

Government Response to the Transport Committee's Report on School Transport

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The Government's Response to the Transport Committee's Report on School Transport

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Introduction

This paper sets out the Government's response to the Transport Committee's report *School Transport* (HC 167-1, published 7 April 2004). We welcome the detailed consideration that the Committee has given to this important subject, and in particular to the wider implications for transport of the proposals in the draft School Transport Bill.

The draft Bill has recently been scrutinised by the Education and Skills Committee, and we anticipate that their Report will be ready by mid July. We are also currently carrying out a public consultation on the Bill that closes on 25 June. Therefore we have only addressed the most immediate issues in this response: we can only take major decisions on the shape of the Bill once we have considered information from both Committee Reports and from the public consultation.

Over the past 20 years the percentage of children travelling to school by car has almost doubled: we estimate that around 2.5 million children each day get to school by car. There is no doubt that this causes major congestion problems on the routes to schools and around school gates. And the fall in the numbers of children walking or cycling to school has contributed to the growing problems of obesity highlighted in the recent report from the Health Select Committee.

We want to make it possible for as many children as possible to walk, cycle or use the bus (and other public transport) to travel to and from school. In addition to helping to reduce congestion, this could improve the accessibility of both school and after school activities, and encourage children to travel independently. Supporting walking and cycling and making this easier are also important tools for improving child health.

That is why, in September 2003, we launched our *Travelling to School* initiative (of which the draft School Transport Bill forms part) setting out how we want central and local government, schools and others to work together to tackle rising car use.

Response to Recommendations

1. It is extremely welcome that the Government has chosen to look at school transport now. In principle, the Committee supports the Government's decision to address the problem of school travel and welcomes the close co-operation of the Department for Education and Skills (DfES) and the Department for Transport (DfT) on this Bill. However, even our brief examination of the Bill has raised questions about the proposals in the draft Bill itself. (Paragraph 12)

We are pleased that the Committee agrees that the problems associated with school transport need addressing, and welcome its support for close co-operation between the Department for Education and Skills and the Department for Transport.

2. Despite the general agreement that the walking distances contained in the Education Act 1996 were no longer appropriate, the draft Bill specifies that 'walking distances' has the meaning given by section 444(5) of that Act; this must be readdressed. (Paragraph 14)

We have kept statutory 'walking distances' in order to provide a minimum guarantee that every pupil who lives more than three miles from school (two miles for the under-8s) continues to be provided with school transport. This will ensure that every child can get to school, as there are some places where there is no public transport available and continued Local Education Authority (LEA) provision is essential. We accept that few children regularly walk to school where their journey is more than a mile to a primary school or two miles to secondary school, and we want pilot LEAs to consider the full range of options, particularly cycling along safe routes, for these pupils. We are concerned that lowering the walking distances might have the effect of discouraging older children who live between one and three miles from school from walking or (especially) cycling.

3. The Committee agrees that in many cases walking to school will be the healthiest and most environmentally friendly option. Setting a limit beyond which free transport will be provided gives a clear signal that below that limit it is reasonable for children to walk. The question is what limit is appropriate. (Paragraph 15)

We do not plan to change the statutory 'walking distance' from the definition set out in the Education Act 1996, as we have explained above. We hope that some pilot areas will explore what realistic walking distances are in a range of different settings, particularly where local authorities have worked with parents, schools and others to provide safe routes to school.

4. Any new system should ensure that expenditure savings on school transport can be taken into account when investment decisions on infrastructure measures, such as providing safe footpaths or cycle routes, are made. (Paragraph 16)

We agree that this makes sense. In practice, decisions about such small-scale infrastructure measures are made by local authorities, using their block local transport allocation, rather than central government. Local authorities will have a direct interest in reducing the cost of school transport, and releasing resources for use elsewhere. By increasing the potential for innovation, the provisions in the School Transport Bill will increase the likelihood of this kind of joined-up thinking.

5. If people's habits are going to be changed, there must be clear limits to walking distance based on age combined with a legal definition of a safe route which is sufficiently flexible to reflect the range of different conditions that children face on their journey to school. Where there is no safe route, free bus transport should be provided. Ultimately, we hope that more children will walk or cycle to school; that will only happen if their parents are convinced it is safe for them to do so. (Paragraph 18)

We agree with the Committee that road safety is a major consideration when parents are deciding whether their children should walk or cycle to school. We have reservations, however, about the concept of a legal definition of a 'safe route' as there is no such thing as absolute safety, and relative

safety will be influenced by a wide range of factors such as the age and experience of the child using it, and traffic and weather conditions on the day.

Irrespective of the legal status of safe walking and cycling routes, our priority is to work closely with local authorities to improve their safety. Through the Local Transport Plan system, we require local authorities to develop effective road safety strategies, and have provided authorities with guidance on carrying out Child Road Safety Audits. Authorities should pay particular attention to where child casualties are occurring in their local area: they should assess roads around schools, the routes children use to get to schools and other routes they frequent.

Depending on the local circumstances, authorities are likely to introduce measures such as traffic management, traffic calming (including 20 mph zones as appropriate) and education, training and publicity, with the focus on whatever measure, or mix of measures, is likely to deliver the best results. Ultimately it is for local authorities to decide what kind of Local Transport Plan will deliver the best possible road safety outcomes for its area. The Department for Transport provides effective incentives by directing investment funds to authorities that develop convincing Local Transport Plans and deliver them effectively.

6. Local Transport Plan (LTP) funding should not be restricted to 'hard' measures; local authorities should be able to use it for training and other 'soft' measures if they wish. (Paragraph 22)

We recognise the valuable contribution that 'soft measures' such as promotion and training can make to increasing walking and cycling and reducing car use for journeys to and from school. Training is as vital as infrastructure in encouraging children to walk and cycle, to help them gain the necessary skills, and for parents to have the confidence to let their children walk or cycle to school.

However, Local Transport Plan (LTP) funding from DfT is capital provision for investment in local transport infrastructure. Training and 'soft measures' would not normally be eligible for capital funding and we would expect local authorities to fund them from their mainstream revenue budgets or from other sources, such as specific grants from DfT.

However, measures supporting the implementation of a specific capital scheme can be included. For example, some local authorities have funded cycle and pedestrian training for children as an integral part of safer routes to school schemes.

It is ultimately for a local authority's auditors to decide whether any particular use of LTP funds is appropriate.

7. We would urge the Department for Education and Skills to encourage schools involvement in schemes such as the golden boot challenge. (Paragraph 24)

We very much agree that this kind of scheme can make a major contribution to reducing car use for journeys to and from school. In support of our joint *Travelling to School* action plan launched in September 2003 DfES and DfT are jointly providing £7.5 million a year for at least this and next year to local authorities in England to enable them to employ school travel advisers. School travel advisers are already working with schools to help them develop and put in place school travel plans and other measures to cut car use on the school run. Many of the advisers are involved in developing and promoting local schemes such as the golden boot challenge.

8. We were disappointed by the attitude of the Secondary Heads Association toward school travel plans. We appreciate that many schools feel burdened by the need to respond to countless initiatives, but schools have responsibilities for their pupils' wider education. We do not think it is inevitable that school travel plans will conflict with the national curriculum. We support the work that the Department for Education and Skills and the Department for Transport are doing to persuade schools to take travel plans seriously. We hope our colleagues in the Education and Skills Committee will explore the effects of such plans on school resources further. (Paragraph 25)

We welcome the Committee's support for the work that we are doing to persuade schools to develop and implement school travel plans. We also welcome the constructive approach that the Secondary Heads Association has taken in submitting evidence to the Education and Skills Committee.

Many schools have integrated school travel planning into the curriculum using lesson plans available on public websites, and in others the school council or groups of parents have played a major role. We have provided local authorities in England with funding to enable them to put in place a network of school travel advisers to act as brokers between schools, local authorities and others, and to provide schools with the specialist help they need to meet the travel needs of their pupils, but this can only be achieved once a wellgrounded school travel plan is in place. We do not think that a school travel plan need be a burden on secondary schools as many are already engaged in issues relating to the home to school journey, working with the community, the police and bus companies.

The school travel plan should be a tool for drawing on a wide range of resources, within the local authority and elsewhere, which can help schools make progress on travel issues which they cannot address alone.

9. We were surprised that the Government admits that it does not know about the effects of the best value regime on the quality of school buses. It is clear from our evidence that many authorities interpret 'best value' as 'lowest cost'. This must be wrong. The Government should set national minimum standards for LEA school bus contracts. (Paragraph 33)

'Best value' should not always imply lowest cost. Good procurement practices recognise the need to achieve the appropriate balance between cost and quality. This will depend on the nature of the service to be provided and the requirements of service users. It is unlikely that a purely cost-driven or an unjustifiably expensive service will represent 'best value' where LEAs let contracts for dedicated school buses. There is extensive guidance available to local authorities on these issues.

The rules for local authorities on public bus service contracts do not specify that they must accept the lowest tender. In line with best value principles, section 152 of the Transport Act 2000 states that authorities, in deciding whether or not to accept a tender for a contract, should have regard to a combination of economy, efficiency and effectiveness, the requirements of their bus strategy and the reduction or limitation of traffic congestion, noise or air pollution. DfT is currently revising its good practice guidance to tendering authorities, last revised in 1999, giving advice on procedures and strategies for maximising value for money from contracts. However, it is of course for each authority to make its own decisions on which tenders to accept in each particular case.

We do not agree that it is necessary for the Government to set minimum standards for LEA school bus contracts. The safety standards that are in place at the moment protect all members of the public equally. Were we to put into place a different safety regime for LEA contracted buses, that would mean that children carried by LEA buses would be subject to different safety standards from those using public buses, which we do not think would be fair or justified.

The regulations that all public service buses (including school buses) must comply with before entering into service are:

- The Road Vehicles (Construction and Use) Regulations 1986, as amended (sets out the requirements for masses, dimensions, suspension, brakes, tyres etc and minibus requirements);
- The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981, as amended (sets out the requirements for seat spacing, gangways, handholds, exits, steps and general condition of the vehicles etc); and
- The Public Service Vehicles (Carrying Capacity) Regulations 1984 (sets out the parameters for the numbers of passengers that can be carried both standing and seated).

10. The current system produces some school buses which are demonstrably dangerous. This should not be allowed. (Paragraph 34)

It is illegal for anyone to use a vehicle on the road if it does not meet at least the minimum roadworthiness standards prescribed in legislation. This applies to operators of school buses as well as it applies to anyone else. There are a number of control mechanisms built into the system to safeguard against the use of vehicles that are not roadworthy.

In the first place, all school buses are subject to annual roadworthiness testing to ensure that they are being adequately maintained. They are also subject to further inspection during the year by the DfT's Vehicle and Operator Services Agency (VOSA) who, on average, annually re-check one-third of the public service vehicle fleet judged to be most at risk of inadequate maintenance. In addition the majority of school buses are run by licensed operators - who are at risk of losing their contract if they are found not to be complying with the terms of their licence, which includes properly maintaining vehicles.

However, we accept that a minority of vehicle operators may not always aspire to the high standards of maintenance that are expected. In these cases we would urge any of the parties concerned with either hiring or using the vehicles to report the matter promptly to the relevant enforcement agencies, primarily VOSA and the police.

11. It is unacceptable for school children to be forced to use the oldest buses on the road. (Paragraph 35)

Schoolchildren are not always forced to use the oldest buses on the road. A substantial proportion of schoolchildren travel to school on public service vehicles which serve a mix of users. In other areas LEAs are using new buses for their dedicated services, particularly where 'yellow buses' are being trialled. Such early experiences of travelling on high quality vehicles should encourage pupils to use buses throughout their lives.

However, it is true to say that, in some areas, operators of buses and coaches used to transport school children are concerned about vandalism, so they may choose to operate older vehicles on these journeys. We think that there is much that can be done to reduce damage to vehicles, and other poor behaviour on school buses, through close working between operators, schools, LEAs and others. For example, *The School Run*, a training programme for bus drivers designed to improve their relationship with pupils has been developed and disseminated by DfT.

The Committee's report records the use of old buses and coaches as one way to avoid the requirements of the Disability Discrimination Act 1995 (at least until the middle of the next decade). We would like to make a small clarification on this point. The provisions of the Disability Discrimination Act 1995 will only apply to new buses and coaches where a fare is charged. If no fare is charged for school transport, then the accessibility regulations will not apply.

12. The journey to school will be safer and pleasanter if escorts are used on school buses. The Department for Transport and the Department for Education and Skills should promote the use of support staff for such purposes and should offer incentives. (Paragraph 37)

Support staff are often needed to escort pupils with Special Educational Needs to school. In the case of dedicated buses contracted for LEA use, LEAs and transport operators can consider whether escorts are necessary and there are some cases where schools and LEAs have worked together to use support staff as school bus escorts. We hope that more schools will explore this option as the workforce agreement increases the number of support staff and the range of their duties.

DfT issued general guidance in December 2003 - *Protecting Bus and Coach Crews* - which provides practical advice to bus drivers and operators on how to minimise unruly behaviour and the risk of assault. It includes advice to operators on setting up procedures for reporting incidents, and it includes a section on working in partnership with schools to promote safer travel.

13. The Committee welcomes the Government's willingness to make some changes to the Transport Act 1985 but is disappointed that the Bill does not give the LEAs more discretion to propose changes to the legal and regulatory framework when they pilot school travel schemes. It should be possible for local authorities to look at ways of integrating their school transport with other public transport they support. As the lead Department, the Department for Transport should, as a matter of urgency, establish a working group to consider how services could be integrated, and what regulatory changes are needed. These are pilot schemes, and each scheme must be approved by the Government before being put into place; authorities should have far more freedom to experiment with new ways of specifying and providing school transport as part of a wider transport system. Tendering issues should be addressed as a school transport issue. (Paragraph 44)

The School Transport Bill exempts bus services where a passenger fare is charged in a pilot scheme from the need to be registered with the Traffic Commissioner. However, we are separately considering some further changes to the legal and regulatory framework that governs procurement and operation of bus services, which will have an impact on the provision of school transport services.

Specifically, we will shortly be going out to consultation on an extension to the maximum permitted contract length from five to eight years as part of a Regulatory Reform Order (RRO). We think that eight years strikes the right balance between the value for money offered by longer contracts, particularly where investment in new vehicles is required, and the need to test the market by tendering at appropriate intervals. This easement would apply both to local bus and school bus contracts that have been competitively tendered under the Transport Acts. This RRO would also remove the need to register school bus services provided under existing Education Act powers, to complement the provision in the School Transport Bill.

We agree with the Committee that it would be a good idea to set up a working group on these issues. DfT has therefore set up a group under the Bus Partnership Forum. The group includes representatives of local government and bus operators as well as DfES and the Office of Fair Trading. It is examining whether the School Transport Bill could usefully make any further amendments to the Transport Acts which would provide scope for school transport pilots to test a wider range of alternative provision.

We also hope that local authorities bidding to run pilot school transport schemes will explore the opportunities for integration when drawing up their schemes.

14. Any charging schemes should include a family ticket or discount for more than one child. (Paragraph 47)

LEAs that bid to run pilots must set out proposals which take account of the circumstances of low income and large families. We would like to trial a range of charging models to understand what is practical and effective, and we will only allow pilot authorities to charge at a level that will not increase car use.

15. Any scheme must ensure that means testing does not deter children who are entitled to free school transport from using it. The effects of schemes must be monitored and if monitoring shows some of the arrangements piloted are preventing poor children from using school transport, they must be stopped. (Paragraph 50)

The draft School Transport Bill protects children eligible for free school meals from charges, so they will not be deterred from using school transport. However, we have asked LEAs to set out their approach to helping families whose income falls just above the free school meals eligibility cut-off point. We hope that the pilots will test a range of options.

16. If only one of the pilot travel schemes includes a 'yellow bus' scheme we recommend that the scheme is conducted on a large enough scale to assess its potential impact on modal shift. Unnecessary regulatory obstacles to using 'yellow buses' for complementary purposes should be removed. (Paragraph 55)

We agree that it is difficult to assess the potential impact on modal shares of dedicated bus schemes from the relatively small-scale pilots that have been conducted to date. However, DfT has recently approved £18.7 million funding for a 'yellow bus' scheme for 150 vehicles serving 100 schools in West Yorkshire. We will work closely with West Yorkshire PTE to ensure that the impacts of this project are fully evaluated, and to learn any lessons for future schemes.

We do not agree that there are 'unnecessary' regulatory obstacles to using 'yellow buses' for complementary purposes. The 'yellow buses' imported from the US have been designed to American standards and so required modification to meet the UK regulations, although we did grant limited exemptions to the Public Service Vehicle (Accessibility) Regulations 2000 to enable the small scale pilot schemes to go ahead. Where the vehicles comply with the requirements of PSVAR, then the range of complementary operations the vehicle could undertake is much greater.

17. It is essential that the effects on congestion of the pilot schemes are monitored. It is far from clear how schemes will be evaluated when local authorities say that they do not monitor congestion around schools or indeed know how to measure it. This must be part of the assessment of schemes' success. (Paragraph 57)

We agree that a key measure of the success of schemes must be changes in the level of traffic around schools. All local authorities bidding to run pilot schemes will be required to include estimates of the impact of the schemes on modal shares and to include proposals for monitoring 'before' and 'after' modal shares and levels of traffic on roads around schools.

Over the longer term, we will also look at the overall impact of the school travel initiative on congestion across a wider area. This will become easier over the next few years as we gain access to a wider range of data sources on urban congestion, including from GPS.

18. Any congestion performance indicators that are developed should include all modes of transport, and should measure the effects of change on pedestrians and cyclists. (Paragraph 58)

We very much agree and will ensure that this is measured as part of the evaluation of the pilot schemes.

19. The Committee supports the idea of pilot schemes. However, the Government's leisurely approach is an indulgence. As we have demonstrated, school transport is in crisis now and the effects of this crisis are felt by everyone who needs to travel at peak hours. The pilots should be limited to two years duration. In addition, the Government and local authorities should do all they can to ensure that the first pilots can be implemented as quickly as possible after Royal Assent. An experiment which does not end until 2011 is not addressing this problem with the urgency it needs. If the Bill is passed next year, we believe that a significant number of pilots should have been completed by 2008. (Paragraph 59)

At present the Government envisages taking a measured approach because this is a controversial and difficult area. As the Transport Committee is aware, changing patterns of travel is a long term

business, and it might be difficult to evaluate the success of local initiatives after only one or two years. However, the School Transport Bill does allow the Secretary of State for Education and Skills to lift the cap of 20 pilot schemes before 2011, if the schemes are successful and Parliament is content to change the relevant regulations.

20. We are disappointed that the Government has not provided for the pilot schemes to be far more radical. It is inappropriate to leave it entirely to local authorities to identify and bring forward possible models for new school transport arrangements. The Government should itself identify a range of problems it wishes to solve, and range of possible solutions to test. (Paragraph 60)

The Government has avoided specifying in detail the types of pilot schemes that might be run because the Local Government Association and others indicated that local authorities had a wide range of ideas that could be tested. Some of these may indeed be radical. The prospectus that accompanies the draft School Transport Bill explains that all schemes must tackle traffic congestion, and suggests a number of additional areas that could provide a focus for individual schemes. These include schemes addressing the needs of rural populations, schemes involving staggered opening hours, and schemes providing better access to extracurricular activities. Different areas currently face different practical problems, and we think it is best to allow local authorities to identify what these are and suggest solutions.

21. In effect, the Secretary of State for Education in England and the National Assembly in Wales would have power to determine the way in which school transport should be provided, without any further report on the success of schemes, or any sanction by Parliament. This is not acceptable. There are serious practical questions to be asked. It is not clear whether local authorities will be free to choose to provide services in the way they do now if the pilots are continued after 2011, nor whether the aim is to have a restricted range of standards for provision throughout England or Wales, or to allow local authorities to run a wide variety of schemes. Although the Bill itself appears to leave local authorities the option of continuing under the current legislative framework, the Government would be able to indicate support for particular schemes and will presumably be able to support local authorities using such schemes. We hope the Education and Skills Committee will look further at this issue. (Paragraph 61)

We will come back to this issue once we have had the advice of the Education and Skills Committee. Our current view is that the position has been made clear in the draft School Transport Bill and accompanying prospectus. No local authority will be compelled to run a pilot scheme and all may - if they choose - continue with the current arrangements. Pilots will continue to run after 2011 if the piloting approach is successful and local authorities may start pilots as and when they choose to do so.

At this point we have not considered whether it would be appropriate to offer a range of 'model' schemes which local authorities may opt for: this is something we will investigate as part of our evaluation of the pilots.

22. The Department for Transport should take a lead in encouraging local authorities to integrate their school transport provision with other services, such as access to health facilities, or transport for social services, and working out a suitable action plan with the DfES and other interested parties. At least one of the pilots should address this. (Paragraph 62)

We are keen to encourage the appropriate integration of transport provision to different services and this has been highlighted in the prospectus accompanying the draft School Transport Bill as an area to be addressed in the pilots. Following the Social Exclusion Unit report, *Making the Connections*, DfT will issue guidance to authorities on how they should pay greater attention to improving access to jobs and key services in their next Local Transport Plans. Other Government Departments are also planning to issue guidance on accessibility planning to their local delivery agencies, setting out how they should work with local transport authorities to improve accessibility. This guidance will encourage greater consideration of the integration of transport provision within local authorities'

departments and between local authorities and other local bodies, such as Primary Care Trusts, as one method of improving accessibility.

23. If the Government wishes the pilot schemes to be tested properly, it must bear some of the costs of developing its new policy. (Paragraph 63)

We do not have plans to provide extra funding for the pilots. Over £2 billion of public money each year is spent on education, social services and patient transport as well as subsidies to public bus fares and services and we believe that there is scope for this resource to be used more cost-effectively. We want to see local schemes make more effective use of existing support for bus services, preferably drawing together school, local transport, social services and possibly health arrangements, for the benefit of a wide range of bus users.

Local authorities already have the option of bidding for long-term investment in vehicles through the local transport plan system. Where these schemes can meet its normal appraisal criteria and subject to affordability constraints, DfT will give full and fair consideration to such bids.

24. We draw the evidence we have been given to the attention of the Education and Skills Committee, which is better placed than we to balance potential cost savings from staggering school hours with the potential disruption it might cause to the schools and LEAs involved. (Paragraph 65)

We agree that this is more a question for the Education and Skills Committee, and for the current consultation exercise on the Bill: in general, though, we favour a consensual approach on this issue, where local stakeholders can take an informed judgement on the right balance between making cost savings (which could release more resources for schools themselves) and disturbing established arrangements which causes domestic problems for teachers and parents.