

# BEST PRACTICE GUIDANCE FOR TRANSPORT PROVIDERS IN NORTH YORKSHIRE

**This guide is intended for transport operators who operate Local Bus, Health and Adult Services and Home to School Transport contracts in North Yorkshire.**

**It provides information which should be read and carefully considered in conjunction with the conditions of contract issued as part of your service contract.**

**Topics covered in this guide include Provision of school transport services during severe weather, Health and Safety and Risk Assessments, Recruitment and Selection, the role of the Contract Manager, Seat belt/child restraints, Incidents and Accidents, Defect Checks and Vehicle Maintenance.**



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## Provision of School Transport Services During Severe Weather

In periods of bad weather it is necessary to take extra precautions to ensure that the safety of pupils 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 a child’s safety.

Children’s safety is of paramount importance. Before starting a morning journey, check the prevailing weather conditions for the area in which you operate. You must satisfy yourself that it is safe to operate. The County Council has a scheme to cover non operation during bad weather.

- ☞ It is always advisable for drivers to have a mobile phone or radio available. You should always check the route so drivers are aware of any areas where there is a lack of coverage.
- ☞ Make sure that all drivers are aware of emergency contact numbers for your base, schools and Integrated Passenger Transport (IPT). Should a problem occur, you should notify the school and IPT immediately, but only when it is safe to do so.
- ☞ If you are unable to complete the morning route it is sensible to take children home. You must ensure that that they are properly supervised before you leave them. If you have any doubts then keep the children with you and contact the school or IPT immediately. You must advise the school as soon as possible that the children will not be attending.
- ☞ If weather conditions are poor it is wise to ensure that in the morning there is a responsible person at school to receive the children before you embark upon your journey or leave them at the school.
- ☞ If you provide a connecting service do not leave children unsupervised unless you are sure that the service onto which they are transferring is also operating. In some cases waiting longer for the connecting service will affect other school journeys normally operated by the same vehicle. In these circumstances you should aim to contact the parents of those children whose journey will be delayed, or IPT if that is not possible.
- ☞ You should continue to monitor the weather throughout the day. If the weather deteriorates you may decide it is necessary for you to provide transport before the normal time. You must liaise with the school and agree an appropriate course of action with them. Please remember that the final decision rests with the Headteacher. Where a service carries student from more than one school it is your responsibility to ensure that each school is aware of what is proposed.

If you manage a service which is operational after 5pm an “out of hours” emergency number is available. Please contact Integrated Passenger Transport to be given this number, if it is required.

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## **Health and Safety and Risk Assessments**

This guide should be considered alongside the requirements of your conditions of contract, your responsibilities as an employer and a transport provider. In relation to Health and Safety and risk Assessments the following are examples of the type of things you should consider prior to carrying out your transport service contract each day:

### **If you are providing a Taxi Service:**

- ☒ Does the driver or passenger assistant get in and out of the car to assist children?
- ☒ Can all children board and alight from the near side of the vehicle?
- ☒ Do you have the correct equipment for each individual child's needs?

### **If you are providing a Bus Service:**

- ☒ Is the vehicle suitable for the route having regard to the road width, low bridges or low hanging trees etc?
- ☒ Are all of the stopping points safe for the vehicle to stop and children to wait? The Council has its own risk assessment process for boarding and alighting points. If you are concerned about a particular point please contact Integrated Passenger Transport.
- ☒ 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?

### **General**

- ☒ Do you have clear procedures for drivers and passengers assistants to report problems or incidents?
- ☒ If you maintain your own vehicles are you following the Health and Safety Executives' advice with regard to premises?
- ☒ Have you assessed the pick up and drop off points?
- ☒ Do you have a Driving Risk Assessment and are all of your drivers aware of it?
- ☒ Are you satisfied that sufficient time is allowed to complete the journeys 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.

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

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## 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 recruitment procedures, appropriate to the size and type of company, 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.

The Department for Education and the Department of Health have published guidance on safer recruitment and selection of staff working with, or providing services to, children and vulnerable adults. The full publications can be downloaded from <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> and <https://www.gov.uk/government/publications/no-secrets-guidance-on-protecting-vulnerable-adults-in-care> .

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

### **You Must**

- ☞ Have an application form. 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. 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
- ☞ Ensure that a DBS Certificate is applied for through NYCC and authorisation has been given by IPT for the individual to work on transport contracts through the issuing of a NYCC DBS Badge

In order to meet the Councils 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.

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## **We Also Recommend That You: -**

- ☒ Produce a job description and ensure that it makes reference to the responsibility for safeguarding and promoting the welfare of children and vulnerable adults
- ☒ Produce a person specification and include specific reference to suitability to work with children and vulnerable adults

## **Job Description**

This should clearly state:

- ☒ the main duties and responsibilities of the post
- ☒ the individual's responsibility for promoting and safeguarding the welfare of children, young persons and vulnerable adults she/he is responsible for, or comes into contact with.

## **Person Specification**

This should include:

- ☒ the qualifications and experience, and any other requirements needed to perform the role in relation to working with children, young people and vulnerable adults
- ☒ the competencies, skills and qualities that the successful candidate should be able to demonstrate
- ☒ an explanation of how these requirements will be tested and assessed during the selection process

## **Application Form**

### **Recommended Minimum Information to Be Requested**

- ☒ full identifying details of the applicant including current and former names, date of birth, current address, and National Insurance number
- ☒ a statement of any academic and/or vocational qualifications the applicant has obtained that are relevant to the position for which she/he is applying with details of the awarding body and date of award. In the case of drivers, this includes details of their driving licence(s) and any endorsements.
- ☒ details of referees. One referee should be the applicant's current or most recent employer, and normally two referees should be sufficient. N.B. where an applicant who is not currently working with children has done so in the past it is important that a reference is also obtained from the employer by whom the person was most recently employed in work with children. The form should make it clear that references will not be accepted from relatives or from people writing solely in the capacity of friends.
- ☒ A request for details of all convictions, cautions and bind-overs.

### **Additional Information Recommended To Be Requested**

- ☒ A statement of the personal qualities and experience that the applicant believes are relevant to his/her suitability for the post advertised and how s/he meets the person specification.

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- ☞ It should include an explanation that, if the individual applies to work on an NYCC transport contract then the post is exempt from the Rehabilitation of Offenders Act 1974 and therefore that all convictions, cautions and bind-overs, including those regarded as 'spent', must be declared as these will appear on the DBS Certificate.
  - ☞ A signed statement that the individual is not on any barred list, disqualified from working with children or vulnerable adults, or subject to sanctions imposed by a regulatory body.
  - ☞ a full history in chronological order since leaving secondary education, including periods of any post-secondary education/training, and part-time and voluntary work as well as full time employment, with start and end dates, explanations for periods not in employment or education/training, and reasons for leaving employment

## Seat Belt/Child Restraints in Taxis, Minibuses, Buses and Coaches

Drivers of all vehicles used on NYCC 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 seat belt where one is provided. For children under the age of 14 it is the responsibility of the driver of the vehicle, with some exemptions, to ensure that the child is wearing a seatbelt.

Any concerns the driver has regarding the wearing of seatbelts must immediately be reported to the school and IPT.

### ☞ Taxis

Children under 135cms in height, and under 12 years old, must use an appropriate child restraint when travelling in a taxi.

Although the legislation exempts taxis, the council requires that all seats have a 3-point seat belt and an appropriate child restraint (car seats, booster seats or cushion) is provided for each child transported where the child is under 135cms. It is the contractor's responsibility to provide and maintain suitable child restraints.

It is illegal to carry a child in a rear-facing child seat in the front, which is protected by an active frontal airbag.

Further guidance and the definitions of child restraint (car seats, booster seats and cushions) can be found on the DfT's website <https://www.gov.uk/child-car-seats-the-rules>

### ☞ Minibuses

Children aged 3 and older must:

- use a child car seat if there is one available and which is suitable for the type and size of seat in the minibus
- use an adult 3 point seat belt if child seats are not fitted or are unsuitable

All children must travel in rear seats (any seats behind the driver) if a child car seat or an adult 3 point seat belt isn't fitted.

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## **Buses and Coaches**

In relation to children travelling on buses or coaches, legislation says that:

- ▣ All pupils over the age of 14 are responsible for ensuring they wear a seatbelt where fitted.
- ▣ With regard to younger children, Contractors are required to take all reasonable steps to ensure that every passenger is notified that he/she is required to wear a seatbelt at all times. This is to be done by means of an announcement or audiovisual presentation as passengers join the bus and/or a designated sign or text, approved by the Department for Transport (DfT), at each seat fitted with a seatbelt.
- ▣ Children can travel on buses and coaches without a seat belt, if they are not available.

## **General Good Practice**

Children of any age should only sit in the front seat of a taxi or minibus when all the rear seats are occupied. Where front seats need to be used, it is more appropriate for older children (with the appropriate child seat where appropriate) or those over 135 cm to sit in the front of a vehicle. All seats, except the Crew/Courier seat on coaches and seats without 3-point seatbelts fitted e.g. lap-belts, can be used.

Children should always board and alight on the kerb side of the vehicle and be supervised when doing so.

## **Incidents and Accidents**

Operators must ensure that there is a clearly defined written procedure which must be followed in the event of an 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.

### **Accidents**

In the event of an accident, the driver and/or the passenger assistant must, where appropriate, make the accident scene as safe as possible:

- ▣ use hazard warning lights and any other safety devices supplied
- ▣ 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. If possible, the names and addresses of all independent witnesses should be obtained at the scene.
- ▣ ensure one person (driver or PA) remains with the children if child passengers are involved

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- Ⓜ do not allow child 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 operator at the time or upon their return. A report book or form must be kept for this purpose. The operator 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 NYCC, 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) 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.

- Ⓜ Passengers should exit the vehicle as they would normally, if possible, and move as far away as possible. If passengers need assistance to exit the vehicle, the passenger assistant should provide what help is necessary. If it is necessary to use the rear exit, care must be taken against approaching traffic.
- Ⓜ It may not be possible to remove wheelchairs quickly from a vehicle, unless the driver or passenger assistant(s) are trained to do so. It may be necessary to lift a passenger from the vehicle, which is not easy to do in a confined space and often requires two people.
- Ⓜ Drivers and passenger assistants should not attempt to tackle a vehicle fire, unless they have been trained to do so.
- Ⓜ Clear accident and emergency procedures should be in place and should be included in driver and passenger assistant training.

## Vehicle 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 minibus. Always take great care when placing and retrieving a warning triangle and **never** use them on the motorway.
- Ⓜ 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

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grass margin and as far from the traffic as is practicable. The hard shoulder on a motorway is very dangerous.

- Ⓜ 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 driver should also telephone the school or establishment and Integrated Passenger Transport at County Hall to tell them what has happened and ask them to relay messages to parents and others as necessary.

## Daily Defect Checks and Vehicle Maintenance

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

- Ⓜ All operators are required to comply with the guidance issued in this document.
- Ⓜ All vehicles operating NYCC contracted services are required to have a daily defect check **prior** to the vehicle entering or resuming 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 for 15 months 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.
- Ⓜ Contractors should have the means to rectify any defects which are identified during routine maintenance inspections and daily defect checks.
- Ⓜ Contractors 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.

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## Role of the Contract Manager

The contractor'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 Contractor for all purposes connected with the Contract.

The Contract Manager's key areas of responsibility are:

- compliance with the Terms & Conditions of Contract
- monitoring performance
- 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 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 NYCC 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, including ensuring that an appropriate person is contactable in relation to contracts each day
- investigating incidents and complaints in relation to the contract raised through NYCC, 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 contractor staff including customer service, contract terms & conditions, training and safeguarding requirements
- 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 contractor staff working on the contract at identified Council training events
- ensuring that only contract staff who have a valid NYCC DBS Badge are used on the contract
- ensuring that any complaints made against contractor 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/> or the Safeguarding Adults in North Yorkshire – Multi-Agency Policy & Procedures which can be found at <http://www.nypartnerships.org.uk/CHttpHandler.ashx?id=1228&p=0>  
<http://www.northyorks.gov.uk/CHttpHandler.ashx?id=1228&p=0>

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.

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## Role of the Designated Person

The contractor'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 contractor staff are in receipt of a NYCC 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 individuals personnel file or other appropriate record systems
- ensuring that DBS renewal applications are submitted in advance of the current NYCC DBS Badge expiring – 3 months prior to expiry is recommended
- ensuring that the NYCC DBS Badges for all contract staff who leave the contractor, for whatever reason, are returned to the Council with a reason for, 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.