



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Pwyllgor Deddfwriaeth Rhif 4  
Legislation Committee No. 4**

**Dydd Iau, 14 Hydref 2010  
Thursday, 14 October 2010**

**Cynnwys**  
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The Proposed Safety on Learner Transport (Wales) Measure—Stage 1

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur Labour
Veronica German	Democratiaid Rhyddfrydol Cymru (Cadeirydd dros dro) Welsh Liberal Democrats (temporary Chair)
Brian Gibbons	Llafur Labour
Bethan Jenkins	Plaid Cymru The Party of Wales
Jonathan Morgan	Ceidwadwyr Cymreig Welsh Conservatives

**Eraill yn bresennol**  
**Others in attendance**

David Cunningham-Jones	Ymgyrch Stuart dros Fysiau Ysgol Diogel Stuart's Campaign for Safer School Buses
Pat Harris	Cyfarwyddwr, BUSK Cymru Director, BUSK Cymru
Dr Chris Howard	Ymgyrch Stuart dros Fysiau Ysgol Diogel Stuart's Campaign for Safer School Buses
Denise Inger	Prif Gyfarwyddwr Gweithredol, SNAP Cymru Chief Executive Director, SNAP Cymru

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Sarah Beasley	Clerc Clerk
Gwyn Griffiths	Uwch-Gynghorydd Cyfreithiol Senior Legal Adviser
Ruth Hatton	Dirprwy Glerc Deputy Clerk
Siân Hughes	Gwasanaeth Ymchwil yr Aelodau Members' Research Service

*Dechreuodd y cyfarfod am 9.32 a.m.*  
*The meeting began at 9.32 a.m.*

**Ethol Cadeirydd Dros Dro**  
**Election of a Temporary Chair**

[1] **Ms Beasley:** Good morning. The first item on the agenda is the election of a temporary chair. I call for nominations under Standing Order No. 10.19.

[2] **Peter Black:** I nominate Veronica German.

[3] **Ms Beasley:** Are there any other nominations? I see that there are none. I therefore declare that Veronica German has been duly elected temporary Chair of the committee.

*Penodwyd Veronica German yn Gadeirydd dros dro.  
Veronica German was appointed temporary Chair.*

9.33 a.m.

### **Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions**

[4] **Veronica German:** Welcome to today's meeting. We have received apologies from Jenny Randerson, and Bethan Jenkins will be arriving a little later, at about 10 a.m. I have some housekeeping remarks to make. In the event of a fire alarm, Members should leave the room via the marked fire exits, following instructions from the ushers and staff. All mobile phones, pagers and BlackBerrys should be switched off as they interfere with the broadcasting equipment. The National Assembly for Wales operates through the media of the Welsh and English languages, and headphones are provided through which the simultaneous translation may be received. For those who are hard of hearing, the headphones may also be used to amplify the sound. The interpretation is available on channel 1 and the verbatim feed on channel 0. I remind everyone not to touch any of the buttons on the microphones, as that can disable the system. Please ensure that the red light is showing before you speak.

9.35 a.m.

### **Mesur Arfaethedig ynghylch Diogelwch ar Gludiant i Ddysgwyr (Cymru)— Cyfnod 1**

#### **The Proposed Safety on Learner Transport (Wales) Measure—Stage 1**

[5] **Veronica German:** Today, we welcome Denise Inger, acting director of SNAP Cymru. Thank you for coming and for your written evidence. We have some questions to ask you today. I will start.

[6] For the record, can you confirm whether you believe that there is a need for the proposed Measure, and do you believe that the proposed Measure will meet the Welsh Government's stated policy objectives of improving the image and quality of dedicated learner transport and of ensuring that safety standards are sufficiently high for the public and parents to have confidence in learner travel?

[7] **Ms Inger:** Yes, we welcome the proposed Measure and congratulate the Assembly Government on having the power to make this proposal. We have read the documents thoroughly and looked at the proposed regulations. We believe that it will result in much more confidence for parents and young people, and we foresee efficiency in safety for children and young people.

[8] **Veronica German:** The Deputy First Minister said that bringing forward regulations under the proposed Measure will follow a 'phased and balanced approach'. What is your view on that?

[9] **Ms Inger:** We have some concerns about the phased approach because we believe that it is dangerous practice to have two or three children to a seat, for instance, to not have seat belts fitted, and to use transport when children are standing. There have been isolated but serious incidents involving children and young people. If it is possible, we would like to see that considered in the proposed Measure rather than waiting for the regulations. Even on the face of the proposed Measure, we are talking of quite a few months. With a phased approach, I am not really sure how long it would take to tackle these serious issues of safety.

[10] **Veronica German:** In your written evidence, you mention that the proposed Measure does not consider school-based transport or school trips, and you recommend further consideration of that when making recommendations. The Deputy First Minister has said that the Government's intention is for the proposed Measure to apply only to home-to-school transport and vice versa, and not to travel during the day between different places of education or training. Can you expand on your reasons for saying that these other trips should be included?

[11] **Ms Inger:** We understand that the proposed Measure is considering transport to and from school only, but there is an expectation from parents and young people that they be safe when travelling during their educational day and for any additional travel. We understand that that may be much more difficult to include and would make it wider, and it may not be able to be included in the proposed Measure, but we would like to raise the issue as a matter of good practice. We ask that the Assembly Government give guidance for that to continue, with this phased approach, and to look at some good practice guidelines for school transport throughout the day. There are some issues given the alternative curriculum for the 14-19 pathways. Quite a number of young people use transport on a day-to-day basis that is different from the regular transport to and from school. We would like to see that considered further. Some schools use two different sites. With the move towards more collaborative working between schools, I feel that we need to reconsider that, because we will have many more children and young people travelling across schools sites. I think that collaborative working is a good move forward, but the committee needs to consider what collaborative working will mean in the future for school transport other than to and from school. I think that we are missing a fair amount of travel, which I believe will only increase over the coming years.

[12] **Veronica German:** That is a very good point.

[13] **Brian Gibbons:** Do you have concerns about certain stereotypes, for example special needs pupils, being more vulnerable to injury, bullying and so forth on home-to-school transport?

[14] **Ms Inger:** Yes, I do believe that they are more vulnerable. Although I would still say that there have been isolated incidents over the years, and again more recently, and they are sometimes serious. There are isolated incidents of driver aggression, for instance, and of discrimination. I believe that more children and young people who have additional learning needs could have the opportunity of more independent travel, thus reducing the use of individual taxis, if we had better transport facilities, and SNAP Cymru would recommend that that would include escorts. The training of drivers is recommended in the proposals, but the training of escorts is equally as important. With regard to closed-circuit television or escorts, we believe that perhaps escorts would be more important.

9.40 a.m.

[15] **Brian Gibbons:** In the school setting, which is the point that the Chair has been raising, are many taxis used for pupils with special learning needs because of that? Part of the point that you just made is that if the bus service were better, the need for taxis would reduce.

[16] **Ms Inger:** I do believe that.

[17] **Brian Gibbons:** So, would there be scope for reducing the use of taxis for children with special learning needs when moving around between different places during school time if the legislation were expanded to include that?

[18] **Ms Inger:** Yes, there would.

[19] **Brian Gibbons:** Okay. We understood from the Deputy First Minister last week that he has the legal competence to do that—I think that was what he said—but his view was that you cannot do everything at once and that the representations that he had received were that transportation from home to school has to be the first priority. Having dealt with that, he would move on—or it would be something for a new Government, if it changes in May, to look at if it chose to do so.

[20] **Ms Inger:** With the collaborative working that is expected in the future, for inclusion and equality and for young people to have a fair choice alongside their peers, transport is essential.

[21] **Brian Gibbons:** Okay. On the third page of your evidence, you state:

[22] ‘We understand that the measure includes:

[23] ‘(a) persons receiving nursery, primary, secondary or further education or training’.

[24] Can you see that on the top third of that page?

[25] **Ms Inger:** Yes.

[26] **Brian Gibbons:** The evidence that we have received so far is contradictory as to whether or not that is an accurate statement about what is covered by the legislation. On what basis did you come to that conclusion? Have you taken your own legal advice to come to that conclusion or was it a lay reading of the—

[27] **Ms Inger:** We have not taken legal advice, but it is a reasonable lay interpretation. I will stand corrected if it is not.

[28] **Brian Gibbons:** There seems to be a consensus that higher education would probably not be included, and the evidence that we have heard so far has been unclear as to whether further education would be or not.

[29] **Ms Inger:** Some young people with additional learning needs now attend colleges at the age of 14. Times are changing, so we need to consider the 14-19 learning pathways when we are looking at the proposed Measure to ensure that we are covering the most vulnerable young people.

[30] **Brian Gibbons:** In relation to the provision of seat belts, you say that it should be included on the face of the proposed Measure.

[31] **Ms Inger:** We would hope that that would be possible.

[32] **Brian Gibbons:** I do not know whether you have had an opportunity to look at the evidence from BUSK, which is following you here today, but it had detailed criticisms of the use of inappropriate seat belts. It seems to me that getting it right in relation to seat belts will require detailed regulations. If you have not had an opportunity to look at the BUSK evidence, you may not know—

[33] **Ms Inger:** I have not seen the whole of its evidence.

[34] **Brian Gibbons:** It seems to have substantial reservations about taking a willy-nilly approach to seat belts. The specifications in regulations would be detailed to protect children from inappropriate seat belts. If that were the case, would that change your view of where seat

belts should be in legislation?

[35] **Ms Inger:** If that were the case, the safety of young people is paramount. My evidence comes from the perceptions of young people and parents, in the main. From the evidence that we have had to date, those who are giving us the information seem keen to see seat belts as quickly as possible, although of course they would want them to be as effective and safe as possible.

[36] **Brian Gibbons:** The Chair indicated in her question that the Deputy First Minister was keen to make progress on seat belts first, in implementing this proposed Measure. If there had to be a pecking order or a sequence, what would you like to see?

[37] **Ms Inger:** If there had to be an order, I would say that we need to stop children standing.

[38] **Brian Gibbons:** That would be No. 1.

[39] **Ms Inger:** Then it would be the seat belts.

[40] **Brian Gibbons:** That would be No. 2. Okay.

[41] My last question is this: the explanatory memorandum also states that the proposed Measure would allow regulations to alter the safety requirements of taxis and private hire vehicles. Do you have a view on that? Would you welcome that?

[42] **Ms Inger:** We welcome all measures to make the system better, but we understand that this is a complicated task, with so many large and small providers across Wales. What parents and young people need is consistency, and driver training in particular has been welcomed by parents. We would add that for escorts as well. On consistency in training, we believe that we need to raise the bar with the status of drivers and escorts for our children and young people. The training is important, and they need to understand that they are in loco parentis for that time. That is a significant responsibility for them, but in some instances we believe that it is not being taken seriously by providers and individuals. There is, of course, much good practice across Wales, and these incidents are isolated, but I believe that the regulations and the proposed Measure will make travel safer for children and young people. Parents report too many changes in drivers and taxis, so that they do not know who is coming to pick their children up. That can be difficult for those children and young people who cannot manage change because of their difficulties, and that can cause problems later in the school day, and children and young people are missing out on education as a result. If we can make that consistent across Wales, raising the status of these roles and insisting on training, then the large and small providers will be looking to retain their staff. It will cost, but for our children and young people, quality provision is extremely important. It is vital.

[43] **Jonathan Morgan:** Good morning. Do you have any concerns regarding the recording of visual images or sound on learner transport?

[44] **Ms Inger:** Some concerns have been expressed by some parents, but the main concern has been the storage and use of the CCTV footage. Those are the questions that are raised. Generally, the use of CCTV and audio recording is welcomed, but there are questions to be addressed: who stores the recordings, how long will they be stored for, and what will they be used for? There is, of course, some practice in schools and authorities that are already using CCTV, but an inconsistency in the use of the recordings has been reported to SNAP Cymru, inasmuch as the recordings have only been used regarding incidents involving disruptive pupils. Parents and young people are disappointed that, when they choose to report something, it is not followed through with such rigour. Again, I mention that for you to be

aware. Generally, it is supported. There are some young people—and I would not to be doing my job properly if I did not raise it—that feel that it a little bit against their human rights and liberty, and you need to hear that. However, it is generally supported by young people, particularly by vulnerable young people. The issues for young people are more about the behaviour of the providers, the drivers and the escorts, than that of their own. They are very isolated cases but they are serious for young people, and they are the most difficult to follow through.

9.50 a.m.

[45] **Jonathan Morgan:** In looking at how the proposed Measure may work in practice, do you think that every bus route—to use the bus as an example—ought to have CCTV and audio recording, or should there be flexibility to allow a local authority to determine which buses require that particular facility, or should it be mandatory across every authority?

[46] **Ms Inger:** Young people and parents would say that it should be mandatory. I have read and understood the risk assessment, and we will need to further consult as to whether or not the risk assessment would give that confidence. However, if we are looking at the confidence of parents and young people, they would be saying that it should be mandatory.

[47] **Jonathan Morgan:** I assume from what you said earlier that you would also regard CCTV as being important in recording poor behaviour by adults, as well as poor behaviour by children.

[48] **Ms Inger:** Young people would tell us that, yes.

[49] **Jonathan Morgan:** Finally, can you expand on your comments regarding unnecessary additional costs to providers? One would anticipate that there would be an additional cost in some circumstances, for example, where buses would not already have CCTV. What do you regard as an unnecessary additional cost?

[50] **Ms Inger:** I think that it is more to do with the administration and the storage of the CCTV footage. I do not have the solutions, but the expectations with regard to this could be far too onerous. So, more consultation may be needed to look at how it would work in practice. There could be too great an expectation with regard to where they are stored, how long they are stored and what access there would be with regard to freedom of information, and so on. That is quite complex, and we need to do some more thinking about how that would work. Again, I am looking at isolated incidents in this context, and it could be costly for little value in that sense.

[51] The CCTV that is in use is not causing any problems as far as SNAP Cymru is concerned, other than the isolated incidents that parents and young people have reported. They said that they were not allowed access when they wanted to prove something, and that no-one was interested in what really happened. So, we have to look at what this means in practice on a daily basis for schools, providers, parents and young people.

[52] **Veronica German:** Brian, I think that you have an extra question.

[53] **Brian Gibbons:** Do you agree that it would be an appropriate use of the images and sound to use the videos for training purposes, for example? You have indicated that you would not have any problems if the videos were used for disciplinary action against drivers, or whoever, or even for prosecution purposes in the courts if it came to that. Do you agree that training, prosecution and disciplinary purposes are legitimate uses of the evidence, or can you give examples of what you would regard as being inappropriate use of the recordings?



[54] **Ms Inger:** I cannot imagine inappropriate use of the recordings, and I would support their use for training. I am sure that, in general, parents and young people would support that. There would obviously be some dissent, as on all issues, but I can see the merit of using CCTV in training.

[55] **Peter Black:** Good morning, Denise. To follow up on that issue, the proposed Measure refers to CCTV on learner transport and when you are talking about buses or even minibuses, that is quite practical, but, for taxis and so on—

[56] **Ms Inger:** It is not very practical, is it?

[57] **Peter Black:** No, it will not happen. So, do you accept that there will be limitations on how we can use this?

[58] **Ms Inger:** Yes, I do, which is why I would look for a more co-ordinated approach to transport wherever possible, bearing in mind that some young people need individual taxis for their needs and the safety of others. However, in those cases, I would recommend that there always be an escort.

[59] **Peter Black:** That is great, thank you. Section 3 of the proposed Measure allows for regulations in relation to the making of safety risk assessments and the publishing of reports. Are you content with those provisions? Are there any specific issues in relation to children who have additional learning needs?

[60] **Ms Inger:** There are some specific issues and, as with all risk assessments, the main issue is to do with their interpretation and implementation. The regulations on that will need to be tight if decision making is on risk assessment only.

[61] **Peter Black:** So, you think that the regulations will need to say that, where there are children who have additional learning needs, those needs must be taken into account in the risk assessments, particularly with regard to embarkation and disembarkation areas and so on.

[62] **Ms Inger:** That is right. With training, we can increase the confidence of parents and young people. It is very important for young people to be given the opportunity of independent travel at the earliest stage possible. When a child has been ferried about by taxi right up until the age of 19, it is extremely difficult for parents, and, indeed, young people, to change that. Of course, there will be disagreements on some decisions, but those can be resolved in discussion with parents, transport authorities and schools talking together, and through risk assessments. However, the need for young people to be given the opportunity of achieving independent travel, if they can, far outweighs that. That also needs to be phased, and a risk assessment is required on that. However, some young people are being transported by taxis when they do not need to be, and they could be travelling with their peers. Indeed, some young people tell me that they do not wish to be transported in a taxi. It may simply be a matter of recording that, providing driver training and ensuring a trained escort on the transport for the young person to start the school day in as inclusive a manner as possible. I do not think that we are yet providing young people with the best service.

[63] **Peter Black:** I was just about to move on to driver training. Section 4 of the proposed Measure allows for regulations to be made to ensure that drivers of vehicles used for learner transport have completed the prescribed training to a prescribed standard. Can you expand on the comments that you made in your written evidence on the benefits of consistent driver standards?

[64] **Ms Inger:** Yes. Those comments came about because of information from young people themselves about what happens on transport. It can be very difficult for a driver to

maintain order on a bus without an escort. Young people have reported feeling anxious because of their peers' behaviour that is distracting to drivers. Young people have been anxious because of drivers' attitudes to them, as they perceive it, because they have taken personally what the driver is saying, perhaps in an angry manner, although it has nothing to do with them. The anxiety levels of young people who perhaps cannot differentiate between something directed at them or at the rest of the bus can be much higher than they would be among the average peer group.

10.00 a.m.

[65] Driver training on managing aggression, managing challenging behaviour, understanding disability, and general disability awareness is important. I would say that most drivers are very good. These are isolated incidents; nevertheless, one is too many. Drivers will generally accept the training and welcome it. I know that I am repeating myself, but this is an opportunity to mention escorts and say that drivers need support. We have all been on school buses at one time or another, but when we are talking about also including vulnerable people on buses, the driver needs a trained escort for support, and the children and young people need that level of support for their safety.

[66] **Peter Black:** Do you think that that role should be carried out by dedicated supervisors or by teachers or teaching assistants?

[67] **Ms Inger:** Either. It could be carried out by the providers or by the school, perhaps as an extension of the role of the learning support assistant.

[68] **Peter Black:** The Deputy First Minister also said that his priority was to get supervisors on transport for primary education. Do you think that that is appropriate? Should we look at having supervisors for older children?

[69] **Ms Inger:** It is no less of a safety measure. The perception of parents is that they are different, and you cannot compare a bus full of 11 to 16-year-olds with a minibus full of nursery and primary school children, so I do not think that we have the balance right.

[70] **Peter Black:** So, that priority does not seem to strike the right balance.

[71] **Ms Inger:** No.

[72] **Christine Chapman:** To follow on from that, Denise, do you think that we need to say more about the needs of children who have autism, for example, who may need familiar faces and continuity? I know that local authorities sometimes change contracts and, as a result, different people are involved, which causes problems. I do not know how prescriptive we could be on this, but what are your views on that?

[73] **Ms Inger:** You need to be prescriptive, and the retention of staff should be part of a quality standard in monitoring contracts and so on. We are living in an environment of contracts and procurement. The retention of staff should be part of the standard. When we introduce driver training and escort training, the standard on the retention of staff should be monitored closely, because that should be part of determining whether a contract can be continued. We know that it is not all to do with cost, and that quality is important. The retention of staff is absolutely crucial for all children, I would argue, but, for those who have autism, who really do not react well to change, it is absolutely vital.

[74] **Bethan Jenkins:** I am sorry that I was late this morning.

[75] Mae'r Mesur arfaethedig yn darparu The proposed Measure makes provision for

ar gyfer sancsiynau sifil am dorri rheoliadau diogelwch. Yn eich barn chi, a yw'n briodol cael sancsiynau sifil am fethu â chydymffurfio â rheoliadau diogelwch? A oes gennych farn am y lefelau a'r mathau o sancsiynau sifil a gynigir?

civil sanctions for breaches of safety regulations. In your view, is it appropriate for there to be civil sanctions for non-compliance with the safety regulations? Do you have any views on the levels and types of civil sanctions that are being proposed?

[76] **Ms Inger:** I agree that having sanctions is correct, but I do not feel sufficiently informed yet to say whether they would be enough. The fact that there are sanctions and that there could be criminal proceedings is most important, but I do not feel that I can comment on whether they are of an appropriate nature. However, we welcome the fact that there are sanctions, that there is monitoring, and that offences will be committed if people do not comply. That is absolutely essential.

[77] **Bethan Jenkins:** A oes angen cynnal ymgynghoriad pellach ar y mathau o sancsiynau, neu a ydych yn hapus i hynny gael ei benderfynu fel rhan o'r camau pellach y bydd y Dirprwy Brif Weinidog yn eu cymryd yn y dyfodol?

**Bethan Jenkins:** Is there a need for a further consultation on the kinds of sanctions, or are you happy for that to be decided as part of the further measures that the Deputy First Minister will take in future?

[78] **Ms Inger:** I am happy for that decision to be taken in the future. I do not feel that we need to have a consultation, and I believe that the Deputy First Minister, as we move forward, will take appropriate measures. Someone in a different field from mine could give you a better answer to the question of whether they are at an appropriate level. We agree with the fact that they are there, that this is recognised as a matter of statutory compliance, and that breaches could be a criminal offence.

[79] **Christine Chapman:** Last week, in relation to enforcing the new safety provisions for learner transport, the Deputy First Minister said that a new Welsh enforcement authority would be established with its own staff who have expertise in this policy area. What are your views on that?

[80] **Ms Inger:** We are looking again at the costs. We understand that there will need to be a body to ensure compliance and to carry this forward, but we worry about the cost of that. However, we are in agreement that it is needed.

[81] **Christine Chapman:** Moving on, sections 8, 9 and 10 contain enforcement provisions relating to powers of entry, powers of inspection and powers to require the provision of information. Do you consider that those powers are appropriate for inclusion in the proposed Measure?

[82] **Ms Inger:** Yes, we do.

[83] **Christine Chapman:** My final question is on regulations. The proposed Measure states that the Ministers must consult each local authority and other persons considered appropriate before making regulations. Do you have any views on whether those provisions are broad enough, or whether any other bodies should be specified on the face of the proposed Measure?

[84] **Ms Inger:** The provisions that have been put in place are appropriate.

[85] **Brian Gibbons:** The Deputy First Minister said last week that office hours would be a reasonable time to use the provisions relating to powers of entry, powers of inspection and so forth. You can understand that, as you would not want a bus proprietor to have to get out of

bed in the middle of the night just because someone is being awkward. Given your particular expertise in this area, do you think that there might be circumstances in which the use of those powers outside office hours might be reasonable? Maybe you are not in a position to have a view on that.

[86] **Ms Inger:** I would say that this should generally happen within office hours, but if there is a need to use these powers outside office hours, why should it not be possible to do so? We are talking about a school day. In that context, would anyone want to go and seize CCTV footage at 8 p.m.? Do you know what I mean? Are we talking about the regulations or the transport providers?

[87] **Brian Gibbons:** If a CD contained incriminating evidence about a company, the company might want to dispose of it overnight.

[88] **Ms Inger:** However, if there is an incident and someone from the company is involved, the evidence could be disposed of at 5 p.m..

[89] **Brian Gibbons:** If you know about it, yes.

[90] **Ms Inger:** It could be done at 4.10 p.m., during the journey. Do you know what I mean? I can see the point. I do not see that powers would be needed outside office hours to inspect vehicles and so forth, as that could be done within the working day, but there may well be situations in which they wish to use those powers outside office hours. That is the only thing that I can think of, from the point of view of parents and young people.

[91] **Veronica German:** Thank you for that. Peter, I think that you have another question.

[92] **Peter Black:** I wish to go back to Christine's question. Would you expect organisations such as BUSK and SNAP Cymru also to be consulted on the regulations?

[93] **Ms Inger:** Yes, we will follow the regulations.

[94] **Peter Black:** So, you would expect to be consulted by the Government.

[95] **Ms Inger:** Yes.

[96] **Peter Black:** The proposed Measure talks about local authorities and other persons. We need to be clear whether you, as an organisation, would expect to be consulted as part of that process.

[97] **Ms Inger:** Yes, SNAP Cymru would expect to give evidence. It is now raising the issue again with parents, and they will be looking for a further consultation. We would be happy to do that.

10.10 a.m.

[98] **Peter Black:** It is helpful that you have said that, so that we can make it clear to the Deputy First Minister in our report that we expect that sort of consultation; otherwise, he might overlook it.

[99] **Veronica German:** Members have asked all the questions that they would like to ask, so I will finish by asking whether you have any comments to make that we have not covered today.

[100] **Ms Inger:** No, only that we welcome the opportunity to give evidence at this early

stage, and that we look forward to the consultation.

[101] **Veronica German:** I thank you for your time and your evidence. There will be a draft transcript of today's proceedings for you to check, which will be sent to you by the clerk.

[102] We are running a little early, and so we will take a 10 minute break, if that is okay, and reconvene at around 10.20 a.m..

*Gohiriwyd y cyfarfod rhwng 10.11 a.m. a 10.23 a.m.  
The meeting adjourned between 10.11 a.m. and 10.23 a.m.*

[103] **Veronica German:** We now reconvene for our evidence-taking session. I welcome Pat Harris from Belt Up School Kids Cymru, and David Cunningham-Jones and Dr Chris Howard from Stuart's Campaign for Safer School Buses. Thank you very much for coming. We will move straight to questions, if that is all right. We will be conducting some of this meeting through the medium of Welsh, so you will need your headsets. The translation is on channel 1.

[104] I will start with some general questions. For the record, can you confirm whether you believe that there is a need for the proposed Measure, and do you believe that the proposed Measure will meet the Welsh Government's stated policy objectives of improving the image and quality of dedicated learner transport and ensuring that safety standards are sufficiently high for the public and parents to have confidence in learner travel?

[105] **Mr Cunningham-Jones:** Yes, I believe that there is a need for the proposed Measure, and we have seen that from 2002 onwards. We had the inquest, and we have had a report from the education committee here, all citing recommendations that lead in to the policies that are on view today. What is important is that they are implemented in full and not cherry-picked, to get consistency throughout the 22 authorities. Attaining the level of safety following these policies will give stability and confidence to parents to allow their children onto school transport.

[106] **Ms Harris:** It is really important that this proposed Measure should go far enough and that schools in particular and local authorities understand all the legal obligations that are placed on them. This is a good opportunity for Ministers to do something in that respect, because my experience over nearly two decades is that many schools, even today, are breaking the law simply because they are not aware of their legal obligations. It can be just simple things, but it is the simple things that can make a big difference.

[107] **Dr Howard:** That is a rather factual response to your question. The need for this proposed Measure has been demonstrated through public opinion over the past eight years since the Ystradowen crash, and in the light of other accidents in Wales that have attracted publicity. We have also campaigned in favour of it. The need for this legislation was demonstrated by an Assembly committee, which Peter Black chaired, if I remember correctly, four or five years ago, and the Assembly is, thankfully—and we are very thankful—moving towards the legislative resolution of the issues identified at that time, which is right and proper. Assembly Members, responding to the wishes of their electors, have responded to our call and have driven this policy over recent years. It is also Assembly Members who are now recognising that the situation throughout Wales is patchy and needs further action. There is more Member interest to be found than noted in the impact assessment at the end of the explanatory memorandum to justify the action that the Assembly proposes to take. That Member interest is pertinent, correct and reflects what we know to be the wishes of parents, and, from my point of view, headteachers.

[108] Pat is absolutely right. There is concern among headteachers about the impact of such measures, but that concern often comes from a lack of knowledge of their wider responsibilities. For us, the Ystradowen crash and the subsequent inquest demonstrated clearly that schools have an interest, and an obligation to secure the safety of their learners when they travel to and from school, by working closely with local authorities and contractors to ensure that transport is safe. Pat can clearly point out that schools throughout Wales are unclear about the totality of that obligation, and I can confirm that from my experience. My professional association will also give evidence to you later in your hearings, perhaps to a similar effect.

[109] So, there is a need for the proposed Measure. We are thankful for the interest that Assembly Members have taken over many years. We are glad to see that it has all-party support but, to bring it to fruition, you will now need to accelerate this. This is an enabling proposed Measure that looks for the Minister for transport in the next Assembly to take action. The current Assembly Members have brought forward this proposed Measure, and they are experienced at dealing with it, as is the Deputy First Minister—and we are particularly grateful for his support. However, the electorate is the electorate, and we do not know what the situation will be after May. We would like to be confident that the next Assembly will take this action further forward, but we would also like to see as much of the legislation as possible going through before May. You will know how to do that better than we do.

[110] **Veronica German:** That is a good point well made.

10.30 a.m.

[111] **Brian Gibbons:** That almost begs my question, because the Deputy First Minister said last week that he envisaged implementing the proposed Measure in a phased and balanced way. I do not know what your view on that is. When he said that, he was looking at giving particular priority to the seat belt issue. Do you want to comment on whether, taking everything such as time and financial constraints or whatever into account, a phased and balanced approach is the correct way? What would the priorities be if you were going to do it that way?

[112] **Mr Cunningham-Jones:** This is the debate around whether it should be embedded in the proposed Measure now or whether we have a secondary element to that to allow the Minister for transport to put it in in a phased way. I believe that it should be embedded in the proposed Measure. Where there is no debate, it should be put in, and the phasing can be brought in from the proposed Measure. The confusion of bringing that in as a second piece of legislation rather than phasing opens the door to not bringing it in at all. If we are determined and want this to happen, it should be on the face of the proposed Measure so that it is clear that everyone has to follow that, even if that is phased. Having a second Measure brings in an element of doubt about it happening at all. That would be down to whoever is the Minister for transport in May and their view on this issue. As we have already stated, we gladly believe that the current Assembly is behind the proposed Measure and is in favour of it, as is the current Minister for transport. That may change, and we would not like to put that at risk.

[113] **Dr Howard:** Phasing is appropriate and there are costs that are implicit in the proposed Measure that local authorities will have to accommodate. There are two points to make on that. We do not see that phasing is necessarily an explanation for doing this by permissive means. You can write it into the proposed Measure now and get it through while you are of a mind to do it, but it is necessary to specify timescales by which things might happen—within which, phasing could still be accomplished. That phasing would allow local authorities to respond appropriately to the provisions that you have written into the proposed Measure. In our opinion, the legislation on seat belts could be done quickly, and because

authorities have moved in a particular direction over the last few years, it would not have a huge cost. That cost could be accommodated in the renewal of contracts.

[114] There is one other danger in delaying, namely that the financial situation might cause second thoughts. Our view on that is clear. The financial situation, which we all know will become tough, is not a cause for not doing something or for not doing it more quickly but, rather, it is the reverse. Provision has improved over the last seven to eight years, not only because we have campaigned and you have responded, but because it has been a time of improved budgets. Under pressure, local authorities will seek to cut costs. There is no doubt about that. You need to put in these measures in order to stop them cutting to the kinds of levels that I saw in the mid-1990s, when I first became a headteacher, on many of the runs in and around the district in which I worked, which convinced me that much more had to be done. Cost is a reason for doing something and making it as solid as you can, not a reason for backing away.

[115] **Ms Harris:** I agree with everything that Chris has said. We also need to look at the practicalities of any new measures that come in. For example, if double-decker buses were phased out, we would need enough vehicles to meet the requirements of having closed-circuit television and seat belts, and were large enough to carry the same number of children that a double-decker bus would have carried. If you are going to have two vehicles to replace a double-decker bus, that will mean two drivers and that is something that needs to be looked at. Local authorities and transport operators need to be encouraged to have the confidence to invest in the type of vehicles that will be required when these measures come into force.

[116] **Brian Gibbons:** Last week, the Deputy First Minister said that the intention is for this proposed Measure to apply to home-to-school transport, and at this stage, even though it has the competence, it is not envisaged that the legislation will cover transport between different education locations, within schools, and similar activities. What is your take on that?

[117] **Dr Howard:** I am happy with that at the moment because of the phasing. To cover the other elements is a step too far. I have a particular view on that because I am a working headteacher, as well as being a member of an association that has a view. I think that you need to ask my colleagues.

[118] **Mr Cunningham-Jones:** In an ideal world, yes, we would like to see it cover everything, but we have to be realistic. Yes, there has to be an element of phasing, and therefore the first step is definitely to cover home-to-school transport. That makes up the majority of journeys, and that is where we need to start.

[119] **Christine Chapman:** Just to add to that, I understand what you have said about phasing, but could that be confusing, particularly for parents, if the proposed Measure comes in and there is an expectation that is not being met?

[120] **Mr Cunningham-Jones:** You are right. There will be a lot of questions like, 'Why is my school bus not being upgraded?', when they see the ones down the road being upgraded.

[121] **Christine Chapman:** I was thinking of travel during the school day.

[122] **Mr Cunningham-Jones:** Yes, but the schools themselves, on school trips and so on, can put the level of safety up to the required standard. In fact, the majority are there anyway, because they perceive a higher risk for them than for the local authority. So, many have already raised the level of safety on school trips. However, you will get questions.

[123] **Ms Harris:** With regard to school trips, many schools are not using vehicles with seat belts—they are still using vehicles without seat belts. When parents complain about that, they

will say, ‘Well, we are not breaking the law’. Any measures that come in need to include home-to-school transport and school trips. Some of those school trips are part of the national curriculum, and it is just as important that the children are safe on a school trip as on home-to-school transport.

[124] **Brian Gibbons:** It is an important point to make: if schools feel responsible for in-hours transport, they might already be implementing standards that are more stringent than the home-to-school bus. It might be useful—although I do not know who is going to do it—to get some clarification on that from the Minister, or maybe the Members’ research service. If that is true, then the way that we look at school-hours transport might change—there could be less urgency, for the reason that David gave in his contribution.

[125] **Mr Cunningham-Jones:** I believe that school governors set the transport policy for trips. I cannot speak for every school, but at the school where I was a governor, that safety element was embedded within the transport policy of the school, and it was adhered to. Whether that is consistent throughout the 22 local authorities, I very much doubt.

[126] **Ms Harris:** I do not think that it is consistent. It varies from school to school and it really depends on the governing body and the headteacher—whether they have a good or bad attitude to safety, and whether they look upon transporting children as an important issue that everyone has responsibility for. I know of schools that do not even do the legally required risk assessment for vehicles moving inside the school grounds—for example, dropping off, picking up and supervising children on school transport in the morning and the afternoon. If they are not doing that correctly, they will not be as proactive as they should or could be when it comes to school trips.

10.40 a.m.

[127] **Veronica German:** A previous witness talked about the 14-19 pathways, and the greater amount of movement between schools and colleges. They thought that that should be included as well, because it is not specifically a school trip. This is something that might increase over time, with more learners being transported during the daytime.

[128] **Ms Harris:** It does not have to be anything complicated. The risk assessment just needs to be simple, and if rules are in place that everybody can understand, from the headteacher or principal right down to the youngest child in the school, that goes a long way to improving safety for everyone.

[129] **Jonathan Morgan:** Good morning. Section 1 of the proposed Measure allows Ministers to make regulations regarding the description of vehicles that may be used for learner transport. Do you have any view as to how that part of the proposed Measure is constructed and whether it is broad enough to allow the Government to meet its policy objectives?

[130] **Ms Harris:** There are several things that need to be looked at. For example, if you have pupils travelling to school on a timed service route with members of the public, that might be more acceptable to parents than having them travel on a double-decker bus. A service route would mean that they would be staying on a registered bus route, so that you know that neither they nor the vehicle are going to come into contact with power cables, low bridges, overhanging branches or roads that that type of vehicle was never meant to travel on. If, however, you are talking about transport that is contracted by an authority, and it has not specified the type of vehicle that it wants for the pupils, that is where you get into difficulties because, if it is left to an operator, he might use a double-decker bus to save money, and he leaves it to the driver to decide which route he is going to take, he may decide to change his route and go under a low bridge, with devastating results. Also, there are operators that would



use a coach on a road that is not big enough for it, perhaps with bends that are too narrow for two vehicles to pass.

[131] There are those sorts of things to look at, and then there is the issue of seat belts. I would say that at least 95 per cent of buses are unable to have seat belts fitted safely. If any Measure requires seat belts to be fitted to existing buses, it is important to take into account the structure of those vehicles. If a manufacturer refuses to retrofit seat belts, that speaks for itself. I do not think that we should require transport companies to have those belts fitted. That is the danger if you set down regulations for different types of transport to be used. They need to consider whether those vehicles are suitable to have seat belts fitted, and not just with regard to the structure, but also with regard to whether they are two-point belts or three-point belts. If you are looking at two-point belts on buses that have to carry five-year-olds, they are totally unsuitable, because those belts are not designed for five-year-olds. All those sorts of aspects need to come into it if you are selecting a vehicle type.

[132] If you are looking at dedicated transport, the other danger is—I read this somewhere in the questions that were sent to me—that we should be looking to the US standard. I think that the US should be looking to our standard. I have done a lot of research into the American bus, which is operated in Wrexham, and I have found that those buses do not meet the requirements of much of the transport already in use in Wales and the rest of the UK. I think that we should get away from the idea that we should be following what the US does. It is the other way around; it should be following what we do, and not just with regard to the vehicle that it uses, which is substandard in many ways, but also because it uses parents and grandparents as drivers, and they are often involved in crashes. A huge percentage of children throughout America are killed by the bus knocking them down. So, think again. We need to look at what it is you are designating as the ideal transport for children.

[133] **Brian Gibbons:** From the way that you are talking, the assumption that it will roughly cost £1.5 million to £4.5 million to fit seat belts in buses seems to be a very optimistic assessment. Would you agree with that? If you think that the estimate is wrong, what do you think is a more realistic estimate of the cost?

[134] **Ms Harris:** I could not give you a realistic estimate for fitting belts, but to retrofit belts is hugely the wrong way to go. If a vehicle has not been designed and built to take seat belts, there will be problems in retrofitting the vehicle. In order to retrofit a vehicle, whether it is a bus, coach or any other type of vehicle, you have to spend so much money to do it safely that you are usually spending more money than the vehicle is worth. A better way around this is to look at awarding a long-term contract to operators so that they can invest in brand new vehicles that are designed and built for children. As long as they keep their nose clean, do not break the laws and do everything that they should, there is no reason why they should lose that long-term contract. Schools could then be encouraged to use that vehicle for school trips, swimming lessons and so on. Monmouthshire County Council has its own fleet, which it piloted five or six year ago. Its fleet is now probably three or four times the original size, because it is saving money. During school hours its vehicles are continuously booked out for school trips, so it is making money out of it. Provided that an operator is given the confidence that he will get the work, there is no reason why an operator cannot also do that. In the long term, that is probably a cheaper and much safer option.

[135] **Brian Gibbons:** What percentage of the current fleet has seat belts fitted?

[136] **Ms Harris:** I do not have that information, and there is no way that I could get it. However, seat belts should not be fitted in buses that have not changed in design for the past 20 or 30 years. If you want to do that, you would have to change the vehicles—you need coaches.

[137] **Brian Gibbons:** Would you say that that would be the consensus view of the bus industry—not just your views as a campaign? Would bus operators disagree with you?

[138] **Ms Harris:** They would back everything that I am saying; I think that I speak for the coach and bus industry as a whole. The set up of buses is completely different. A coach has to be built so that it stays in one piece if it rolls over; a bus will disintegrate. So, it is not just about seat belts—it is about the whole structure and all the safety features that are available in a coach, rather than a bus. Buses have their place—they were built and designed for town service routes. The huge problem with buses is that local authorities and schools use them on roads that they were never built for. I would like to see the proposed Measure look at that issue and take it into consideration.

[139] **Jonathan Morgan:** Pat, you have helpfully answered two further questions that I was going to ask regarding the fitting of seat belts in existing buses, and also the issue that you raise that most seat belts are designed for adults, so they would not be appropriate for young primary schoolchildren, for example. I extend the opportunity for Dave and Chris to make their concerns known about fitting seat belts in existing buses, and respond to some of the concerns that Pat raised as regards the nature of seat belts that would be required.

10.50 a.m.

[140] **Dr Howard:** The seat belt legislation that applies to cars would also involve some of the difficulties that Pat mentioned. I do not disagree with what Pat said, because some of the issues that she raised would also apply to five and six-year-olds in the back seats of cars. Legislation exists for private vehicles. In Caerphilly, seat belts are now more prevalent, and they are used when escorts on buses enforce their use. There are some issues for some children involving the best fit, but I do not think that those are necessarily a reason why we should not be moving in the direction that we are proposing to take. On whether contractors would retrofit or purchase new vehicles, since Caerphilly has been operating a stronger set of prerogatives through its contracts, coaches have replaced buses. Caerphilly tends to rely on smaller contractors, who have not bought new vehicles but have renewed their fleets to bring the belts in. So, I agree with Pat. Contracts can be renewed. If the contract is longer, it gives more security to operators, particularly the smaller operators. If the committee is interested in preserving small operators in rural Wales or in the south Wales Valleys, where a number of the operators are small-scale and locally based, it should look at the length of the contract.

[141] **Peter Black:** To follow up on something that you said, Pat, on the recommendation that there should be longer-term contracts to enable the sort of thing that you have described in relation to Monmouthshire, do you have any information as to how many local authorities have followed that route? I understand that that is patchy, but is it a consensus among local authorities, as they renew their contracts, that they are trying to take on board those recommendations?

[142] **Ms Harris:** Many pilot schemes are currently taking place in different authorities in Wales, and they need more time to see whether that has been a solution for them. The consensus among transport companies is that there are so many cuts that they are still required to put in quite a low tender for the work. The impression that I get—although I do not have any figures to give you—is that, in Wales, operators would have the confidence to invest in a new vehicle, but they need at least a seven-year contract. They need to know that, halfway through, it will not end and that they will not be left with a liability to sort out. By giving them that confidence, you can only raise the standards, and by raising standards you help with other problems, such as the behaviour of children. If children are not given the best and safest transport, that is reflected to some degree in their behaviour and whether or not they vandalise a bus by putting graffiti on it or whatever.

[143] Again, in Monmouthshire, there was at least one complaint every day, which was sometimes serious enough to involve the police, and complaints were being made on a regular basis about something that could have contributed towards an accident. In the first 12 months of a trial that was undertaken at one school, using brand-new vehicles that were built and designed for the children, there were two complaints. One was about a boy who got on the bus with a BB gun as a joke and pointed it at the driver and said ‘Stick ’em up’. He was banned for three months, and since then he has behaved. The other complaint was about a girl who was so pleased that she had such a lovely mode of transport to take her to school and back and that she had a designated seat that she wrote her name on her seat, and she got into trouble for doing that. Even the drivers were saying that the children would not just grunt at them any more but were calling them by name and would say ‘Good morning’. The vehicle can have a huge impact on the behaviour. It is all a package, really, and investing in the vehicles is essential. I am not saying that that is realistic across the board; there will always be children who will be travelling on a double-decker bus on a service route, which does not build up a lot of speed, and which has to stop and start and gets stuck in traffic jams. We have to be realistic enough to realise that that can happen and probably will happen.

[144] **Peter Black:** I understand the issue about service routes, and there is European legislation that is stopping us from doing what we want to do on that, but with regard to the contract buses and the pilot schemes, do you think that the proposed Measure will start to focus local authorities’ minds with regard to how they take those pilot schemes forward? Will it have an impact on what they are doing already?

[145] **Ms Harris:** I think that it depends on their having the necessary funding as well. It is not just about the transport companies having confidence. It is about local authorities having confidence that, if they award a contract, they will not have their funding cut. It is a knock-on effect.

[146] **Mr Cunningham-Jones:** From the word ‘go’, we have always said that this is not a cost-neutral change. We are investing in the safety of our children here.

[147] **Bethan Jenkins:** I have a quick question on seat belts, to go back to the issue of appropriateness. I visited Newport Transport recently. For smaller children, it has what look like lifejackets, and the seat belts are threaded through them.

[148] **Ms Harris:** I have one with me that you can see.

[149] **Bethan Jenkins:** Where do you see that fitting into the proposed Measure? Newport Transport saw that as a way of dealing with the issue.

[150] **Ms Harris:** This vest was developed over the past three years by a chap in Scotland whose 12-year-old daughter has to travel in a wheelchair. She has no perception of safety and never will. She puts the diagonal section of a seat belt under her arm, which is dangerous. On school transport, she travels in a wheelchair, and the diagonal section does not fit properly because it comes from a height that means that it does not even sit on her shoulder. If she was involved in a crash, she would be injured. He could not find anything on the market, so he has developed this. He came to me about a year ago. The Confederation of Passenger Transport UK advised him to come to me, which he did, and, to cut a long story short, it now has BUSK endorsement. It has been fully crash tested, using crash test dummies. It has a second opinion from another crash test house. We also went to Newport Transport, and we borrowed 60 children, whom we returned afterwards— [*Laughter.*] We carried out an evacuation drill with the children not wearing the vests and then again with them wearing it. They got out four-seconds faster without it. That is nothing. It demonstrates that it does not hinder the evacuation of any child. The purpose of it is to keep the seat belt in the correct position, away from the face and throat, and to prevent the belt from going under the arm.

[151] For home-to-school transport, for mainstream children, I do not see the use of this as realistic. However, if you are talking about children with special needs, who are already strapped in with harnesses, this is a better alternative, because it is simple. They can put it on before they leave home, they get into the vehicle wearing it, and they are strapped in. It is also designed for wheelchair use. So, if you are looking at the appropriateness of seat belts, when it comes to children with special needs, where belts and harnesses are cumbersome and do not do an adequate job, this could be a solution to the problem for these very vulnerable children. Some schools are considering using it on school trips for children under the age of eight or nine, for whom the diagonal seat belt, which, again, is designed for adults, does not fit correctly.

[152] **Veronica German:** That is very interesting. Thank you.

[153] **Dr Howard:** If you make the legislation, parents, local authorities and schools together will solve the issues that Pat has related by investing in this or other products and solutions. The important thing is to make the legislation.

[154] **Ms Harris:** The other thing that I should perhaps say is that, if there is an opportunity to state which seat belts are necessary, we should be asking for all-generation-type seat belts. That means that they will fit children from three or four years of age up to adults. That would get around the problem in most instances, because you can adjust the belt so that it does not sit across the face or throat. That would be a huge help. If you were looking at giving long-term contracts, for example, the contracts could stipulate all-generation seat belts, rather than requiring a three-point belt. That would cover all sorts of problems.

[155] **Dr Howard:** I just want to add one point on cost, Chair. You would think that, in the current and foreseeable climate, the proposed Measure in itself would force joint purchasing arrangements for far more school transport.

11.00 a.m.

[156] **Veronica German:** It might concentrate minds. I turn now to Peter Black.

[157] **Peter Black:** I believe that I have asked all of my questions.

[158] **Veronica German:** Okay. I turn to Bethan Jenkins.

[159] **Bethan Jenkins:** Credaf fod Brian Gibbons wedi dechrau gofyn y cwestiwn hwn. Mae'r memorandwm yn nodi mai bwriad y Llywodraeth yw cyflwyno rheoliadau'n gynnar yn y Cynulliad nesaf ynghylch y gofyniad i osod gwregysau diogelwch ar bob cludiant sy'n benodol i ysgolion. Yn eich barn chi, ai hynny ddylai fod yn destun y set gyntaf o reoliadau a gaiff ei llunio gan y Llywodraeth o dan y Mesur arfaethedig?

**Bethan Jenkins:** I believe that Brian Gibbons started to ask this question. The memorandum states that the Government's intention is to bring forward regulations early in the next Assembly concerning the requirement to fit seat belts on all dedicated school transport. Do you have a view on whether this should be the first set of regulations made by the Government under the proposed Measure?

[160] **Mr Cunningham-Jones:** As I stated earlier, all of the suggestions in this report need to be implemented together. There is no preferred suggestion, or one suggestion that leads the others. To provide a safer environment for our children, they have to be implemented en bloc. I realise that there are difficulties with that and that there needs to be some kind of phasing-in process as we consider the end of contracts and so on. However, from a legislative point of

view, there is nothing that means that those things cannot be put on the face of the document today, to be implemented within a phased regime.

[161] **Ms Harris:** I agree with David.

[162] **Bethan Jenkins:** Credaf fod y cwestiwn nesaf, ynghylch bysiau deulawr a sut y gellir gweithredu yn eu cylch, wedi ei ateb eisoes. Symudaf ymlaen, felly, at y cwestiwn nesaf. Mae'r memorandwm hefyd yn nodi y byddai'r Mesur arfaethedig yn darparu ar gyfer rheoliadau ynghylch gofynion diogelwch ar gyfer tacsis a cherbydau hur preifaf a gaiff eu defnyddio fel cludiant i ddysgwyr. A oes gennych farn am hynny? Credaf ein bod wedi trafod y mater hwn eisoes, ond hoffwn wybod a oes gennych unrhyw sylwadau pellach ar fathau eraill o drafnidiaeth.

**Bethan Jenkins:** I believe that the next question, about double-decker buses and what to do in respect of them, has already been answered. I will move on, therefore, to the next question. The memorandum also states that the proposed Measure would allow for regulations regarding the safety requirements for taxis and private hire vehicles used for learner travel. Do you have any views on this? I think that we have already discussed this issue, but I would like to know whether you have any additional comments to make on other kinds of transport.

[163] **Ms Harris:** It is just as important to include taxis, for example, in every aspect of transporting children. Very often, they carry some of the most vulnerable children in our society. Sometimes, they carry passengers who are wheelchair users. I will give you an example. There is a private hire vehicle that stops outside my home every day to drop off a child who cannot communicate very well—she can if she wants to, but it is a bit hit or miss. I regularly see the escort wheeling this child backwards, out of the vehicle and down the ramp, and the driver gets out to help. The driver and the escort talk to each other the whole time, but they never talk to the child. They never tell her what they are doing, such as, 'We are wheeling you down the ramp', 'We are going to pick you up the kerb now', or 'We are going to pull you backwards up the steps to your house'. They talk to each other the whole time and completely ignore the child. I know that if they talked to the child, she probably would not answer them. However, she can hear. It is very important for that child to be part of any conversation that they are having. They could be talking about anything, really, thinking that she cannot hear them.

[164] My concern about these vulnerable children is that not enough training is given to the escorts and some of the drivers. It is a simple thing to reassure someone who is in a wheelchair. Imagine if we were all sitting in wheelchairs now, and somebody decided to wheel us backwards without discussing this with us, before taking us down a ramp so that we are in a certain position and then bumping us up a step. All the while, we would be jerked about and would not know what was happening to us. That is one of the main things that we should be looking at in terms of taxis and private hire vehicles. I do not think that the drivers are always trained to do that part of their job, although they may be very good at driving.

[165] The other thing that has come to our notice is that, in respect of children who are in wheelchairs that need to be clamped into a tracking system, it is not always the case that the person who clamps them in is doing so correctly, because they may not have had adequate training in how to secure the wheelchair. That is very serious because if a crash were to happen, the wheelchair and the child would move and become a flying missile within the vehicle. It is likely that they could be killed just by the weight of the wheelchair. Those are the two things that I would impress upon you that really need a lot of attention.

[166] **Dr Cunningham-Jones:** I totally endorse what Pat has said. It comes back to the standards of safety that we are setting here for the buses: they should also apply to taxis. The same training that will be provided to drivers of buses should also be applied to the drivers of

those taxis drivers.

[167] **Bethan Jenkins:** Yn gynharach, dywedodd SNAP Cymru bod tacsis yn cael eu gor-ddefnyddio mewn llawer o ardaloedd a bod plant ifanc eisiau mynd ar fysiau. A oes rhywbeth yr ydych yn credu y gellir ei newid er mwyn cynnwys gofyniad i edrych ar sut y mae plant yn mynd i'r ysgol a sut y gellir ymgynghori'n bellach â phlant ynghylch newid sut y maent yn mynd i'r ysgol os nad ydynt yn hapus â'r trefniant presennol?

**Bethan Jenkins:** Earlier, SNAP Cymru said that taxis are being overused in many areas and that young people want to go on buses. Do you think that there is anything that could be changed to include a requirement to consider how children travel to school and whether further consultation could be undertaken with children about changing the way that they get to school if they are unhappy with the current arrangements?

[168] **Dr Cunningham-Jones:** That is a collective thing that local authorities will have to think about in controlling contracts. If there is a collective route that can be found that can reduce the number of taxis being used et cetera, it should reduce the cost and should therefore be considered. I do not think that there is one solution; I do not think that there is an easy answer. There must be collaboration to try to work in the best and most efficient way.

[169] **Ms Harris:** I assume that you are talking about children with special needs in taxis who want to travel on a bus.

[170] **Bethan Jenkins:** Yes, I am.

[171] **Ms Harris:** As people get older, everybody discovers that life is very hard and it must be a lot harder for children with special needs to adapt and integrate in later life. The sooner they do that in childhood, the better. It does not mean that you force children on to a bus if they are unhappy or feel insecure, but if a child has expressed a wish to travel on a bus, we should be enabling them to do that. To begin with, perhaps an adult could travel with them, then that could be phased out, so that they are confident on the bus and know what to do if they have a worry or a concern. We should listen to children far more: not only about wanting to travel on a bus as opposed to a taxi, but we should, for example, have children here today, and at other times, because they are the users of these services. It would be hugely beneficial to everybody concerned—for them and for everybody else—if you spoke to children and listened to what they have to say. I would be all for that.

[172] **Bethan Jenkins:** Yr wyf yn cytuno'n llwyr y dylid ymgynghori â phlant a phobl ifanc gan mai nhw yw'r rhai sy'n defnyddio'r drafnidiaeth ar ddiwedd y dydd.

**Bethan Jenkins:** I agree completely that children and young people should be consulted since they are the transport users, at the end of the day.

[173] Symudaf ymlaen at adran 2, sydd ar recordio. A ydych yn pryderu o gwbl ynghylch recordio delweddau gweledol neu sain ar gludiant i ddysgwyr? Hefyd, a ydych yn credu y dylid cael trefniadau diogelu, ar ben y rhai a ddarperir gan Ddeddf Diogelu Data 1998, ynghylch recordio delweddau gweledol neu sain? Os felly, pa drefniadau diogelu y dylid eu cyflwyno?

I will move on to section 2, which relates to recording. Do you have any concerns regarding the recording of visual images or sound on learner transport? Furthermore, do you think there should be safeguards, in addition to those provided by the Data Protection Act 1998, in relation to recording visual images or sound? If so, what safeguards should be introduced?

[174] **Ms Harris:** I cannot see why any parent, or anyone else, would or should object to CCTV on school transport. In several cases around the country—and I am not just talking about Wales, but nationally—CCTV has been able to prove that pupils have misbehaved, and has been able to identify them and the situation has been dealt with. Therefore, it sends out a

clear message to the rest of the pupils on the journey that they cannot get away with misbehaving or causing a safety breach. As well as that, it has shown that some drivers have been caught doing things that they should not do, such as acting inappropriately by talking on a mobile phone.

11.10 a.m.

[175] It is a two-way thing; it is not just about catching children misbehaving, but improving safety standards. It is a deterrent not just to children who want to misbehave, act inappropriately or act in a way that could cause the driver to become distracted and crash, but it also records what the driver is doing. It safeguards the driver in some cases where he or she may be accused of doing something to a child that he or she has not done. That has happened on different occasions.

[176] As long as everyone knows that CCTV is there, it can only be a good thing. It should not be viewed as spying on anyone, and I do not think that there is any need for it to be viewed at all unless someone reports an incident. As far as I am aware, in most cases, only two to three people have access to the recordings. They do not necessarily need to even look at them, as they say, unless something has been reported.

[177] Another thing that has not been mentioned is that, if we have CCTV we should make it known to every parent that the CCTV is there so that, if their child comes home and says, 'Something happened on the bus today', the parent knows that they can get in touch with someone and tell them immediately so that they can access that recording to see exactly what happened. I am sure that many incidents happen where there have been no child reports and the parents do not know that the CCTV is there. It is possible that they think, 'I won't bother with that because no-one would believe my child', or 'I cannot prove whatever my child is saying, so I won't raise that issue'. If you can build a database of incidents that have been dealt with, as a result of the reports coming in, that only strengthens the case for CCTV.

[178] **Dr Howard:** The concerns about CCTV on buses are those concerns that apply to CCTV in city centres, shopping arcades or whatever. They are more general concerns. As a working professional who has to manage behaviour, I have never been troubled by my conscience in applying the use of CCTV both within the school and its grounds and on the buses that take my pupils back and forth. It is a control mechanism for young people who find it difficult to exercise self-control in situations where adults are not present. That is the reality of dealing with young people's behaviour when they congregate in large numbers. They congregate in large numbers in a bus on the way home. I do not have a problem with that. If my parents have a problem with it, I have not received any complaints from parents about the fact that CCTV is being installed. We have had issues raised by parents of children whose behaviour has been alleged to be less than what you might want it to be and the CCTV images have then been useful if they have been of sufficient quality. Sometimes they are not of sufficient quality. We know, for example, that the CCTV cameras that we use in my school, simply to monitor safety and security around the site, are not sufficiently clear to allow the police to go to prosecution on the basis of that evidence. Therefore, if, as a result of a CCTV-proven incident, you had to take action that ended up being legal action, you would clearly need to consider the quality of the CCTV images.

[179] Stuart's Campaign has always believed that escorts are far better than CCTV, that you would use both if you can afford to use both, that escorts, for all the population, are a better single control element, and that CCTV is for use when you cannot, for one reason or another, provide a trained escort.

[180] **Brian Gibbons:** To clarify, I think that it is a good principle that you would only look at a recording if an incident was reported. Do you think that there might be exceptions

for the review and audit of performance, or for training purposes, in which possibly a random disk could be looked at even if nothing has been reported?

[181] **Ms Harris:** I do not see why there should be a problem with that as long as the people viewing it have been checked by the Criminal Records Bureau, for example, and are the appropriate people to use or view it. I cannot see what the problem is. At the end of the day, it is a mechanism to improve safety standards, and I cannot see that any reasonable person would object to that. The only people who may object are people who think that they have done something wrong.

[182] **Christine Chapman:** Section 3 of the proposed Measure allows for regulations in relation to the making of safety risk assessments and for the publishing of reports. Are you content with these provisions?

[183] **Dr Howard:** Yes.

[184] **Mr Cunningham-Jones:** Yes, absolutely; it is a prerequisite. Pat has already alluded to the types of routes that buses are travelling on and the need for the appropriate bus for the route. Risk assessments are one of the main vehicles for ensuring that happens.

[185] **Ms Harris:** I discussed risk assessments with a solicitor who specialises in school transport issues. We discussed all of the pros and cons and what came out of that discussion with him was the fact that local authorities are best placed to know where street lighting is, where the narrow footpaths that are less than a metre wide are, where the accident black spots are, where there are pedestrian lights and any hazards, such as overhanging branches or cables. They will know all of that from their highways department and some of that from their road safety department, which are all in the same building. There must be a mechanism in place for local authorities to share that information if they are going to require transport companies to risk-assess routes, because transport companies will not necessarily know of or understand issues around footpaths less than a metre wide, or whether a narrow footpath is safe enough for a child to be dropped off or not.

[186] We should be looking at drop-off and pick-up points, because there is a real risk there. Some transport companies might not think that the point where they drop children off will put those children at risk. Drivers might think that those points are okay because the children have a short walk of only 100 yards or so up the road to get to the pedestrian crossing. However, children being children, they will not walk up the road, they will try to cross where they have been dropped off. Authorities should be guiding and having some input with regard to routes and not just handing that risk-assessment responsibility over to the transport operator, and perhaps it should be a joint risk assessment. It might be better to drop the children off just after the pedestrian crossing, so that they only have to walk back to it in order to cross. Those are the sorts of things that we should be looking at if we are going to require transport companies to do these risk assessments. At what point is the authority going to assess whether that transport company is really equipped to do that risk assessment? That is the point that I am trying to make.

[187] **Mr Cunningham-Jones:** The onus is on the local authority to carry out that risk assessment. If it hands that responsibility to a third party, whether to the bus company or someone else, then it has to have assurances from that company that it will do a full risk assessment and take into account all of the risks. That needs to be considered fully, perhaps in this legislation, in order to ensure that local authorities do that.

[188] **Ms Harris:** It is also interesting that the final note from the solicitor who I spoke to was that the bottom line was to ask what the courts would say if something went wrong. He said that if a child was knocked down after being dropped off somewhere and the local



authority was taken to court, the court would ask it who carried out the risk assessment. If it said that the bus company did it, then the court would ask what system was in place to show that the company was adequate to do that. The court would ask the authority whether it had checked that the company could do that properly, and whether it helped them to do it or not. So, they are important issues to consider. Like David, I am of the opinion that local authorities should be doing this, not the transport companies.

[189] **Christine Chapman:** Last week, the Deputy First Minister, when we questioned him on this, said that local authorities would not necessarily do the risk assessments, but that they could impose them as part of the contract. I am not sure how that would work.

[190] **Ms Harris:** If they were imposed as part of a contract and something goes wrong, then the courts would ask why they imposed that as part of the contract, and what measures were put in place with the authority so that it understood the implications of delegating that to someone else. You cannot delegate that to someone unless you know that they can do it.

11.20 a.m.

[191] **Mr Cunningham-Jones:** This goes back to the bottom line, which is that local authorities are responsible for the risk assessments. So, how are they discharging their responsibility if they hand it over to a third party to ensure that they are doing a proper and adequate job?

[192] **Dr Howard:** I suspect that local authorities will increasingly contract out such work rather than doing it in-house. So, the legislation is needed so that the obligation is there. It may be contracted to a third party other than the contractor if an industry in such functions builds up to service local authorities' needs. If the legislation is there, although the work may be subcontracted to fulfil the regulation, it will be for the local authority then to ensure that the contracting out of the service fulfils its legal obligations. That again shows the need for making the proposed Measure now. If you are subcontracting under what is currently a voluntary code, there is more opportunity for slippage.

[193] **Christine Chapman:** We have talked quite a bit about driver training, but is there anything else that you want to add on this? Section 4 allows for regulations to be made to ensure that drivers of vehicles used for learner transport have completed prescribed training to a prescribed standard. I looked again at the proposed Measure and it talks about the safety element of working with children, but is that specific enough? We have had comments about pupils with additional learning needs. Do we need to be a lot more prescriptive about that?

[194] **Ms Harris:** We should be. There is a European directive on the certificate of professional competence training—I do not know whether anyone is aware of that, but it comes in in September 2013. All professional bus drivers and heavy goods vehicles drivers will have to undertake an additional 35 hours of training, which can be made up of different modules as long as it comes to 35 hours. Courses are available for bus and coach drivers to train specifically in the carriage of children. I know that the proposed Measure mentions training drivers in how to deal with children, and so on. Perhaps consideration could be given not to do something different to the CPC, because it will be a legal requirement anyway, and a lot of companies will be putting their drivers through it, because if they do not have it by 2013, a lot of companies will go out of business, because these drivers' licenses will be revoked by the traffic commissioner. Perhaps the proposed Measure should state that, when drivers are doing the CPC training that they have to do, they could choose a module on transporting children. That is a way around it and of their getting the training without the proposed Measure having to bring in additional training.

[195] **Christine Chapman:** I put this question to SNAP Cymru. Children with autism, for

example, like routine and continuity, and I know that there are sometimes issues, particularly with taxis, if there are changes with drivers and supervisors. Do you have any views on this and on how realistic that could be?

[196] **Ms Harris:** You need to have separate training from the training that I have just spoken about. Training in dealing with children, aggression or bad behaviour, and ensuring that the journey is safe and that the children behave in the way that the driver needs them to behave, is a separate issue. Some children have behavioural problems because they have a condition such as autism, but there are so many different physical and mental disabilities that you need someone, perhaps a child psychologist, to sit down and decide what would be the most appropriate training for that. As I said earlier, it is no good talking across a child's head when they are in a wheelchair and you are offloading them; it is about dealing with the needs of individual children, including, for example, children who might have a fit. There is a conference next week, and one of the subjects being discussed is administering first aid and medication to a child who needs it en route, and who has a disability. Most authorities, including those in Wales, will not have a policy for that; others will have a policy of doing nothing. You can imagine how you would feel if you were a parent of a child who needs medication during the journey, and your authority's policy is to do nothing other than call an ambulance. We need some training for that situation, because that happens quite often on special needs transport. It is not just about dealing with the behaviour of the child, but with those emergencies as well, which are very real and happen every day.

[197] **Dr Howard:** My guess is that all children using taxis would prefer the same driver, or the same couple of drivers, every day, or in every period of travel. I understand exactly why SNAP Cymru has said that learners have commented that they would rather be in a bus than a taxi, because most learners would rather be doing the same as other children. That is quite natural but, logistically, it cannot happen in all cases. We might get a better fit than we have at the moment if the legislation prescribed that we had to look more seriously at these things, but logistically, it cannot happen in all cases because of the spectrum of need and the absolute necessity to meet that need, in particular cases, by using smaller-scale transport. If there was a training package for all drivers, clearly we would be in a better situation than we sometimes are at the moment, but my experience over the last decade is that things have improved in that context through the voluntary sphere. So, the proposed Measure would go further in prescribing that, but it would not eliminate some of the issues that you talked about this morning.

[198] **Brian Gibbons:** The Deputy First Minister was of the view that supervisors on learner transport should be employed by local authorities, and should be dedicated for that purpose. He was not generally in favour of this role being carried out by teachers or teaching assistants. I do not know whether you have a view on that, first. Secondly, following on from Pat's observation, should the Deputy First Minister consider outlining in the regulations the competences that these supervisors should have? It is not just a case of maintaining law and order, but addressing issues in relation to medication and so on.

[199] **Dr Howard:** We pay highly qualified, highly trained teachers to provide learning in classrooms and other learning situations in and around the school. It would be a waste of public money if they were used simply for supervisory purposes on buses. You might make the same comment about highly trained, very well qualified teaching assistants at the higher levels. However, I use learning support assistants to supervise and drive buses in some situations because it is the easiest way to make things happen for in-school transport and school trips. They are well-qualified and able to do it. The transport that takes the majority of my pupils to and from school every day is supervised by escorts provided by the contractor, and they are now trained, because the local authority insists that they are. That has been enough to improve the quality of their work, and behaviour has improved on the buses quite significantly as a result. We deal with far fewer cases now of what you might call poor

management of pupil behaviour on buses. The supervisors know what they are doing, and drivers know what they are doing, because they have been through the training programme. It is not appropriate for teachers, but it is appropriate for others to secure a level of expertise in doing the job of supervision. It is not a no-skill job.

11.30 a.m.

[200] **Dr Cunningham-Jones:** In terms of escorts, our view as a campaign group is that all buses should have them. That is because we believe that there are different requirements of different age groups. The First Minister has been talking about escorts for younger children, and I would say 'yes', because they are vulnerable in different ways, but there is also a requirement to escort older children, to stop them doing an awful lot of things. They are vulnerable in other ways. So, our approach would be to have everybody escorted. Training to a sufficient standard has to be incorporated into that sphere of expertise, because it is a skill, at the end of the day. As Pat has alluded to, there are also issues to do with medical training and so on and why that cannot be encompassed. So, our view is 'yes'.

[201] **Ms Harris:** I think that teachers are trained to teach; they are not transport managers, nor should they be. Having gone into many schools over the past three or four years to train pupils how to behave, not just on the home-to-school transport, but on school trips, too, I have come to realise that a lot of teaching staff are failing somewhat to protect children on school trips simply in the way that they organise the trips, the transport, and how they travel in the vehicle, all sitting at the front instead of at the back, near the rear emergency exit doors, and spaced out throughout the coach. I am not saying that every school is the same, but if a large proportion of teachers cannot get the school trip right, they are not going to get home-to-school transport right either.

[202] While David and Chris are in favour of escorts on all school transport, I would be in favour of escorts on transport for children who are more vulnerable than others, such as younger children and children with special needs. Being realistic, it is often difficult to get the right calibre of person to do that job. The other difficulty is that it is for an hour in the morning and an hour in the evening, so perhaps one thing that we should look at is that, if we want to have escorts on all school transport in the long term, instead of individual authorities hiring these people and training them, we have a Wales-wide pool of people who are trained to undertake different duties, such as lollipop people, escorts and all sorts of similar people, being given enough hours' work per day to make it worth their while. No-one wants to have just an hour in the morning and an hour in the afternoon in a dead-end job that they cannot see any way of improving. Perhaps we could have a pool of trained people who could be sent to and used where they are needed most, and all 22 authorities could pay for that. I do not know how it would work, but it is just one suggestion that we should look at.

[203] **Brian Gibbons:** You have already touched on the next question, and you are probably not going to agree between you, but the Deputy First Minister did make the point about giving priority to primary school teachers—that was a Freudian slip; I meant 'pupils'—in relation to supervision. It seems that you have slightly different views, in that Stuart's Campaign would be very much in favour of universal provision of supervisors, whereas Pat would be more relaxed about that, so long as it is risk-assessed.

[204] **Ms Harris:** It is not a matter of being more relaxed; it is being realistic about what we have at the moment and in the long term. The needs of the most vulnerable children need to be met first, but that does not mean that the needs of other children, who are not as vulnerable, are put on the backburner for a long time. Escorts are all well and good if you can get them, and closed circuit television has worked in many cases to improve behaviour, but if you have a minibus with 10 children on it, it could be that the driver can control those primary school children perfectly well, and perhaps it is not always necessary to have supervision on

such a minibus. If you have a group of children the same age on a full-sized coach, however, and there are 60 of them, it is unreasonable to have children from the ages of four and five upwards to 10 or 11 with just a driver. That would be madness. If you are on a school trip, you would not be allowed one teacher for 60 children. So, we should be looking at the ratios that we set out as guidance and good practice for school trips and teachers who take children out, and use it as a gauge on what you should be doing with the supervision of children.

[205] **Brian Gibbons:** Would you be confident that the risk assessment by local authorities, or whoever, would be sufficiently resilient to make those distinctions, as opposed to the age-based approach that the Deputy First Minister is advocating?

[206] **Ms Harris:** If they are looking at all the aspects and using a qualified person to do the risk assessment, I cannot see anything wrong with that in the interim period. We all have to be realistic about what is achievable, set a standard and aspire to it.

[207] **Jonathan Morgan:** In the explanatory memorandum that accompanies the proposed Measure, the Minister says that over 90,000 children travel on dedicated school transport. I am guessing that the overwhelming bulk of that 90,000 will be children attending a secondary school, not a primary school. In my primary school, no-one got a bus there, because you did not need to—you just walked there as it was in the village. So, I assume that we will find ourselves in the situation where, if the Assembly Government follows the line that the proposed Measure should apply only to primary school children, it will apply to the minority of children on dedicated school transport. My own experiences—others in the room may have had similar experiences—is that poor pupil behaviour tends to kick in a lot more when you get to secondary school. So, I am concerned about this aspect of the proposed Measure, and I can understand the concern that the use of escorts ought to be extended to those pupils at secondary level as well. Should the proposed Measure be that prescriptive in stating that escorts will not be teachers and teaching assistants? I share Chris's view that highly paid and highly skilled teachers who are there to teach should not just be regarded as escorts, but ought there be a level of flexibility in the proposed Measure to allow for teachers to undertake this role in a situation where a local authority has failed to provide an escort for a particular bus route?

[208] **Dr Howard:** If the proposed Measure was extended to cover school trips, you have teachers on school trips who, in my experience, are pretty good at policing behaviour on those trips, despite some of the things that Pat said. So, you need to be careful about that. We have always taken the firm view that you cannot reasonably expect a driver alone to police and control the behaviour of a number of secondary school pupils in what is basically an enclosed space on wheels, where they might effectively be locked up for 25 minutes to even an hour. In those situations, young people will be young people. You need a second person. In our opinion, the second person can be provided effectively at an appropriate level with a reasonable amount of training. The experience of my borough would indicate that it is not that difficult to achieve. However, if you were persuaded that you would be unable to do that immediately, the legislation might make that provision responsive to an appropriate risk assessment. If a complaint is made, because of obvious poor behaviour on the bus, the authority would have to—and not only consider—putting an escort on the bus.

[209] **Jonathan Morgan:** If a bus arrives at a school to collect children to take them home, and the person who was supposed to be accompanying the driver—the escort—has failed to turn up, due to a family emergency or whatever, would the legislation be flexible enough to govern those circumstances, if no-one could get hold of the local authority to find out whether anyone is available to act as an escort? In those circumstances, does the flexibility exist for a member of the teaching staff to take that role?

11.40 a.m.

[210] **Dr Howard:** You might add that to the list of unusual occurrences that you need to accommodate, which is also in the explanatory memorandum. There will be some nervousness on the part of the unions about prescribing the use of teachers in such cases, but teachers are teachers and they have the interests of young people at heart—in emergency situations, teachers look after young people. It would be wise not to prescribe that.

[211] **Jonathan Morgan:** However, there should be flexibility to enable that situation to be accommodated.

[212] **Dr Howard:** Yes, you need that flexibility.

[213] **Bethan Jenkins:** I know that in some areas, police community support officers are used, and that has been proven to be successful. What experience do you have of looking at that in this case? The other question that I wanted to ask was whether prefects or sixth formers could fulfil that role. Sometimes children may feel that the situation is always top-down and that adults are supervising them every minute of the day, and I do not know whether someone in the sixth form could take on that role, rather than an adult, if funding were an issue.

[214] **Ms Harris:** I know that Newport Transport was using PCSOs. I do not think that it was using them specifically for school transport; they were being used on runs in an ad-hoc way, and it had been successful. I do not know of any other transport company in Wales that uses that system, so I cannot comment further on that.

[215] I have mixed feelings about sixth formers. I know that St Joseph's R.C. High School in Newport has a system whereby sixth formers are present on the vehicle, but they do not get involved in speaking to anyone about any bad behaviour; they just report back to the school if something has gone on. There is also the facility for younger pupils on the bus to go to designated sixth formers who wear a special badge, which I think shows a smiley face. If they see a sixth former in the school wearing the badge with the smiley face, they know that they can go to them and tell them of their concern on school transport. I think that that works pretty well. I do not know of any other school that does that. I do not know whether I would agree with having sixth formers or prefects stand up inside a vehicle telling people to keep quiet or to sit down, because they could find themselves in a precarious situation if other pupils turned on them. You are making them responsible for doing something that they are perhaps not skilled enough to do, and which they do not have the age and experience to do.

[216] **Mr Cunningham-Jones:** There are a couple of other issues as well. We are talking about budgets being cut, schools being closed and consolidated, and the establishment of sixth form colleges, which, again, takes away the sixth formers from normal schools. What is for sure is that our children will be travelling further and for longer in confined spaces, and unless we make that more comfortable and palatable for them, rest assured that there will be more trouble. The proposed Measure is about placating many of those issues that are coming over the horizon, and those have to be borne in mind.

[217] **Dr Howard:** Sixth formers are not the answer. Assembly Government policy may mean that there are many fewer sixth formers in schools in five or six years' time. That is the real situation that we are facing. Those sixth formers will also be travelling more often than they are at the moment. The day of the prefect has passed; we may all regret it, but it has passed.

[218] **Bethan Jenkins:** I thought that I was young.

[219] **Veronica German:** You are showing your age, now. [*Laughter.*]

[220] **Bethan Jenkins:** I know.

[221] **Dr Howard:** I think that it passed a long time ago. Some of us have glowing memories of the childhood that we went through, and I was a prefect at the boys' comprehensive school in Barry in the late 1960s, and policing pupils on stairwells was not my favourite task, I can tell you. During my teaching career we revived the concept of the prefect as a peer leader in the school several times. They do work as peer leaders, but you cannot legitimately ask them to police behaviour in difficult situations. You are asking them to go a step too far. Very often in our school youngsters have said 'Can we do this?', and we have said 'Yes, you can; go and do it'. However, it lasts about three weeks because as soon as they get into a confrontational situation, they see the difficulties of it. It is unfair to ask them to do it. So, I think that we need to take a step back from that.

[222] However, a great deal of the work that the Government has done on the education of pupils in the past 10 years has concentrated on listening to learners and positive peer group pressure. The youngest are better than the oldest, in my humble opinion, at helping us to control behaviour on buses, because young people come to tell us when things are going wrong and they are remarkably frank in their testimony. I am happy that pupils play a part, and we can ensure that by listening to learners. Someone mentioned earlier—I am sorry, but I have forgotten who it was—that listening to learners is a vital part of this, and I think that it is. Five years ago, a previous committee took evidence from learners, and some of the strongest testimony you had about the quality of the provision was from learners, so we need to be doing more of that.

[223] **Ms Harris:** You may already be aware that the Welsh Assembly Government provided funding to several authorities, including Monmouthshire and the Vale of Glamorgan. Through that funding, I have been into about 42 Monmouthshire schools in the past few years—in July this year we started going into Vale of Glamorgan schools—to educate pupils about the importance of wearing their seat belts and not distracting the driver. A huge percentage of pupils changed their attitude to their school bus journey after that training. We did surveys before and after the training, the results of which I think the Welsh Assembly Government has. They showed that a huge percentage started wearing their seat belts. We also had reports from drivers that, when the pupils got on the vehicle, they could hear the 'click, click, click' of seat belts being fastened. One driver said to me, 'I don't know what you've said to my coach load, but they're putting their seat belts on and I haven't even said anything to them'. The behaviour improved and noise levels dropped. The number of pupils who confirmed that they would now report bad behaviour also increased. Instead of seeing it as grassing on someone, they saw it as their responsibility, because they wanted to be able to come into school the next day and still have their friend sitting next to them and not have it on their conscience that they could have done something but did not.

[224] Educating young people—and doing it in such a way that it is fun and interesting, but changing their attitudes about their personal safety and the safety of their friends whom they sit next to—has a huge impact on behaviour. If you cannot afford escorts, by doing some simple things with pupils and giving the personal and social education teachers the tools to do that, you can make a huge difference.

[225] **Jonathan Morgan:** The bulk of the proposed Measure deals with civil sanctions. The whole idea is that there will be civil sanctions for breaches of those safety regulations. Can I work on the assumption that the three of you support civil sanctions for non-compliance as set out in the proposed Measure? Do you have any comments on what has been outlined in the proposed Measure with regard to the levels and types of civil sanctions?

[226] **Dr Howard:** The sanctions proposed would give real teeth to the proposed Measure.

Contractors, the contracting authority and headteachers will need supplementary statutory guidance to clarify what should be done in particular situations.

[227] **Ms Harris:** I agree with sanctions, but I would say that, in my experience, most schools still do not understand the legal obligations placed upon them when it comes to home-to-school transport. So, before you can impose sanctions on schools, you need to ensure that they understand the law.

[228] **Mr Cunningham-Jones:** I am all for sanctions. They are the deterrent that wakes people up to ensure that they have the procedures in place. The scale of the sanctions in the proposed Measure is for someone else to decide.

11.50 a.m.

[229] **Jonathan Morgan:** According to the evidence that we received from the Deputy First Minister, there will be a new Welsh enforcement authority with its own staff with expertise in this area to ensure that the enforcement of these regulations is carried out. Do you have any views on the establishment of a Welsh enforcement authority?

[230] **Dr Howard:** I think that that would be a function of cost in the present environment, would it not? You may not need an enforcement authority, but you need clear statutory guidance to supplement the proposed Measure.

[231] **Jonathan Morgan:** At this point, we are not clear as to what the enforcement authority will be. Literally, it could be a civil servant sat behind a desk in Cathays park, or it could be a quango in mid-Wales with 300 people working for it. We do not know at this stage; that is the difficulty. However, I would imagine that the concept of somebody having the lead responsibility for enforcing the regulations, making sure that transport is safe and ensuring that civil sanctions are carried out in the event of a breach of those regulations is one that would receive universal support.

[232] **Mr Cunningham-Jones:** Absolutely. If you are going to impose rules and sanctions, you need someone to police them. It goes without saying. The important thing is to educate the people who have to use the statute on what their roles and responsibilities are. Providing education on where the demarcation lies could be a part of their role, as well as providing sanctions.

[233] **Ms Harris:** An interesting point to make at this stage is that I organised a training day for headteachers and school governors on the subject of their legal responsibilities in relation to home-to-school transport. It was organised through Monmouthshire County Council for all of the schools in the council area. Out of around 40 schools that were invited to attend, only eight booked places. A couple of headteachers contacted Monmouthshire County Council and asked whether there was a legal requirement for them to attend. They said that if there was not, they would not do so. When an authority comes to me, or goes to anyone else, and asks if a day can be put together so that all the schools in the area understand what they have to do in respect of home-to-school transport, and what their legal liabilities and obligations are, but the schools are not interested in attending, perhaps the proposed Measure should address that situation. If there are going to be sanctions that schools do not understand, what better way to get them to understand than to attend a training day somewhere that is going to give them all of the information that they need?

[234] **Dr Howard:** Schools understand their statutory functions well. That is not why you need the proposed Measure.

[235] **Ms Harris:** I have to say, Chris, that I have not found that to be the case.

[236] **Jonathan Morgan:** For clarification, in terms of the application of civil sanctions, in a sense we are also talking about bus companies whose vehicles have safety faults, from bald tyres upwards. This is not just about making sure that schools and local authorities are compliant. It is also about making sure that the transport is compliant.

[237] **Christine Chapman:** I want to return to the issue of the enforcement authority. We specifically asked the Deputy First Minister about this, and he said that it would be something completely new. However, I take Chris's point that, with the cuts, it could be diluted. What would be your view if it was suggested that a local authority could take this on? Again, there could be a conflict of interest.

[238] **Mr Cunningham-Jones:** Local authorities have the responsibility, at the end of the day. They are the ones issuing the contracts. If a contract that states these requirements is breached, the onus is on the local authority to do something about it.

[239] **Christine Chapman:** So, they would be policing themselves.

[240] **Mr Cunningham-Jones:** They would be policing the people contracted to do the work, rather than themselves. The contract itself is their standard; they would be policing the upholding of that standard.

[241] **Ms Harris:** Many authorities monitor this transport anyway. Perhaps the proposed Measure should require authorities to have a standardised level that they work towards and expect from transport operators. That might be one way around it. No matter where they are and what authority it is, they are monitoring for the same level.

[242] **Veronica German:** I will move on to consultation. The proposed Measure states that Ministers must consult each local authority and other persons considered appropriate before making regulations under the proposed Measure. Do you have any views on whether these provisions are broad enough, or whether any other bodies should be specified on the face of the proposed Measure?

[243] **Ms Harris:** Are you referring to having other people here in addition to us, for example?

[244] **Veronica German:** Yes, I am.

[245] **Ms Harris:** There are two, perhaps. As I stated earlier, I think that the users of the services should be consulted more and given the opportunity to speak and answer questions here. You might not think that it is appropriate, but I think that perhaps it would be appropriate to include the fire and rescue services. They rescue around nine times more people from road traffic collisions than they do from fires. Part of their remit is to go into schools to try to deliver road safety training about speeding, wearing a seatbelt and all those sorts of things. Over the past 18 months to two years, they have done a lot of work with BUSK Cymru, where they have gone in with us to schools to help children understand why they should behave appropriately on the school run. Consulting them is relevant, because a large proportion of their work relates to road safety and preventative measures. They are experts in what they do and they have someone who is in charge of road safety.

[246] **Veronica German:** That is a good point. Is there anyone else who you think should be consulted?

[247] **Dr Howard:** You might specify that they listen to learners and use the expertise in the education and lifelong learning department, seeing as it is a proposed Measure on



transport, to access the views of learners in an appropriate timescale.

[248] **Veronica German:** The Assembly's outreach team will work with children and young people on the proposed Measure, and it will go out to take evidence and to listen to what they have to say. That is for your information. We are always talking about them, rather than listening to what they have to say, so I think that is a point well made. In drawing this session to a close, I will just ask whether you have any other comments that we have not covered today in relation to the proposed Measure.

[249] **Mr Cunningham-Jones:** I would just like to say one thing about consultation. I feel that we do not need consultation on what is needed. We have talked about the issues and what is required. Consultation should be around the practicalities of implementing it as swiftly as possible. That is the way in which the consultation needs to go.

[250] **Veronica German:** Thank you for your time and for your evidence. You will be sent a transcript of today's proceedings for you to check for accuracy. The next meeting will be held next week on 21 October. If there are no further points, I will declare the meeting closed.

*Daeth y cyfarfod i ben am 12 p.m.  
The meeting ended at 12 p.m.*