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Llywodraethwyr Cymru Governors Wales

**REPORT TO: THE NATIONAL
ASSEMBLY FOR WALES
EDUCATION & LIFELONG
LEARNING COMMITTEE
STATUS OF REPORT:
DISCUSSION PAPER
REPORT BY: GOVERNORS WALES
DATE: THURSDAY 18TH
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SUBJECT: POLICY REVIEW,
SCHOOL TRANSPORT**

1. INTRODUCTION

1.1 Governors Wales is grateful for the Committee's invitation to attend and present evidence to inform the Committee's policy review regarding the arrangements for school transport in Wales.

1.2 As might be expected, our observations focus primarily upon the responsibilities, duties and concerns that governors exercise with regard to the transport arrangements affecting the pupils of their school.

1.3 Unusually, however, reference to the duties and responsibilities of governing bodies for school transport arrangements in law, give an unrealistically narrow picture of the wider responsibilities and concerns of governors for the safety and welfare of pupils whilst being conveyed to and from school.

2. DEVELOPMENT

2.1 Governors Wales understands that governing bodies do not exercise legal responsibility for the safety and welfare of pupils after they have left school premises, unless the pupils are engaged in an activity supervised by suitably qualified and experienced staff which takes place off the school site during or after school hours, or where the activity requires that pupils are escorted from one school site to another where

the activity will be accommodated.

2.2 It would, however, be apparently uncaring for any governor to argue, despite the absence of any legal imperative that the governors of a school have no responsibilities regarding the safety of pupils beyond the school gates. On the contrary, to do so would be to deny moral imperatives and a duty of care which, irrespective of the boundaries of legal responsibility, are something that governors feel and reflects a concern (or concerns) that parents and those in the wider community expect governors to express.

2.3 We are advised, however, that guidelines issued by headteacher organisations draw a distinction between the reasonable expectation of governors that a headteacher would take action to deal with instances of bad behaviour occurring on school buses, and the duty to supervise children to and from the school on specially provided school transport which is the responsibility of the transport company or the LEA.

2.4 Whereas responsibility exercised by the governing body appears, therefore, to end at the school gate, responsibility discharged by the school for pupil behaviour appears to extend to 'the environs of the school' and perhaps to pupil behaviour during bus journeys to and from the school.

2.5 Similarly, legal responsibility for ensuring that transport arrangements meet relevant health and safety legislation may rest with the LEA, reflected in its policy for school transport and its contractual arrangements with transport companies. However, governing bodies may, in view of what the school perceives as an overarching duty of care, wish to monitor day to day arrangements for school transport in the light of the LEAs policies.

2.6 What is clear, is that whatever the legal imperatives may be, in the unhappy event that a tragic accident results in the injury or death of a pupil, media attention and the attention of parents focus not upon the LEA or the transport company, but primarily upon the governing body, the headteacher and the staff of the school. We are conscious of the very significant burdens, experienced without the benefits of media training, that may be placed upon Chairs of governors and other members of a governing body at such critical and distressing times. We believe that there is a particular duty of the LEA under such circumstances to advise and support the governing body with regard to media and public relations. It would be all too easy for an unguarded or ill-considered governor comment or, indeed, the offer of 'no comment' to convey an apparent lack of care or interest on the part of governors to parents and the public at large. In doing so, months and years of work by the governing body, headteacher and the staff of a school towards the development of positive and mutually supportive partnerships between the school, parents, pupils and the wider community may be severely eroded.

3. PRACTICAL STRATEGIES

3.1 Members of the Committee will be aware of some of the measures that have been suggested with regard to influencing pupil behaviour whilst on school transport, particularly at the end of the school day. Perhaps, collectively these may have potential practical benefits but individually, Governors Wales believes, they may have little effect.

3.2 Governors Wales accepts that the use of single-deck vehicles will improve the capacity of drivers to supervise pupils. However, whether the responsibility of driver supervision potentially prejudices vehicle and journey safety may be a consideration irrespective of whether single or double-decked vehicles are used.

3.3 Closed circuit television monitoring of pupil behaviour during journeys by school transport may help to identify, after the event, individual pupils involved in misbehaviour.

3.4 However, in both 3.2 and 3.3 above, any sanction applied by the school to the pupils concerned is necessarily after the event and does not contribute to the resolution of unruly pupil behaviour and any risk to safety that arises at the time.

3.5 A number of approaches to direct pupil supervision have been suggested, ranging from the deployment of prefects or adult volunteer escorts, to paid escorts or the deployment of qualified teacher escorts as an extension of their duties. Governors Wales understands that the 1996 Education Act enables LEAs to provide supervision if necessary, in order to ensure reasonable safety for pupils using school transport. Governors Wales acknowledges the potential benefits that are to be derived from supervision provided by escorts on each journey. However, we suggest that the status, skills and quality of the supervisor, and their ability to exert control and operate appropriate sanctions in the event of pupil misbehaviour, are crucial considerations.

3.6 The deployment of senior pupils or prefects as escorts may be an option and may be considered by the courts as a "reasonable" response. That is, reflecting the standards of care of a reasonable parent. Governors Wales doubts, however, whether this is an appropriate role for, albeit relatively senior, pupils to perform.

3.7 Neither do we consider that adult volunteers should bear supervisory responsibilities that are designed as a contribution to pupil safety. Equally, despite the commitment, enthusiasm and reliability of the best of volunteers, it would be difficult to guarantee that even the most willing volunteer possesses the behaviour management skills necessary to exercise the influence and control required to be an effective escort on school transport.

3.8 Our view is, therefore, that the behaviour management skills possessed by teachers represent what may be the essential prerequisite for the effective supervision of pupils whilst using school transport. This may be especially significant during journeys undertaken at the end of the school day. Teachers and their unions will, however, have

their own views as to whether an extension of their duties to include occasional escort duties on school buses is either acceptable or practical especially in view of recent agreements focusing upon reducing teacher workloads.

3.9 BUSK has campaigned for vehicles used for school transport to be fitted with seat belts. Governors Wales is aware of research evidence concluding that the use of seat belts has a major role in preventing or minimising passenger injuries where coaches are involved in road accidents. In many accidents, the most serious injuries or death occurs as a result of passengers being propelled out of the vehicle in the event of a significant impact. The wearing of seat belts by passengers minimises this risk. Whereas it is difficult to argue that seat belts should not be available to pupils using school transport, ensuring that seat belts are used by pupils may be another matter. Indeed, effective supervision by appropriately skilled escorts may be the only means of ensuring that seat belts are used.

3.10 Attention has also been drawn to the so called 3 for 2 rule which has permitted three pupils to occupy a double seat and which permits the routine overloading of buses providing school transport. In itself, overcrowding is both likely to encourage unruly behaviour and contribute to conditions where pupils are less likely to use seat belts when fitted.

3.11 When consulted recently, pupils' perceptions of the vehicles deployed as school transport suggested the use of old, ill-kept, dirty buses. One pupil described the vehicles providing the school service as "... sheds on wheels" and painted a graphic picture of grimy seats, mould covered window seals and so on. It would be unsurprising if pupils did not associate the condition and cleanliness of the interior vehicles with assumptions about their reliability, road-worthiness and safety. We note that the courts have held that transport provided for the pupils of schools must be "non-stressful" and that pupils should reach either school or home without undue stress, strain or difficulty; the arrangements must also be such that a child can travel in reasonable safety and comfort.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1 Clearly, the current complexity of the differing responsibilities of LEAs, transport companies, the headteacher and the governing body of the schools needs to be the subject of clear guidance. Governors Wales is not aware that adequate guidance is available to headteachers and governing bodies.

4.2 Governing bodies, in the event of an accident involving school transport need to receive the immediate support of appropriate LEA staff in order to manage media statements and maintain effective public relations.

4.3 Whereas a variety of measures can help to encourage appropriate pupil behaviour and

facilitate the supervision of pupils, Governors Wales considers that the provision of escorts particularly on school to home journeys at the end of the school day is the best means of ensuring appropriate standards of pupil behaviour and promoting the welfare and safety of pupils. Although we appreciate issues arising from teachers' workloads agreements and teachers' contracts of employment, we believe that the deployment of teaching staff may be the best means of providing the behaviour management that effective supervision demands.

4.4 We note that incidences of unruly behaviour by pupils whilst travelling on school transport may at least be a distraction to the driver of the vehicle but at worst can affect the driver's capacity to control the vehicle without being impeded by the actions of some pupils.

4.5 Governors Wales recommends that in partnership with their Local Education Authority, schools should invite pupils to contract to observe specified standards of behaviour during transport and that parent and pupils are aware that in the breach of such agreements, the pupil's school travel pass might be withdrawn. Such contracts might be incorporated in home/school agreements.

4.6 Since we consider that the condition and presentation of vehicles used for school transport is in itself an influence upon pupil behaviour and may be an indication of overall road worthiness, the fitness for purpose of the vehicles provided by transport contractors for school transport should be subject to appropriate standards and more rigorous monitoring in order to ensure compliance.

SUPPORTING DOCUMENTS

Appendix A Summary of legal obligations with regard to school transport provided by

Governors Wales' independent legal advisors. November 2004.

Appendix B Extract from Newsletter dated April 2004. Published by the National Association

of Governors and Managers:

News from Wales – School transport thoughts after a tragedy by Allan Tait.