

Consultation on Seatbelt Requirements for Dedicated School Transport

March 2016

1. Why Are We Consulting?

Seatbelts play an important role in keeping people safe whilst travelling in motor vehicles. The protection of Scotland's children and young people is a top priority for the Scottish Government. Scottish Ministers have had a long-standing intention to introduce legislation which would require councils to stipulate within any dedicated school transport contracts with bus operators that the vehicles used must be fitted with seatbelts. Dedicated school transport in this consultation refers to vehicles provided by the council or independent/grant-aided school provider for transporting pupils to and from school at the start and end of the school day. The purpose of this consultation is to seek views on those proposals.

Dedicated school transport that is contracted by councils as the education authority for their local authority area is quite distinct from general public bus services which school pupils may use, paid for by a local authority or otherwise, and there are no plans for any new requirements to extend to such provision. We are also consulting on the new requirements extending to dedicated school transport provided by the independent/grant-aided school sector.

During 2015, powers were devolved from the UK Parliament to the Scottish Parliament via an Order under section 30(2) of the Scotland Act 1998 to allow Holyrood to legislate for the description of vehicles used to take pupils to and from school. Current Scottish Government policy is to bring forward legislation to make it obligatory for councils to include in their contracts with bus operators that seatbelts are a requirement on dedicated school buses.

In order to help inform and shape any future legislation that may be brought forward in this area by a future Scottish Government, we are seeking views from stakeholders with an interest, particularly those in local authorities responsible for education or transportation, bus companies, those involved in education, schools, parenting groups or parents themselves. This is specifically on proposals for seatbelts to become a legal requirement within councils' dedicated school bus contracts, which the Scottish Parliament has newly devolved powers to take forward, rather than views or representations on the wider issue of school transport provision or safety in general.

2. Background and Overview

These proposals relate to a previous Petition considered by the Scottish Parliament's Public Petitions Committee ([PE 1098](#)) calling for school buses to be installed with seatbelts for every school child passenger. UK Government Ministers informed that Committee that powers would be devolved to allow measures to progress and, in 2014, the then Minister for Transport and Veterans [announced](#) that the current Scottish Government intended to legislate in future to ensure that seatbelts are provided on all dedicated school transport. This follows the introduction of a similar legal requirement in Wales, after devolution of powers, which came into force in October 2014.

Following the necessary legal and administrative process for agreement between the UK Government and the Scottish Government, an Order under Section 30(2) of the Scotland Act 1998 devolved powers for sections of the Road Traffic Act 1988 to allow the Scottish Parliament to legislate on the regulation of the description of vehicles used to take pupils to and from school. This means, in practice, that future Scottish Parliament legislation can stipulate that seatbelts must be provided but not the precise technical specification, such as whether that should 3-point belts or lap-belts.

Local councils, as the education authority for their area, currently have a statutory responsibility under section 51 of the Education (Scotland) Act 1980 to consider necessary transport arrangements for pupils living over certain distances from their school, so-called statutory walking distances. This can take the form of dedicated school transport provision. Many local councils in Scotland already voluntarily stipulate seatbelts as a condition in contracts with bus operators for dedicated school transport (local government has indicated 17 do so on all contracts and a further 6 have some provision), so the intended legislation is aimed at making this universal across Scotland.

Scottish Ministers have stated that their intention is for the new requirements to come into force in 2018 for vehicles transporting primary school children and 2021 for vehicles carrying secondary pupils. This lead-in time gives organisations affected, such as local councils and bus operators, sufficient time to prepare for the changes with the aim of mitigating the need for any existing contract to be broken as a result.

Transport Scotland established a working group of key partners in 2014 which has been helping to facilitate open engagement, undertake preparatory work and explore any potential issues in specific areas whilst the devolution process took place. The group – which includes representation from Transport Scotland, the Scottish Government, local government, passenger groups, industry and business representatives, Regional Transport Partnerships and parenting groups – has helped shape and formulate the policy ahead of this consultation. This also allowed best practice to be shared by councils which already stipulate seatbelts in contracts.

This consultation will help to inform future legislation in this area, should the next Scottish Government administration choose to bring such legislation forward.

3. Responding to this consultation paper

Responses should reach us by **6 June 2016**. Earlier responses would be welcome.

Responses can either be sent through the Scottish Government's Citizen Space consultation platform, by email or sent by hard copy (a paper copy through the post).

The most straightforward way respond is on-line through Citizen Space. Details are available in the Consultation Hub on the consultation section of the Scottish Government's website: <https://consult.scotland.gov.uk/transport-scotland/seatbelt-requirements>

Citizen Space contains some mandatory fields asking for details of the person or body responding to the consultation and whether the person or body is happy for their response to be published.

Email or hard copy responses must include the Government's Respondent Information Form at Annex A. This asks for details of the person or body responding to the consultation and whether the person or body is happy for their response to be published.

Emails can be sent to: roadsafety@transportscotland.gsi.gov.uk, whilst hard copy responses should be addressed to:

Road Safety Policy
Scottish Government
2D-North
Victoria Quay
Edinburgh
EH6 6QQ

There is no obligation to respond to all questions. We welcome responses to some or all of the questions.

If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly. All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise

4. Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public the Scottish Government consultation hub [consult.scotland.gov.uk] by September 2016

5. How will this be used?

Following the closing date, all responses will be analysed and considered along with other available evidence to help us shape any future legislative proposals for seatbelts on local authority dedicated school transport provision.

6. Impact Assessments

This consultation will allow us to gather information and evidence to help inform the development and subsequent publication of any necessary Business Regulatory Impact Assessment, Equality Impact Assessment, Privacy Impact Assessment and Children's Rights and Wellbeing Impact Assessment.

7. Comments and complaints

If you have any comments about how this consultation exercise had been conducted, please send them to the contact details above.

8. Consultation Questions

Specific questions on which the Scottish Government is seeking views are listed below and are summarised on the Respondent Information Form at the end of this document. To aid our analysis it would be helpful if responses could be structured around these questions. We will endeavour to consider wider points raised, if these are specifically related to the issue of seatbelts on local authority dedicated school transport contracts.

QUESTIONS

- 1. Do you believe seatbelts on dedicated/contracted school buses would make a useful contribution to road safety?**

Yes – a significant contribution

Yes – a marginal contribution

No contribution

Don't know/Not sure

Please explain, providing evidence where appropriate:

- 2. Do you believe that having seatbelts on dedicated/contracted school buses can help children formulate good habits in relation to seatbelt-use more generally, for example when in cars?**

Yes

No

Don't Know/Not sure

Please explain, providing evidence where appropriate:

- 3. How do you think schools can play a role in helping to educate and support children in the wearing of seatbelts (particularly on dedicated/contracted school buses)?**

Please provide any evidence or examples you feel are appropriate:

- 4. How do you think parents and carers can play a supporting role in encouraging children to wear seatbelts (particularly on dedicated/contracted school buses)?**

Please provide any evidence or examples you feel are appropriate:

5. Do you have evidence or experience of any particularly effective ways to help ensure children wear seatbelts when they are fitted in vehicles?

Yes

No

Please explain:

6. Do you foresee any young people with particular needs or protected characteristics – such as physical disability, religious belief, gender or learning difficulties – being disadvantaged by the proposals to legislate for seatbelts in all dedicated/contracted school buses?

Yes

No

Don't know/Not sure

Please explain:

7. To what extent do you agree or disagree that any forthcoming legislation proposed above should also apply to independent schools or grant-aided schools (which are not subject to the same duties as local authorities to provide transport for school pupils living outwith statutory walking distances)?

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please explain:

8. Are you aware of any good practice/guidance or other measures that have successfully encouraged the wearing of seatbelts provided on dedicated/contracted school buses by pupils of all ages, particularly if used by local authorities which already provide this?

Yes

No

Don't know/Not sure

Please outline any examples as appropriate:

- 9. Do you foresee any funding or resource implications that would stem from the new legal requirement, particularly given the implementation timetable aimed at preventing contracts having to be broken?**

Yes

No

Don't know/Not sure

Please explain

- 10. Do you have any other comments specifically related to the intention to legislate for seatbelts to become a requirement within dedicated school transport contracts?**

Please explain

Annex A

Consultation on Seatbelt Requirements for Dedicated School Transport



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (anonymous)
- Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No



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