxis/private hire vehicles unless the second row of rear seats are not used or removed.

If taxis or private hire vehicles are used it is essential that LEAs ensure:

- vehicles are safe, roadworthy and regularly maintained and serviced
- vehicles are fitted with proper seat belts at every seat position, and that proper and adequate child safety equipment is both available and used when smaller children are carried

- drivers are appropriately trained and licensed, LA's may wish to impose higher standards than those required by driver licensing regulations to reflect the special nature of the work undertaken
- drivers both know how to, and actually ensure that seat belts and/or child in-car safety equipment is fitted, adjusted and used correctly
- drivers are police checked via the criminal records bureau

CONCLUSIONS

The provision of school transport includes a diverse range of vehicles, not all of which are entirely suitable for the purpose. 18% of children killed or seriously injured on the roads were traveling to or from school. However, casualty statistics indicate that fewer casualties occur to children traveling to and from school in PSV vehicles than amongst those who walk or are driven in cars.

Improvements have been made to the safety of school transport over recent years. However much more can, and should, be done. Some of the vehicles used to transport school children are unsuitable for this purpose.

All school journeys should be in a vehicle that is 'fit for the purpose', fitted with seat belts and which has adequate and appropriate luggage storage. RoSPA is pleased that the EU have finally ruled on the wearing of seatbelts and from 2006 it will make the wearing of seat belts compulsory in coaches. This will apply to designated school buses by 2008. Escorts should be provided on buses and coaches to remind the passengers to wear the seatbelt provided.

RoSPA would like to see operators getting to grips with the new legislation now by putting in place systems to ensure compliance well in advance of the compulsory start date, particularly on school buses. However the exemption for PSVs will still exist and this needs to be remedied to ensure that seatbelts are fitted and used on these vehicles too.

A risk assessment should be done of each school journey and a decision made about whether an escort is required. Generally an escort should be provided unless there are very good reasons, justified by the risk assessment, for not providing one.

Drivers should be appropriately assessed, trained and licensed and operators' management systems should ensure that they are providing a safe service.

Journeys should be properly planned.

The provision of safe school transport will reduce risks to school children. It will also encourage parents not to drive their children to school and to use alternative provision.

GLOSSARY

Child

For the purpose of this report, a person aged between three and fifteen years inclusive.

Home to school journey

A journey following the same route on each trip, covering relatively short distances, with a number of stops and usually be carried out at the beginning and end of the school day. Whilst the issues raised within this paper are applicable to normal, scheduled bus services (i.e., bus services intended for the general population which school children use, but which would operate regardless of whether or not children were traveling on the service), they are only relevant in relation to the carrying of children.

Organised school trips

These journeys vary from trip to trip. They may be to the local swimming baths or on a field trip requiring greater traveling distance. It is likely that many of the journeys will involve relatively high speeds, possibly on motorways, with few or no intermediary stops. Although it is more likely that school trips will be carried out during the day, it is possible that they might include an element of night-time driving.

Vehicles

There are many different types of vehicle used for school transport, including coaches, buses and minibuses. In many cases, school transport is not the sole or primary use of the vehicle.

- **Coach**

A coach is a large bus, i.e. a vehicle constructed or adapted to carry more than 16 seated passengers in addition to the driver, with a maximum gross weight of more than 7.5 tonnes, and a maximum speed exceeding 60mph.

- **Large Bus**

A bus is a vehicle constructed or adapted to carry more than 16 seated passengers in addition to the driver, and not being a coach. It can either be a single-decked or double-decked motor vehicle designed to carry passengers in addition to the driver. It can be a dedicated school bus, owned and operated by the local authority, or a bus in the local transport system. A wide spectrum of different modes of operation and ownership exist.

- **Minibus**

A minibus is a motor vehicle which is constructed or adapted to carry more than eight, but not more than 16 seated passengers in addition to the driver. Such vehicles are often owned and operated by the schools themselves or the local authority. Control is usually at local level.

- **School Bus**

A bus, coach or midi-bus that is used for journeys that carry schoolchildren and teachers

only and is not available to the general public for that journey. The vehicle may be used for the general public on other journeys or services, when not being used as a school bus.

Operator

The group or individual responsible for organising the carriage of passengers. This may be the driver, if he or she owns the vehicle, or the person, school, organization, etc. for whom the driver works (whether under a contract of employment or any other description of contract personally to do work, including someone working in a voluntary capacity).

‘Hire or Reward’

‘Hire or Reward’ embraces **any** payment (in money or kind), which gives a person a right or expectation, to be carried regardless of whether a profit is made or not. This payment may be a direct payment made by the person themselves, or on their behalf – such as a fare, a grant or even a donation to the operator. It may include other things in addition to the cost of travel – e.g. membership fees, grants, payments for access to specific events etc.