1. Are you in favour of the Bill and its provisions? Do you think the Bill achieves its aim of improving safety on school transport?
North Ayrshire Council are in favour of the Bill and believes it will continue to contribute to improving the safety of pupils whilst traveling on dedicated school transport contracts.

National guidance already outlines that seat belts should be added as a condition within dedicated school transport contracts as a matter of good practice. Given the increasing numbers of local authorities implementing such measures, this may have eventually resulted in national coverage without legislation. However, due to the importance of protecting children and young people, the fundamental policy position to ensure that this becomes universal practice across Scotland on such transport is welcomed. The Bill will enable this to occur as a matter of law.

2. 18 local authorities have already chosen to make it a requirement of their school bus contracts for seat belts to be fitted on dedicated school transport. Do you feel that this has been successful?
North Ayrshire are one of the 18 local authorities who already voluntarily specify that motor vehicles provided for the dedicated transport of pupils to and from establishments where they receive primary education or secondary education are fitted with seat belts. The introduction of seatbelts to all contracts was implemented by the Council in August 2011, this was to ensure that seat belts were fitted to every passenger seat in every motor vehicle which is used in the provision of dedicated school transport service (i.e. one belt per pupil).

If there is any failure of compliance with the adopted best practice and contractual arrangements to ensure that seat belts are fitted on all vehicles used for dedicated school transport, then the recourse is the existing complaints and governance procedures for the Council. The Bill does not introduce any bespoke new process. The Council has not experienced any significant increase in workload due to the introduction of seatbelts being imposed. Furthermore, as no new enforcement body is being created by the Bill, there will be no significant new cost implications in terms of enforcement.

3. Is there anything else that you feel should be included in the Bill?
The Bill does not mandate the technical specification of the seat belt which must be provided (such as three-point belts or lap belts). Existing reserved legislation governing the construction, maintenance and equipment of motor vehicles sets out the technical standards and maintenance levels required for seat belts in vehicles on UK roads. Seat belts supplied for the purposes of compliance with the Bill must adhere to such minimum standards.

Although the Bill does not affect the law on the wearing of seat belts on dedicated school transport, it represents an opportunity to promote successful approaches and wider awareness of this issue and will promote good practice on these matters.
The new legal duty is already seen as good practice for some 18 local authorities and there are clear precedents for how it is implemented and how it works in practice.

4. Will the Bill and its provisions have a particular impact on equalities groups?
The duty will apply to ASN pupils. However, the Bill will not stipulate what specialist provision should be given to pupils with any particular condition or affect existing obligations which the Council is already subject to, particularly the Education (Additional Support for Learning) (Scotland) Act 2004 and the Equality Act 2010. In practice, the Council currently conduct needs assessments in such circumstances in line with our existing obligations regarding education provision more generally: all contracts are drafted in such a way that providers are fully aware of these requirements on dedicated school transport contracts.

Some pupils travelling on dedicated school transport may need specialist provision, such as smaller children needing adjustable straps, or adaptations which are required because a young person has Additional Support Needs (ASN). The definition of seat belt used in the Bill aligns with existing UK law, which includes child restraints, disabled person’s belts, lap belts and three-point belts.

Regarding smaller children for whom a standard three-point belt may not be suitable, there are a range of options for which the Council includes in contracts such as child car seats, harnesses all of which are considered as suitable child restraints under UK law or lap belts. Consequently the new legal duty will not restrict the existing flexibility open to the Council or bus providers on these matters.

North Ayrshire Council
April 2017