

BEST PRACTICE GUIDANCE FOR TRANSPORT PROVIDERS IN NORTH YORKSHIRE

This guide provides information which should be read carefully, understood, followed and considered in conjunction with the Conditions of Contract issued as part of the service contract. A failure to follow this guide could result in the Agreement (as defined in the Conditions of Contract) being terminated.

Topics covered in this guide include Provision of Transport Services During Severe Weather, Seat Belt/Child restraints, Incidents and Accidents, Risk Assessments, Daily Defect Checks and Vehicle Maintenance, Recruitment and Selection, Role of the Contract Manager and Role of the Designated Person.



This guide should be considered alongside the requirements of your Conditions of Contract, your responsibilities as an employer, your responsibilities as a transport Supplier and your responsibilities as an employee.

Provision of Transport Services During Severe Weather

In periods of bad weather, it is necessary to take extra precautions to ensure that the safety of passengers is not compromised. It is not possible to provide precise instructions to cover every eventuality: the following notes reflect “good practice” which should, if followed, assist in ensuring passengers’ safety.

Passenger safety is of paramount importance. Before starting a morning journey, check the prevailing weather conditions for the area in which you operate. Suppliers must be satisfied that it is safe to operate the journey.

- ☞ Drivers to have a mobile phone or two-way radio available. Suppliers should be aware of areas where there is difficulty with, or lack of, phone coverage and the details should be included in the Route Risk Assessment.
- ☞ Drivers should be aware of emergency contact numbers for your base, school/establishment, and Integrated Passenger Transport (IPT). This information should be included in the Route Risk Assessment. Should a problem occur the Driver should notify, when it is safe to do so, the school/establishment and Supplier immediately. The Supplier must notify IPT as soon as they become aware of a problem.
- ☞ Where the Supplier has been unable to complete the morning route it is sensible to take passengers home. The Supplier must ensure that the passengers are properly supervised or cared for before the driver leaves them. If the driver has any doubts then the passengers should be kept on the vehicle with the driver who should then contact either the school/establishment, the Supplier or IPT immediately. The school/establishment must be notified as soon as possible that the passengers will not be attending.
- ☞ If weather conditions are poor, it is wise to ensure that in the morning there is a responsible person at the school/establishment to receive the passengers before the commencement of the journey.
- ☞ The Supplier should continue to monitor the weather throughout the day. If the weather deteriorates the Supplier may decide it is necessary, for safety reasons, for the transport to operate before the normal time. The Supplier must liaise with the school/establishment and agree an appropriate course of action with them. Please remember that the final decision rests with the school/establishment. Where a service carries passengers from more than one school/establishment it is the Supplier’s responsibility to ensure that each school/establishment is aware of what is proposed.

Seat Belt/Child Restraints

Drivers of all vehicles used on Council transport contracts must wear a seatbelt where one is fitted.

Current legislation requires that passengers aged 14 and over are legally responsible for the wearing of a seatbelt where one is provided. It is the driver's responsibility to ensure that passengers aged 13 years or under are correctly restrained.

Suppliers must comply with current legislation regarding seatbelts, child restraints and car seats and with the Council's contractual requirements where these surpass legislative requirements.

☒ Taxis

The Council requires that all seats used have a 3-point seat belt. An appropriate child seat/restraint must be provided for each child transported where the child is under 135cms or the passenger has special transport needs. Passengers 12 years old and above, as well as those over 135 cm, must wear a 3-point seatbelt, unless otherwise specified by the Council in a Transport Assessment. Rear-facing child seats must not be used in the front of the vehicle if the front passenger airbag is active.

Only EU-approved child car seats can be used in the UK. These have a label showing a capital 'E' in a circle.

It is the Supplier's responsibility to provide, inspect and maintain suitable child seats/restraints where specified. It is the Supplier's responsibility to ensure that child seats/restraints provided by the Council are checked and maintained, and to notify the Council immediately should there be any problems identified.

☒ Minibuses

Child seats are not recommended for use on a minibus unless the passenger has specific needs or the seatbelt cannot be suitably adjusted.

Children under 3 years of age must use an appropriate restraint, or child seat where one is required in the Schedule and which the Council has assessed as suitable for the vehicle.

Children aged from 3 years up to their 12th birthday, and under 135 cm tall, must use an appropriate restraint or a 3-point seatbelt. Child seats should only be used where a specific requirement has been identified and the Council has assessed the seat as suitable for the vehicle.

Children aged 12 and 13 years old (and younger children who are 135 cm or taller) must wear the seatbelt, where one is provided.

Passengers aged 14 years or more must wear the seatbelt, where one is provided, and are personally responsible for doing so.

☒ Buses and Coaches

Suppliers shall ensure that all children over the age of 14 wear a seatbelt where fitted.

With regard to younger children, Suppliers are required to take all reasonable steps to ensure that every passenger is notified that he/she is required to wear a seatbelt, where fitted, at all times. This

is to be done by means of an announcement or audio-visual presentation as passengers join the bus and/or a designated sign, approved by the Department for Transport (DfT).

☒ General Good Practice

Seatbelt adjusters can be used in minibuses, buses and coaches which operate contracted transport services. These enable adult 3-point seatbelts to be adjusted to fit the passengers more comfortably.

The front seat of a taxi or minibus should only be used when all the rear seats are occupied, and only if the seat has a 3-point seatbelt fitted. Where front seats need to be used, it is more appropriate for children over 135 cm to sit in the front of a vehicle. The Crew/Courier seat on coaches cannot be used on contracted transport services.

Suppliers shall ensure that all children always board and alight on the kerb side of the vehicle.

Driving & Route Risk Assessments

In relation to Route Risk Assessments the following are examples of the type of things you should consider prior to carrying out your transport service and daily thereafter:

If you are providing a Taxi Service:

- ☒ Does the driver or passenger assistant get in and out of the car to assist passengers?
- ☒ Can all passengers board and alight from the near side of the vehicle?
- ☒ Do you have the correct equipment for each individual passenger's needs?
- ☒ Have you assessed the route and all pick-up and drop-off points?

If you are providing a Bus Service:

- ☒ Are all of the stopping points safe for the vehicle to stop and passengers to wait? If you are concerned about a particular stopping point please contact Integrated Passenger Transport immediately.
- ☒ If the vehicle has seatbelts fitted, has your driver clear instructions to make an announcement requesting pupils to fasten the seatbelts or, alternatively, is there appropriate signage?
- ☒ Have you assessed the route and its suitability for the size and type of vehicle to be used?

General

- ☒ Do you have clear procedures for drivers and passenger assistants to report problems or incidents?
- ☒ Are your drivers and passenger assistants aware of what to do should parents/carers not be at a drop-off point, especially for primary school or special educational needs pupils, and vulnerable adults?
- ☒ Have you assessed the pick-up and drop off points?
- ☒ Have all your drivers been provided with a copy of the Driving Risk Assessment and the appropriate Route Risk Assessment?
- ☒ Are you satisfied that sufficient time is allowed to complete the journey safely?
- ☒ Are you satisfied that sufficient consideration is given to adverse weather conditions, such as snow or high winds, when planning journeys?
- ☒ Do you have clear emergency and evacuation procedures?
- ☒ Does the route use a motorway? If so, do you have specific emergency and evacuation procedures?

Please note that all services must have a Route Risk Assessment in place prior to commencement of the service. This assessment should be reviewed on a regular basis to ensure any changes including the route followed, the pick-up and drop-off points, road layout, etc. have been included.

The Supplier must also have a Driving Risk Assessment. This can be integrated in to each Route Risk Assessment or be standalone.

Further information in relation to Health & Safety, including templates for risk assessments, can be found at www.hse.gov.uk/risk/.

You may also find the HSE booklet, Driving at Work – Managing work-related road safety, a useful guide. This can be found at <http://www.hse.gov.uk/pubns/indg382.pdf>

Incidents and Accidents

Suppliers must ensure that there is a clearly defined written procedure which must be followed in the event of a breakdown, accident or other emergency incident (such as passenger illness) and that all drivers and passenger assistants are aware of, and adhere to it. A copy of the procedure should be kept inside the vehicle.

Breakdowns

In the event of a breakdown:

- ▣ The driver should move the vehicle off the carriageway (onto the hard shoulder on a motorway) and switch on the hazard warning lights. If this is not possible, it should be moved as far away from moving traffic as possible. If a warning triangle is used, it should be placed on the same side of the road, at least 45 metres from the vehicle. Always take great care when placing and retrieving a warning triangle and **never** use them on the motorway.
- ▣ The passengers should be kept together in one group. Passengers should be kept calm and under constant supervision. In some circumstances, it is safer to leave the passengers in the vehicle. For example, if it seems too dangerous to unload passengers in wheelchairs or if there is not a safe waiting area. The driver (and Passenger Assistant if present) will need to assess the situation and decide whether or not to unload passengers. If necessary, the driver should go for help, leaving the passengers with the passenger assistant. If the driver is the only adult present, he or she should not leave the children alone. The driver will need to give the police, or breakdown service, accurate details of the vehicles location, and inform them if children or passengers with mobility problems are being carried.
- ▣ The passengers should be moved out of the nearside of the vehicle and as far away from it and other traffic as possible. No one should stand between the vehicle and oncoming traffic. On motorways or other busy roads passengers should be taken onto the embankment or grass margin and as far from the traffic as is practicable. The hard shoulder on a motorway is very dangerous.

Accident

In the event of an accident:

- ▣ the driver and/or the passenger assistant must make the accident scene as safe as possible:
- ▣ use hazard warning lights and any other safety devices available
- ▣ do not move injured passengers unless they are in immediate danger of further injury from other vehicles or from fire or explosion
- ▣ call the emergency services immediately; provide them with information about the situation, any special circumstances (for example if carrying oxygen bottles) and if any passengers have special needs. If the emergency services are called the driver must stay at the scene of the accident until the emergency services (and anyone else with reasonable cause) have taken all the details.

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- Ⓜ ensure one person (driver or PA) remains with the passengers, where possible, especially if they are children or vulnerable adults.
 - Ⓜ do not allow passengers to assist with repairing or re-starting the vehicle and never allow them to push the vehicle.
 - Ⓜ If the accident is damage-only and no one is injured, the driver should ensure that the vehicle is roadworthy before continuing the journey. The incident must be reported to the Supplier at the time or upon their return. A report book or form must be kept for this purpose. The Supplier should ensure that all repairs and insurance details are completed.
 - Ⓜ If there is any injury or the names of people involved are not exchanged, the driver must report the accident to the Police as soon as possible or in any case within 24 hours.
 - Ⓜ All accidents, which occur whilst under contract to the Council, must be reported to Integrated Passenger Transport as soon as possible.

Emergency Evacuations

In the event of an accident, or other incident such as a fire, an emergency evacuation should be conducted.

The best way to evacuate the vehicle will depend upon the nature of the incident, the passenger group and the type of vehicle. Therefore, the driver, and passenger assistant(s) where they are available, will need to exercise their judgement at the scene of the incident.

Drivers and passenger assistants who have been trained will be far better equipped to make appropriate decisions and cope with such difficult circumstances.

Clear accident and emergency procedures should be in place and should be included in driver and passenger assistant training.

Daily Defect Checks and Vehicle Maintenance

This guidance is provided to assist Suppliers to operate both within legislation and also the terms and conditions of Council contracted services. The guidance contains information provided by the Driver & Vehicle Standards Agency (DVSA) in its Guide to Maintaining Roadworthiness (2018). This document can be found at <https://www.gov.uk/government/publications/guide-to-maintaining-roadworthiness>

- ☞ All Suppliers are required to comply with the guidance issued in this document.
- ☞ All vehicles operating contracted services are required to have a daily defect check **prior** to the vehicle entering service each day.
- ☞ All defect checks should be recorded using the appropriate paperwork, carried on the vehicle on the day of the check, then kept on file and be available for inspection on request.
- ☞ Staff should be given training to enable them to carry out this activity and a record of this training should be held on individual staff files.
- ☞ Suppliers should have the means to rectify any defects which are identified during routine maintenance inspections and daily defect checks.
- ☞ All Suppliers are also required to provide records of vehicle maintenance which should be available for inspection on request. Vehicle maintenance must be carried out by a suitably qualified person at appropriate premises.
- ☞ There are no circumstances where it is acceptable for a vehicle which is unfit for service to operate on a contract undertaken on behalf of North Yorkshire County Council.

Recruitment and Selection

Drivers and Passenger Assistants have an important role in relation to the provision of home to school and adult social care transport services which are safe and reliable. Drivers have a specific responsibility for the safety and well-being of their passengers, and this responsibility extends beyond their driving capabilities.

Both Drivers and Passenger Assistants are in a position of trust and authority in relation to the children and adults that they transport and it is essential that you have appropriate recruitment procedures which ensure that the people you employ to provide transport services are suitable to work with both children and adults. Although all Drivers and Passenger Assistants must be checked through the Disclosure & Barring Service (DBS) by the Council this is not enough to ensure the safety of children and adults.

Additional advice and guidance on safer recruitment and selection of staff working with, or providing services to, children and vulnerable adults can be found on the North Yorkshire Safeguarding Children Board website at <http://www.safeguardingchildren.co.uk/> and the North Yorkshire Safeguarding Adults Board website at <http://www.nypartnerships.org.uk/sab>

Unless you are a sole trader, partnership or family owned organisation, with no other employees, you should as a minimum: -

- ☞ Have an application form/process. This should give you comprehensive information from applicants; you should identify and satisfactorily resolve any discrepancies or anomalies, including in their employment history.
- ☞ Take up references. Obtaining independent professional and character references that answer specific questions to help assess an applicant's suitability to work with children and vulnerable adults and following up any concerns.
- ☞ Conduct an interview. This should explore the candidate's suitability to work with children and vulnerable adults as well as his/her suitability for the post.
- ☞ Verify the successful applicant's identity and entitlement to work.
- ☞ Verify qualifications (via scrutinising evidence). In the case of Drivers this includes their driving licence.
- ☞ Be sure that they have the communication skills, health and physical capacity for the job. This includes but is not limited to writing reports in legible English where relevant.
- ☞ Ensure that a DBS application has been submitted through the Council and authorisation has been given by IPT for the individual to work on transport contracts through the issuing of a Council DBS Badge.

In order to meet the Council's conditions of contract you will need to retain records to confirm that you have followed these minimum standards. The requirements of this Best Practice Guide must be applied to all persons who are involved in providing services as part of a contract you have with the Council. This includes people who are self-employed and sub-contractors.

Role of the Contract Manager

The Supplier's Contract Manager is responsible for the successful operation of the Contract and is the initial point of contact for anything in relation to the Contract. The Contract Manager must be empowered to act on behalf of the Supplier for all purposes connected with the Contract.

The Contract Manager's key areas of responsibility are:

- ▣ compliance with the Terms & Conditions of Contract
- ▣ ensuring that they are contactable to assist with queries or resolve issues in relation to the services provided. Where the Contract Manager is unavailable due to illness or holiday, they must ensure that responsibility is delegated to another appropriate person who is fully empowered to act on behalf of the Supplier for all purposes connected with this Agreement.
- ▣ monitoring performance
- ▣ ensuring they are available for meetings and inspection visits to the operating centre or head office. Contract Manager's may delegate this responsibility to another member of Supplier staff but this member of staff must be fully empowered to act on behalf of the Supplier for all purposes connected with the Agreement. The named Contract Manager must be present for at least one inspection visit every 12 months where concerns or an Action Plan are in place.
- ▣ ensuring that all contract related paperwork issued by the Council is completed and returned within the timescales or available at the time of inspection
- ▣ ensuring that corrective action is taken, within the timescales specified, where an Improvement Action Plan is put in place
- ▣ ensuring that the Council is notified of any failure to operate, or late/early operation of contracted services
- ▣ ensuring that risks are identified and managed, and that route and driving risk assessments are in place and monitored
- ▣ ensuring that staff are aware of the correct procedures should parents/carers not be at the drop-off point
- ▣ ensuring that all appropriate insurances are in place and that confirmation of insurance renewal is provided upon request
- ▣ ensuring that all incidents and complaints which relate to the contract and its management are reported to the appropriate Authorised Officer
- ▣ managing changes or variations to the contract
- ▣ ensuring that effective communication is in place and maintained for all aspects relating to the contract
- ▣ investigating incidents and complaints in relation to the contract raised through the Council, ensuring that effective remedial or preventative action is put in place
- ▣ ensure the maintenance, and appropriate retention, of all contract documentation in an appropriate format and manner
- ▣ monitor compliance by Supplier staff including customer service, contract terms & conditions, training and safeguarding requirements. This includes monitoring the actions of the Designated Person
- ▣ ensuring that submitted invoices are accurate and in the correct format, and that the Council is notified of any changes which affect any automatic payments in place
- ▣ ensuring the attendance of Supplier staff working on the contract at identified Council training events
- ▣ ensuring that staff, including any which are self-employed, are recruited using no less than the minimum standards listed above
- ▣ ensuring that only contract staff who have a valid Council DBS Badge are used on the contract
- ▣ ensuring that any complaints made against Supplier staff are handled following the North Yorkshire Safeguarding Children Board's Allegations Against Staff procedures which can be

found at <http://www.safeguardingchildren.co.uk/multi-agency-procedures> or the Safeguarding Adults in North Yorkshire – Multi-Agency Policy & Procedures which can be found at <http://www.nypartnerships.org.uk/sabpolicies>

Please note this list is not exhaustive.

The Council's Authorised Officer may remove the Contract Manager should the individual be deemed no longer suitable for this role.

Role of the Designated Person

The Supplier's Designated Person is responsible for all the Disclosure & Barring Service (DBS) checks required in connection with the Contract.

The Designated Person and the Contract Manager can be the same person.

The Designated Person's key areas of responsibility are: -

- ☒ ensuring that all Supplier staff are in receipt of a Council DBS Badge prior to commencing work on the contract
- ☒ ensuring that all the appropriate checks including verification of identify, right to work and correct driving licences and categories (where appropriate), have been completed for all DBS applications with appropriate information retained on the individual's personnel file or other appropriate record systems
- ☒ ensuring that DBS renewal applications are submitted in advance of the current Council DBS Badge expiring – 3 months prior to expiry is recommended
- ☒ ensuring that the Council DBS Badges for all contract staff who leave the Supplier, for whatever reason, are returned to the Council with details and date of departure
- ☒ management of general staffing issues, and the monitoring and recording of staff training

Please note this list is not exhaustive.

The Council's Authorised Officer may remove the Designated Person should the individual be deemed no longer suitable for this role.

Requirement to provide Information and Records

As per clause 21.2 of the Conditions of Contract, in pursuance of the Council's commitment to continuing service improvement, the Supplier will from time to time be required to provide the Council with the following information:

- Details of passengers travelling on each journey, especially SEN or HAS contracts
- Passenger usage and passenger revenue information for all, or part of, any or all of each journey
- The completion of any statistical or information returns requested by the Council.