



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

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

**Dydd Iau, 21 Hydref 2010**  
**Thursday, 21 October 2010**

**Cynnwys**  
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Proposed Safety on Learner Transport (Wales) Measure—Stage 1: Evidence Session 3

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg. Mae hon yn fersiwn ddrafft o'r cofnod. Cyhoeddir fersiwn derfynol ymhen pum diwrnod gwaith.

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. This is a draft version of the record. The final version will be published within five working days.

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

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur Labour
Brian Gibbons	Llafur Labour
Bethan Jenkins	Plaid Cymru The Party of Wales
Jonathan Morgan	Ceidwadwyr Cymreig Welsh Conservatives
Jenny Randerson	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)

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

Chris Britten	Pennaeth, Ysgol Ashgrove, Penarth ac Aelod o Gymdeithas Genedlaethol y Prifathrawon—Cymru Headteacher, Ashgrove School, Penarth and Member of the National Association of Head Teachers Cymru
Bryan Jeffries	Cyfarwyddwr Addysg, Cyngor Bro Morgannwg Director of Education, Vale of Glamorgan Council
Tomi Jones	Cydgysylltydd Cludiant Ysgolion, Cymdeithas Llywodraeth Leol Cymru School Transport Co-ordinator, Welsh Local Government Association
Elaine Keeble	Pennaeth Ysgol Tonyrefail ac Aelod o Gyngor Cymdeithas Arweinwyr Ysgolion a Cholegau Head of Tonyrefail School and Council Member, Association of School and College Leaders
Brian Kemp	Cyfarwyddwr Trafnidiaeth, Cyngor Dinas Casnewydd Director of Transport, Newport City Council
John Pockett	Cyfarwyddwr Cyswllt â'r Llywodraeth—Cymru, Cydffederasiwn Cludwyr Teithwyr Cymru Director of Government Relations in Wales, Confederation of Passenger Transport
Tim Pratt	Pennaeth Ysgol Caerleon ac Is-lywydd y Gymdeithas Arweinwyr Ysgolion a Cholegau Head of Caerleon School and Vice President, Association of School and College Leaders
Daisy Seabourne	Rheolwr Tîm Polisi Dysgu Gydol Oes, Cymdeithas Llywodraeth Leol Cymru Lifelong Learning Policy Team Manager, Welsh Local Government Association

**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

Sarah Sargent                      Dirprwy Glerc  
   Deputy Clerk  
Siân Hughes                      Gwasanaeth Ymchwil yr Aelodau  
   Members' Research Service

*Dechreuodd y cyfarfod am 9.33 a.m.  
The meeting began at 9.33 a.m.*

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

[1]     **Jenny Randerson:** I welcome you to this meeting of Legislation Committee No. 4. I will make the usual introductory remarks and remind you that, in the event of a fire alarm, you should leave the room by the fire exits and follow instructions. Remember to turn off all phones, pagers and BlackBerrys as they interfere with the broadcasting equipment. I remind you that we operate through the Welsh and English languages. Headsets are provided through which you can hear instantaneous translation. They can also be used for amplification. Translation is available on channel 1, and amplification is on channel 0. There is no need to press any of the buttons; the microphones will be switched on remotely when you speak.

9.34 a.m.

### **Mesur Arfaethedig ynghylch Diogelwch ar Gludiant i Ddysgwyr (Cymru)— Cyfnod 1: Sesiwn Dystiolaeth 3 Proposed Safety on Learner Transport (Wales) Measure—Stage 1: Evidence Session 3**

[2]     **Jenny Randerson:** This morning, we will take evidence from the Welsh Local Government Association, the Association of Directors of Education in Wales, the National Association of Head Teachers, the Association of School and College Leaders, and the Confederation of Passenger Transport. The witnesses are split into three panels this morning. On panel 1, I welcome Bryan Jeffries, the director of education for the Vale of Glamorgan Council; Tomi Jones, the school transport co-ordinator for the WLGA; Brian Kemp, the director of transport for Newport City Council; and Daisy Seabourne, the lifelong learning policy team manager for the WLGA. Thank you for coming in to give evidence.

[3]     We will turn immediately to our questions. For the record, can you confirm whether you and your organisations believe that there is a need for the proposed Measure? Do you believe that the proposed Measure will meet the Welsh Government's stated policy objectives in relation to the safety and quality of learner transport?

[4]     **Mr Jeffries:** The view of local government is that there is a need for a Measure, but we have some concerns about the content of the proposed Measure, which I assume we will deal with this morning.

[5]     **Jenny Randerson:** Yes, we will examine those later. Does anyone else want to speak?

[6]     **Ms Seabourne:** That is the view of the WLGA as well.

[7]     **Jonathan Morgan:** The Deputy First Minister said that the bringing forward of regulations under this legislation would follow a phased and balanced approach. What is your view on that approach?

[8] **Mr Jeffries:** Briefly, to set the context, I am the director of education at the Vale of Glamorgan Council, where the tragic death of Stuart Cunningham-Jones occurred in 2002. I have also chaired the school transport safety group, which was set up by Jane Davidson at that time to develop measures to improve school transport. There is an absolute commitment to addressing this matter and developing measures that improve the safety of transport for pupils. The question that we need to address is whether all the elements of the proposed Measure are appropriate. Our view is that there will be a need for a phased approach, and we should be looking at those things that will have the greatest and most direct impact first.

[9] **Ms Seabourne:** A phased approach would help with things such as the cost of the proposed Measure, if it is implemented, and some of the practical elements such as changes to the school bus fleet. Those kinds of things will take time, and so a phased approach, if the proposed Measure is passed, would definitely be supported.

[10] **Mr Kemp:** We also need to be conscious of the fact that there are long-term contracts in place. We need to accommodate those and decide whether we will cancel them and re-let or allow them to run their course.

[11] **Mr Jones:** We also need to ensure that buses are available because if new bus fleets are required, they are not the kinds of things that you can get off the shelf. They take quite a long time to be provided. The newer vehicles are not out there.

[12] **Jonathan Morgan:** In the evidence that you have provided, you say that you would like to see a definition of ‘dedicated school transport’ on the face of the proposed Measure. Can you explain why you think that that is necessary and what you think such a definition would be?

[13] **Mr Jones:** Part of the reason for that is that a lot of school transport is provided by public transport, even though there may be a statutory requirement to provide school transport. Many authorities will put the children on public transport, and some of those public transport routes are then extended to go to the school as part of the school run in the morning and afternoon. Although they are classed as public transport routes, those runs would not be done unless the authority wanted the company to carry children to school. The question is whether those are included in the proposed Measure or not.

[14] **Mr Jeffries:** As an example, the incident in the Vale of Glamorgan occurred on a bus that had not been dedicated for school transport. It was a public transport vehicle that was transporting pupils who lived within a three-mile radius.

[15] **Jonathan Morgan:** The Deputy First Minister has said that the Government’s intention is for the proposed Measure to apply to home-to-school and school-to-home transport—although we only ever refer to home-to-school transport, we do assume that the buses will be getting the kids home at some point late in the afternoon. The issues that have been raised with us relate to the way in which children move between places of learning during the working and school day. Do you think that the proposed Measure ought to include that, or is it sufficient for it to focus purely on home-to-school and school-to-home transport?

[16] **Mr Kemp:** If we accept that the issue is mainly about the safety of the children who are travelling around, there is no justification for differentiating between the home-to-school journey and any other journeys taken during the day. If they are away from school and are out in buses on the road, we should have equal regard to their safety.

9.40 a.m.

[17] **Jenny Randerson:** The explanatory 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 under the proposed Measure?

[18] **Mr Jeffries:** Our answer is 'yes'. It would be the priority for us.

[19] **Mr Jones:** Definitely.

[20] **Ms Seabourne:** I agree.

[21] **Jenny Randerson:** In your written evidence, you state that there is a lack of clarity regarding who would be responsible for ensuring the use of seat belts when they are fitted. Can one of you expand on that?

[22] **Mr Jones:** The current regulations stipulate that pupils over the age of 14 are legally required to wear seat belts, but pupils under the age of 14 are not legally required to wear safety belts on school buses. The reason for that is the question about who is responsible for ensuring that they wear them. It has been proved that the driver of a car is responsible, but the driver of a bus, with 40 to 50 children on board, is not responsible. There is always the problem of peer pressure, with youngsters telling the older children, 'We don't have to wear them, but you do'. So, there needs to be some consistency. I know that it is a Department for Transport issue, rather than an Assembly Government issue, because it is current law, but it will be very difficult to have that kind of law in place when one group of children has to wear them while others do not.

[23] **Jenny Randerson:** BUSK suggested that transport operators would have more confidence to renew their bus fleets if they had longer-term contracts. Do you agree with that view?

[24] **Mr Kemp:** There are savings to be made through having longer-term contracts, and anyone who has committed themselves to providing a service for a longer period can invest more in the tools and the equipment needed to do the job. So, there are benefits in extending the contract. The danger of extending them too long is that you freeze out other people who may be in the market, and who would not then get any of the work for a longer period.

[25] **Jenny Randerson:** My final question is to the Welsh Local Government Association. You state in your evidence that there is no current evidence to suggest that the use of double-decker vehicles for school transport is less safe than other types of buses, although many local authorities have already discontinued their use. An interesting point that I had not thought of before is that the removal of double-decker buses would lead to an increase in the number of buses at some schools sites, which could potentially increase the safety risk to children and young people. Can you expand on that and on any other implications for the use of single-deck buses to replace double-decker buses?

[26] **Mr Jeffries:** Tomi has an example, but there is also an example from the Vale of Glamorgan of a secondary school with a very constrained site that has pupils travelling to and from school on double-decker buses. There is just not enough space on that school site to increase the number of vehicles; the school already struggles with what it has. The alternative is dropping off on the road, or dropping off elsewhere and walking the children into the school. So, there is a specific site constraint issue. The other issue is the need to be clear about whether double-decker buses are more or less safe. We have no evidence pointing one way or the other. The issue is to ensure that pupils are well behaved on whichever type of bus that they travel.

[27] **Mr Jones:** Quite a few of the north Wales authorities, particularly Conwy, have two

or three schools that have no on-site parking facilities; the facility is on-street. One school currently has seven double-decker buses bringing children to school. Double-decker buses are 9m long, 70-seat buses are 12m long, while 48-seat buses are 9m long. So, taking those double-decker buses away would double the traffic on that busy street, which is currently chock-a-block with six double-decker buses, but would then have perhaps 12 or 14 single-deck vehicles trying to cram into the street, which is virtually impossible.

[28] **Ms Seabourne:** To reflect what Bryan said, there is no current evidence that demonstrates that double-decker buses are less safe than single-deck buses. The explanatory memorandum to this proposed Measure also states that school transport is currently the safest way for children and young people to get to school, so we need to set it in that context.

[29] **Mr Kemp:** We also need to consider the broader issues of safety, to do with the behaviour of children on a bus. It has been said in some quarters that because children on the upper deck are out of sight, they are not under control. If we are talking about a bus operated by a single person, it does not matter whether it is a double-decker bus or a single-decker bus, there is nothing much that the driver can do if trouble starts on the bus. His prime responsibility is driving the bus.

[30] **Peter Black:** When the Minister for education looked into school transport, there was considerable evidence that pupil behaviour was more difficult to control on a double-decker bus. I take what you said, but the legislation also talks about escorts and closed-circuit television. Do you not accept that an escort would find it more difficult to keep control on a double-decker bus? Perhaps you would need two escorts to deal with any issues with pupil behaviour; otherwise, it would be more difficult for one escort to maintain control.

[31] **Mr Jones:** The anecdotal evidence on double-deckers, especially in north Wales, is that the behavioural problems arise because of the condition of the vehicles. Some of those are 30 or 40-year-old ex-London Transport vehicles that leak water, which gives the children no confidence in the vehicle. It has been proved throughout the country that giving someone a bad service creates bad behaviour. Having a new vehicle, whether it is a double-decker or not, would probably make a difference.

[32] **Peter Black:** Do you have evidence to prove that, namely that where a bus is in bad repair, you get bad behaviour, and where a bus is in better repair, you have better behaviour?

[33] **Mr Jones:** Yes.

[34] **Peter Black:** Could we have that evidence?

[35] **Mr Jones:** Yes, certainly.

[36] **Mr Jeffries:** There is still a question about the use of escorts on buses for secondary school pupils. Our experience in the Vale is that CCTV has proven to be more effective.

[37] **Christine Chapman:** To move on from your last comment, in your evidence, you say that, although the age of vehicles can have an impact on safety, that is not always the case and that the safety specifications of vehicles should be the greatest concern. Can you explain your views on that?

[38] **Mr Jones:** Yellow buses have come into this country from eastern Europe over the past few years, and they are not fit for purpose when they are just two or three years old, virtually, but then there are older vehicles that are well maintained that are perfectly fit for purpose. So, it is not the age of the vehicle that makes the difference, but how it has been maintained by the company that runs it.

[39] **Ms Seabourne:** The concern should be the safety of the vehicle, not its age. As Tomi said, that is sometimes irrelevant, but we should focus on safety.

[40] **Christine Chapman:** On the yellow bus standard, in your written evidence, you say that many of the suggested areas outlined in the explanatory memorandum are already dealt with elsewhere in the proposed Measure. Can you explain your concerns about that?

[41] **Ms Seabourne:** Tomi might come in on this with more detail, but at the moment there is no yellow bus standard. Much of what is outlined in the documentation that goes with the proposed Measure covers seat belts, CCTV and so on, which are also included on the face of the proposed Measure. You talk about a yellow bus standard, but our concern is that that does not really mean anything at the moment.

[42] **Mr Jones:** Currently, a lot of the buses that carry children to school in Wales are painted yellow, and so they are called yellow buses. However, there is no real standard, CCTV cameras apart. They are partly based on the American yellow buses, which are a basic vehicle, but they have one massive advantage over our buses, which is that, when they stop, everything else on the road has to stop. No-one is allowed to pass them. Their safety comes from that, not from the vehicle itself.

[43] **Christine Chapman:** The explanatory 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 that?

[44] **Mr Jones:** That is especially true for taxis, as taxis are primarily used to carry either special education needs pupils or younger pupils. There needs to be legislation on the fitting of safety belts and booster seats, and whose responsibility it is to supply them in taxis.

9.50 a.m.

[45] In addition, on Criminal Records Bureau checks, most taxi companies do them differently, and they are not the enhanced checks. So, that needs to be looked into. Driver training should also be part of the taxi contract.

[46] **Jenny Randerson:** Peter, you are next.

[47] **Peter Black:** In your written evidence, you say that initial reports from a CCTV pilot project suggest that it does not have a significant impact on the behaviour of pupils. Could you expand on that?

[48] **Mr Jones:** There are currently two pilots running under the school transport projects: one in the South West Wales Integrated Transport Consortium area, and one in the six north Wales counties. The preliminary reports from the six north Wales counties, which are assessing the effectiveness of escorts versus CCTV on a range of vehicles, are that the pupils say that escorts are better. In Pembrokeshire, it has gone completely the other way, with the report showing that a combination of driver training, pupil training and CCTV cameras is bringing in very good results. Incident reporting has shot up, but the severity of the incidents has come down dramatically with the use of CCTV only. The north Wales pilot asked the pupils which they preferred, and their answer was that they preferred escorts.

[49] **Peter Black:** So, the evidence is mixed.

[50] **Mr Jones:** It is very mixed, yes.



[51] **Mr Jeffries:** In the Vale, there has been concern that, in some instances, having the wrong escort can be a cause of further difficulty on the bus. CCTV is powerful in providing evidence for follow-up, provided that schools take the evidence seriously. Parents come in having heard their child say, 'I did not do it; I was not there, it was someone else', but once they see the footage, there is no scope for any argument, and parents then understand that the pupil is excluded from school transport for a clear reason. It is not then a matter of arguments or complaints, or a discussion about what did or did not happen; having that evidence is really powerful and effective in the way that we deal with parents.

[52] **Peter Black:** Of course, we are not able to legislate for the quality of the escorts. That is a management issue for the contractor and the local authority. Should CCTV evidence also apply to adults who behave badly on school buses?

[53] **Mr Jones:** Yes. It should also apply to the drivers of these vehicles. That should be just as important.

[54] **Peter Black:** The Deputy First Minister's officials explained at an earlier committee meeting that local authorities would not necessarily undertake the risk assessment, but they could impose it as a condition of a bus company's contract. In its written evidence, BUSK said that requiring a transport company to carry out the risk assessment removes a local authority or school's legal obligations. What are your views on how these risk assessments should be applied, and who should be responsible for them?

[55] **Mr Kemp:** My belief is that, in the first instance, the duty to provide the risk assessment should be placed on the operator. However, the council or local authority would have the responsibility of, first, specifying what it wants in the risk assessment, and then of checking that the one produced is valid. We can take as a parallel the Health and Safety at Work Act 1974, and in particular the Derby City Council case that some of you may be aware of. The situation there was that a sub-contractor on a civil engineering project allowed his excavator to swing around and hit a passing bus. When it came to law, the sub-contractor was, naturally, prosecuted, but so was the local council because it had had people on-site observing the work and they had not stopped the unsafe practice. If you take that as a parallel, as a commissioner of school transport, we would have a responsibility to ensure that our operators were doing what they said they were going to do, and that means checking the risk assessment.

[56] **Peter Black:** There are many grey areas here, are there not? Whereas you could say that the operator is responsible for what happens on his bus and the local education authority is responsible for what happens on school premises, often the embarkation points are off school premises and are not on the bus. Who is responsible for the risk assessments at those points?

[57] **Mr Jones:** There is an assessment document that came with the Learner Travel (Wales) Measure 2008, which points out where that responsibility lies: it is with the operator, for anything from picking pupils up at the bus stop to dropping them off, whether on the main street or on school premises. School premises are obviously the responsibility of the school, but dropping them off on the street comes under the operators' responsibility. The anomaly at the moment is that quite a few operators are already doing this, but other operators are asking why they should do it when it is not a statutory duty. From the very start of this, from the learner travel Measure, it was intended to be made statutory. Having gone a fair way down the line to proving that it could not become statutory because the powers were not there to do so, this would be an ideal way of making it statutory, by making it a requirement for all transport operators to carry out a school transport risk assessment.

[58] **Peter Black:** It could be contractual, as well.

- [59] **Mr Jones:** It could, but that is how it is at the moment.
- [60] **Brian Gibbons:** Do we know whether there is anything in the regulations that would give the Deputy First Minister the power to introduce regulations to do this?
- [61] **Mr Jones:** I do not know offhand whether there is.
- [62] **Ms Seabourne:** Within this legislation, it would definitely be there.
- [63] **Brian Gibbons:** I think that the competence would be there, but the issue is whether the Deputy First Minister has specifically declared an intention to clarify in regulations to be brought in on the back of this proposed Measure whether the operators will have a statutory duty in the way that you said.
- [64] **Peter Black:** I asked him that question, actually, but I cannot recall his answer.
- [65] **Brian Gibbons:** You must pay attention in school, Peter. *[Laughter.]*
- [66] **Ms Seabourne:** What we are hoping is that they will look at the extensive work that has already been done on the risk assessment documents and use that as a template. If that is the case, I would hope that they would definitely follow that route.
- [67] **Peter Black:** In your written evidence, you say that thought will need to be given to whether it is the responsibility of the local authority to ensure that drivers are trained or the responsibility of any contractor used by the authority to deliver learner transport. Can you expand on that, and tell us particularly what your views are on whose responsibility this should be?
- [68] **Mr Jones:** The responsibility must be the transport operators', because they employ the drivers. As part of the certificate of professional competence, they have to do a five-day training course within a certain period. A day for school transport as part of that course would be a good idea.
- [69] One of the projects that SWWITCH, the south-west Wales integrated transport consortium, has been working on is the development of a day-long driver training programme based on school transport. That has been accepted and is now being operated, with just about 100 drivers getting ready to go through it at the moment. That is a template that could be used. However, it should also be a contractual issue, so that the authority can state in the contract that any driver used on school transport must have done the driver training.
- [70] **Mr Jeffries:** It would be helpful for the transport companies to know that they are supported by the local authorities in that work. There is nothing quite like having children involved in driver training to get the message across.
- [71] **Peter Black:** Will the existing contracts cover driver training, Criminal Records Bureau checks and so on? Would it cover all that in the risk assessments at the moment?
- [72] **Mr Jones:** Some of them would cover that, but it is inconsistent.
- [73] **Mr Jeffries:** I would say that the CRB checks are covered.
- [74] **Mr Jones:** Yes, definitely.
- [75] **Mr Jeffries:** There has been a lot of work on driver training in the past couple of

years, and the transport group sponsored by the Assembly Government to develop initiatives has looked at a number of areas to do with pupil training as well as driver training. We are getting to the point now of rolling those initiatives out across Wales.

[76] **Ms Seabourne:** We mentioned in the written evidence that that is on a collaborative basis across authorities rather than having individual authorities do it. The tack that we have taken in the school transport projects that we are running involves groups of authorities working together to put the training in place, because you can make significant cost savings if you do it in that way.

[77] **Peter Black:** I assume that that is happening now.

[78] **Ms Seabourne:** Yes.

[79] **Christine Chapman:** Could we have your comments on the type of training? I know that it is not just a matter of driving, as it is about working with children, but there are different aspects to working with children. We looked in particular at children who have special educational needs. With autism, for example, a different approach may be required, and if that approach is not taken, that could make the situation and the child's behaviour worse. Do you think that there is a role here for bus operators and LEAs to look at this in more extensive detail?

[80] **Mr Jeffries:** Certainly, the training covers conflict management and those issues. Transport for pupils who have special educational needs is a really interesting and complicated topic, for a number of reasons. At one level, there are quite straightforward issues. We might say 'No pass, no travel' for people in general, but children with learning difficulties may sometimes forget their pass, so we have to ensure that we put special arrangements in place, which is what we are doing.

10.00 a.m.

[81] The other side of the coin is that a very successful project in Denbighshire has been looking at ways of encouraging pupils with SEN to travel independently. The assumption that, because pupils have a statement, their taxi has to pull up outside their house and that they lose a level of independence, is wrong. It is good for the pupil, and we need to support an inclusive approach to transport. So, we are getting some really good outcomes from that project, which we have decided to roll out across Wales, as there are benefits to it in terms of engagement and cost savings, which are always acceptable.

[82] So, it is really difficult to say that there is an approach to ALN or SEN transport; we need to look at all of those elements. However, where pupils are travelling on a particular route, there is a need for the driver to be aware. On SEN transport in the Vale of Glamorgan, we have made some decisions—to contradict what I have just said—to keep an existing provider that may be slightly more expensive, because the provider offers continuity, is known to an autistic child and offers support to the family, which gives them confidence. I am sure that I have not answered your question, but it is a very complex issue.

[83] **Mr Jones:** There are specific training needs. The training of a bus driver to carry pupils to a secondary school is different from training a taxi driver to carry SEN pupils. So, there have to be different modules of training. There is an excellent standard module which has been developed by SWITCH called 'home to school bus transport'. That does not include provision for SEN children, so other training modules are needed for that.

[84] **Mr Kemp:** We have evidence to show that it can be very distressing for these types of vulnerable children that you are talking about if an unknown driver turns up on a particular

day. So, you need to try to establish a measure of consistency in terms of the people used.

[85] **Christine Chapman:** Would you therefore be supportive were the proposed Measure to state that this training needs to be as inclusive as possible? We could be quite prescriptive about it so that there is greater awareness, particularly in relation to pupils with SEN.

[86] **Mr Kemp:** Yes.

[87] **Ms Seabourne:** Yes.

[88] **Jenny Randerson:** I am reminded that the Committee on Equality of Opportunity did a long review on SEN pupils and students a few years ago. One of the key requirements and demands that it had at the time was that they should be allowed to travel to school or college in the same way as everyone else. It was really important to them in terms of their independence, so that is a very interesting point.

[89] If no-one else has any more questions on that issue, I turn to Jonathan.

[90] **Jonathan Morgan:** In terms of the issue of supervisors on learner transport, the Deputy First Minister has made it very clear that he sees the responsibility for escorts to be very much with local authorities, and not with schools, teaching assistants and teachers. What is your view on this?

[91] **Ms Seabourne:** I think that we would agree with that. There are issues around teacher workloads and non-contact time. Local authorities are best placed to recruit and train people who could be used as escorts. I do not know whether Bryan wants to expand on that point.

[92] **Mr Jeffries:** Recruitment is an issue, and I understand the point made earlier about legislating for the quality of escorts. It is really difficult, and we have to work with schools to recruit. A concern has been expressed that, if we leave it entirely to the bus company, a driver's partner could turn up on the bus one morning because that is the person who is available. It needs to be managed more effectively. I have concerns about the use of escorts for older children, which is a point I made earlier.

[93] **Mr Kemp:** I think that it is worth looking at the parallel of a similar job, which is the school crossing patrol. It is very difficult to recruit people to that job, as Bryan said, because, frankly, it is not much of a job. They are tied to one location and have to turn out four times a day for about two and half hours' pay. It makes it very difficult to recruit. The only people you are likely to recruit are those who have some sort of connection with the school, or people who are prepared to do it because they want to do it. They are not going to do it for the remuneration.

[94] **Jonathan Morgan:** The Deputy First Minister has already told the committee that his intention is for escorts to be provided on learner transport for primary school pupils. In your written evidence, you said that you would rather have the flexibility to decide which routes require that sort of assistance, because, in your view, it may not be applicable on every route. Can I take it that you would prefer the proposed Measure to allow that sort of flexibility rather than being overly prescriptive in saying that there will be an escort on every route for primary school pupils?

[95] **Mr Kemp:** Yes, I think that it is covered by the risk assessment requirement in the proposed Measure. If you do that and the result is negative, you need the flexibility to be able to say that you do not need an escort on that route.

[96] **Jonathan Morgan:** I have a question particularly for Bryan and Brian. In my experience—and we were talking about this at one of our previous meetings—some of the more troublesome bus routes tend to involve secondary school pupils. I have never seen a bus of exceptionally raucous primary school pupils, although it might happen. What proportion of pupils using school transport in your authorities are primary school pupils?

[97] **Mr Jeffries:** Do you know your numbers? I guess that it would be about 25 per cent. I do not have the figures with me, but that would be my estimate. We have 3,300 pupils using school transport, and I think that about 25 per cent of those are probably primary school pupils.

[98] **Mr Kemp:** In my authority, it will come back to the question we addressed earlier of the definition of ‘dedicated school transport’. Newport is an authority that carries a large number of pupils on service buses to school, particularly in the secondary sector. So, the figures would be much lower than those for the Vale of Glamorgan. However, they would vary depending on how you define ‘dedicated school transport’.

[99] **Jonathan Morgan:** I suppose that I could hazard a guess and say that in most, if not all, local authorities in Wales the overwhelming number of pupils using school transport are secondary school pupils rather than primary school pupils. Is there a way that the Assembly Government could get around the issue of recruiting escorts? To say that there would be an escort on bus routes for primary school pupils sounds like a wonderful thing to provide, because you are giving parents and communities assurances that their children are safe. However, I take on board your concerns that, if it is difficult to recruit people to ensure the safety of pupils crossing roads, potentially there will be a problem recruiting people to sit on buses. BUSK suggested that there should be a Wales-wide pool of escorts. Do you have a view on that piece of evidence?

[100] **Mr Jeffries:** I do not think that it would be practicable to have a Wales-wide pool for a job that, potentially, occupies three hours a day. I cannot see how that would work.

[101] **Mr Kemp:** To go back to your earlier point that the majority of pupils travelling on buses are in the secondary rather than the primary sector, the primary sector will become involved largely in rural areas, where it is even more difficult to recruit escorts. Obviously, the greater part of the population lives in urban areas, and people are more likely to come forward from those areas, where they are less needed. There is just not a fit.

[102] **Mr Jeffries:** Chair, with regard to the numbers, would you be happy if I could get back to you later today with the actual proportion of primary to secondary pupils? I think that that would be helpful to you. I am happy to do it.

[103] **Jenny Randerson:** That would be extremely helpful; thank you.

[104] **Ms Seabourne:** The Assembly Government has a statistical release that covers all of these issues. I can forward that to you.

[105] **Jenny Randerson:** Thank you.

10.10 a.m.

[106] **Christine Chapman:** In your written evidence you state that, while the imposition of criminal sanctions is understandable, you have concerns that this could be seen as rather a heavy-handed approach given the lack of clear evidence in terms of improving safety for some of the proposals in Parts 1 and 2 of the proposed Measure. Could you expand on this?

[107] **Mr Jeffries:** The guys may give you a more technical answer, but I do not have an issue about a criminal sanction in relation to something that is specifically safety-related, such as seat belts or something that we are absolutely clear about. If the proposed Measure seeks to have a general intent to improve the quality of the buses and encourage more people to travel by school bus, I would be really anxious if there is a criminal liability attached to our failure to deliver in those areas. It is about having a focus on the things that we are absolutely clear about and on which we share the view that this will improve safety, and that it is the priority. Failure to do so carries consequences.

[108] **Ms Seabourne:** I absolutely support that approach. There is very little in the documentation that supports the proposed Measure, apart from things around the seat-belt issue, that points directly to improved safety. That is where you need to look at those really serious sanctions.

[109] **Mr Kemp:** I think that the whole thrust of the proposed Measure should be to improve safety. Travelling on school buses is the safest way of getting our pupils to school. We should be wary of doing anything that discourages local authorities from doing the voluntary part of the exercise and implementing only the statutory part

[110] **Christine Chapman:** I will move on because I suppose that this point is linked. You also state in your written evidence that it is not clear, where a local authority has contracted out a service and a breach in regulations occurs, whether the council would be criminally liable alongside the contractor. Could you explain your concerns on that?

[111] **Ms Seabourne:** It goes back to some of the issues that we were discussing earlier around the risk assessment and the driver training. If this did pass and become law, a precedent would be set in relation to that, but it is not clear whether or not the local authority has a responsibility to monitor what the contractors are doing above and beyond what is put in the contract. We have some analogies to health and safety legislation. I do not know whether Bryan wishes to comment on that.

[112] **Mr Jeffries:** It is my expectation that if we are clear about the contractors' obligations for risk assessment, and are to comply with other elements of the proposed Measure, we have an obligation to specify that and an obligation to monitor and ensure that it is delivered. If there is a failure, it is my expectation that if, as a local authority, we have done those things, we would potentially be safe. We have done that which was reasonably practicable in health and safety terms to ensure the health, safety and welfare of pupils. It is my assumption that the idea is that this would reflect the health and safety framework and that the authority would not be at risk of a criminal sanction unless it has been demonstrably negligent in its own approach to the processes that I have described.

[113] **Ms Seabourne:** The issue is whether this is made clear in the proposed Measure itself or in the documentation supporting the proposed Measure. There is a lack of clarity. It also has not taken account of any of the cost analysis that has been done on this, and the potential increased burden on the authority to monitor all of these things because they could potentially be criminally liable if contractors are not fulfilling the obligations that they have set out. There needs to be recognition of that within the documentation.

[114] **Brian Gibbons:** You said that, in terms of an inspection body, the Minister has suggested an independent body. However, you are suggesting that the Vehicle and Operator Services Agency should do that. Can you elaborate on that, and have you any information to indicate whether VOSA is ready, willing and able to undertake this?

[115] **Ms Seabourne:** In terms of the general principle—before Tomi comments on some of the detail—the Welsh Local Government Association has been lobbying, as you know, for

many years to reduce the regulation and inspection burden on authorities, and to reduce the cost of that. Again, I think that this is just suggesting the setting up of yet another regulatory body albeit within the Welsh Assembly Government. We would certainly like to see, as a principle, that bodies already in existence, if they can be used, should be used for regulations and inspections.

[116] **Mr Jones:** I think that VOSA already has the capabilities to do it but does not currently have the staff to be able to do more work. I would have thought that it would have been less costly to employ extra staff at VOSA than to set up another complete authority to look at safety. Whereas VOSA already has the expertise, it may not have the staff in Wales to do it all. The extra staffing there would be a far cheaper and far better option than setting up a new body.

[117] **Brian Gibbons:** Have you tested the waters?

[118] **Ms Seabourne:** No.

[119] **Brian Gibbons:** So, VOSA might be pleasantly surprised—a Christmas present for it. You suggest that the appeals tribunal should be the passenger transport forum. It could be argued that that would be a case of the police policing the police.

[120] **Ms Seabourne:** The general principle is that if there is a body already in place—and the passenger forum is in the process of being set up at the moment—we should look to use that body to do these kinds of things rather than setting up something entirely new.

[121] **Brian Gibbons:** Are there representatives of passengers or parents on the passenger transport forum? I do not know who is on the passenger transport forum, but if it is made up of transport interests, it would hardly seem to be the most powerful lobby.

[122] **Mr Jones:** The applications are out and are being received at the moment. The intention is that it will be made up of people representing passengers, as opposed to people from the transport field.

[123] **Brian Gibbons:** So, it will be mainly passengers—

[124] **Mr Jones:** It will be passenger-focused, so it will be the voice of the passenger rather than the voice of the authorities.

[125] **Brian Gibbons:** So, the consumers.

[126] **Mr Jones:** Yes.

[127] **Ms Seabourne:** As it is in the process of being set up, there may be some scope to slightly change or tweak its function and remit. Again, that could be better than setting up something entirely new. That is not to mention the processes that authorities have in place already.

[128] **Mr Jeffries:** The issue for me would be ensuring that whoever deals with that has proper technical advice. Given the statutory framework in the proposed Measure, they need to be properly advised on legal matters as well. I do not think that it can be a general forum; it needs to operate with some rigour if it is to support what the proposed Measure is trying to achieve.

[129] **Brian Gibbons:** One penalty that is suggested as part of the civil sanction enforcements is the use of a publicity notice, although I do not know quite what it would be

used for. Do you know whether publicity notices are used at the moment, and do you see any merit in using them? The proposed Measure states that provision can be made

[130] ‘enabling an enforcement authority to give a publicity notice to a person on whom a sanction has been imposed’,

[131] and it then says that that should be displayed somewhere. Has that come up in the past? Do you know anything about it?

[132] **Mr Kemp:** There have been some instances involving Network Rail or train operating companies, which have identified on posters that have been put up in stations people who have been found guilty of misdemeanours on trains.

[133] **Brian Gibbons:** Who has been found guilty? Is it the passengers?

[134] **Mr Kemp:** Yes.

[135] **Brian Gibbons:** Oh. I am not sure that that is the intention of it; I think that the intention is for the operators to somehow be named and shamed.

[136] **Mr Jeffries:** I am not sure that there is any evidence of that. I know that in terms of the landlord—

[137] **Brian Gibbons:** The Deputy First Minister says that, in consulting about this sort of supervisory role and so forth, local authorities are included on the face the proposed Measure as one party that should be consulted, along with other persons whom he considers appropriate. Are you happy for the proposed Measure to refer just to local authorities and to give the Deputy First Minister the discretion to—

[138] **Mr Jeffries:** The one element that I would like to add is the voice of the child, and to have the option for young people to be engaged. The Assembly Government has set up some good arrangements through Funky Dragon and so on. Again, the power of young people in achieving change must not be underestimated.

[139] **Peter Black:** Does your local authority have arrangements to consult with young people already?

[140] **Mr Jeffries:** Yes. We have that in addition to school councils, and we have involved young people in some of the training.

[141] **Peter Black:** So, many local authorities can already do that sort of thing.

[142] **Ms Seabourne:** It is a statutory requirement, under the Children Act 2004, that all local authorities consult with children and young people on any policy that impacts on them. The lead cabinet member with responsibility for children has the responsibility to make sure that young people are engaged in anything like that. So, I would fully support Bryan on that.

[143] **Mr Kemp:** Under Safe Routes to School, which is now Safe Routes in Communities, it was a requirement that children be part of the design process that produced those routes. That can be passed on into the home-to-school transport field.

[144] **Brian Gibbons:** This is my last question. You say in paragraph 10 of your evidence that the proposed Measure will be very difficult to implement without substantial financial support. The Deputy First Minister estimates that there will be £2.5 million to £8.5 million in non-recurrent costs and £13 million to £18 million in recurrent costs. What does ‘substantial’



mean in that context from your point of view? What are the upper limits? He has mentioned £8.5 million in non-recurrent costs and £18 million in recurrent costs. How much higher do you think that it could go?

10.20 a.m.

[145] **Ms Seabourne:** I cannot give you an estimate at the moment.

[146] **Mr Jeffries:** It depends on how you prioritise. If the proposed Measure continues to seek to drive change in school transport fleets across Wales, then it will be hugely expensive. Our view is that the real focus should specifically be on those measures that improve safety. If improving safety costs, it costs; that is what we are here to do. We would encourage the Assembly to focus specifically on those measures that clearly contribute to safety.

[147] **Mr Jones:** If you are looking at the abolition of the use of double-decker buses, then you are not only looking at the cost of new vehicles, but also at having to put infrastructure in place to deal with a larger number of vehicles. That could be very expensive.

[148] **Brian Gibbons:** That is what I am saying. You used the word ‘substantial’, which, to me, suggests that the Minister is pretty much outside of the ball park.

[149] **Ms Seabourne:** What we certainly want to see, when the proposed Measure has been passed and we know which sections are being implemented, is Welsh Assembly Government officials working closely with local authorities to calculate the real cost to local authorities, and then a guarantee that that will be funded, either through the revenue support grant or a specific grant. We need to have a guarantee from WAG that that funding will be provided. School transport costs are increasing, and you will have seen the comprehensive spending review announced yesterday and know about its potential implications. Local authorities would have to prioritise this as a statutory requirement, but that could be to the detriment of other services.

[150] **Mr Jones:** Also, on the changes proposed in the use of double-decker buses, they have only included the buying of single-decker buses and running them; there is nothing about infrastructure. There does not seem to be anything in the Deputy First Minister’s budget to do with infrastructure at all.

[151] **Brian Gibbons:** It would be helpful if you could try to put a figure on this, or a multiple even, if you think that the cost will be three times as much or 25 per cent as much.

[152] **Ms Seabourne:** I was just thinking—

[153] **Brian Gibbons:** I do not mean for you to do it now; think about it, and write to the Chair.

[154] **Mr Jeffries:** As a point of principle, it would be really helpful, before the proposed Measure is finalised, to have every element of it costed so that people can understand—

[155] **Brian Gibbons:** In fairness, he has given us figures. The figures that I quoted are from the explanatory memorandum.

[156] **Ms Seabourne:** We have mentioned in our evidence that there are some hidden costs, certainly around no longer using double-decker buses and the potential capital outlay of changing school sites to accommodate more buses. There could be substantial costs involved there, which are not covered in the explanatory memorandum. We have also mentioned the potential increase in workload for local authorities in regulating contractors, which, again,

could have a cost that I do not think was covered in the supporting documentation.

[157] **Brian Gibbons:** Is it reasonable to ask, Chair, if we could have some supplementary evidence on that?

[158] **Jenny Randerson:** Yes. We also need to ensure that this concern is drawn to the attention of the Finance Committee, which will be considering the financial aspects of this proposed Measure in more detail. Peter wants to ask a question.

[159] **Peter Black:** I am a member of the Finance Committee, and I know that what is in the explanatory memorandum is, effectively, the Deputy First Minister's commitment. If we do not sort this out before the proposed Measure becomes legislation, you may find that you will have problems. So, any evidence that you can provide would be helpful.

[160] You all raised the issue of substantial costs, but this proposed Measure has not just dropped out of the sky. You will know that the Education, Lifelong Learning and Skills Committee produced a report in 2006, I think, that the then Minister for Education, Lifelong Learning and Skills issued non-statutory guidance, and that work has been done with local authorities since then to work towards what is now being made statutory. So, given that you are now saying that this will have substantial costs, does that mean that you have been ignoring what the previous Minister for education did? You must have already done a lot of work on this with regard to the length of contracts, phasing out the use of double-decker buses, putting in seat belts on new buses, and so on.

[161] **Mr Jeffries:** We have not phased out double-decker buses at this point. We have put in place training and a lot of measures that are not particularly expensive, such as having a contract between the pupil and the authority with regard to transport, and having the parents sign that off, so that they know what we expect in terms of behaviour, and developing arrangements for piloting the use of CCTV, which we have put into those routes where we feel that there is a risk, and taking on additional costs, where we believe that it is appropriate, to meet the needs of those with additional learning needs. So, we have not been passive at all. What we have not done is to look at renewing the fleet in the way that has been described or at some of the elements in the proposed Measure that, from a local authority perspective, will not impact directly on pupil safety.

[162] I am sure that everyone is telling you how little money they have, but, to give you the context, in the Vale of Glamorgan, for example, we currently operate a central education services function that is more than £500 per pupil below the Welsh average, because of the funding arrangements. I know that the Welsh average is more than £500 below the English average. So, if we have to invest in something new, something else has to go. We are now looking at significant redundancies across the whole of the service. I have to be assured to be able to advise members of the council that investment in this will make a difference. That is why I am here today.

[163] **Peter Black:** The recommendations of the Education, Lifelong Learning and Skills Committee were about long-term contracts, getting the contractor to invest in the fleet and trying to pass those costs on, rather than them being met by local authorities. So, I am surprised that you are now saying that that has not happened, given that we have been talking about this for the best part of four or five years.

[164] **Mr Jones:** It has happened in some areas. Some authorities have been quicker off the mark in doing that than others, but it has been at a cost. Those authorities are now asking, 'If you are now going to pay others to do the same thing, where was our budget? We paid for it out of our own budgets.'

[165] **Brian Gibbons:** Some local authorities have been proactive for the reasons that Peter gave and in the light of tragic accidents, but others have been laggards and have sat on their hands, hoping that someone will aid them in the fullness of time. If you are going to provide a supplementary briefing, and if the Deputy First Minister is going to provide money for this—and I think that this issue will come up at Finance Committee—can you also give us a note as to how you think that the Deputy First Minister should provide this support? It seems wrong that, as often seems to be the case, those who have sat on their hands and done nothing get the money, while those who have been the innovators and the leaders have to absorb the cost. So, I would be grateful if you could also give us a note on that.

[166] **Jenny Randerson:** That concludes our questions. If there is anything else that you want to add, please do so now. At the beginning, we asked about your general support for the proposed Measure, and you have provided written evidence that states that you believe that it would have a limited impact on safety. During the course of your evidence, you have indicated the various ways in which it would have a limited impact, but if there is anything else that you want to add, this is your opportunity to do so.

[167] **Mr Jeffries:** The one point that I would like to emphasise is that pupils travelling on public transport will be unaffected by this proposed Measure. Serious consideration needs to be given to the fact that, potentially, we are developing a two-tier system, with these arrangements in place on dedicated school transport, while there are other arrangements on public transport, where pupils may be standing on buses.

[168] **Jenny Randerson:** Thank you very much for your evidence. It was extremely clear and very interesting. You will be sent a draft transcript of today's proceedings for you to correct prior to publication. Thank you for coming in.

10.30 a.m.

[169] We will now move to our second panel of witnesses, whom I invite to come forward. I welcome Chris Britten, the headteacher of Ashgrove School in Penarth, who is representing the National Association of Head Teachers Cymru, Tim Pratt, the head of Caerleon Comprehensive School and vice president of the Association of School and College Leaders, and Elaine Keeble, head of Tonyrefail Comprehensive School and ASCL council member. Thank you for coming in this morning. We will move straight into our evidence-taking session, beginning with a question from me. For the record, could you confirm whether you believe that there is a need for the proposed Measure? Will it meet the Government's stated policy objectives on the safety and quality of learner transport?

[170] **Mr Pratt:** We welcome the proposed Measure in its broadest sense. There will obviously be details within it that we have questions about, and some concerns, but we feel that it sets the standard and should have a positive impact on the safety of learners when they are travelling.

[171] **Mr Britten:** The NAHT would echo those remarks. On a general principle, looking at the proposed Measure overall, we would have concerns as to whether it sufficiently addresses the needs of young people with additional learning needs. It seems to be strongly biased toward the main stream. We are also concerned about whether the proposed Measure in its detail recognises that learners in special schools are often young, vulnerable adults, up to the age of 19, who would not necessarily come within the definition of a child as set out in section 13. Apart from that, I am sure that we could give further evidence later in the session. We broadly welcome it.

[172] **Jenny Randerson:** In relation to that, we heard evidence from the previous witnesses about Denbighshire, where there has been a pilot project for pupils with additional learning

needs travelling on ordinary school buses rather than in special taxis and special transport. Are you aware of that, and do you regard that as a successful project?

[173] **Mr Britten:** I was not aware of it, no. Again, with youngsters with additional learning needs, whether that is successful or not would vary very much according to the needs of the children—particularly children with profound and multiple learning difficulties who may have medical needs, and children with autistic spectrum disorder. There would be significant issues with those kinds of youngsters being on standard school buses.

[174] **Peter Black:** The Deputy First Minister said that the bringing forward of regulations on the proposed Measure would follow a phased and balanced approach throughout the next Assembly. What are your views on that?

[175] **Mr Pratt:** I think that that is a very wise way of approaching it. There is potentially a vast amount here to be done, and if we just consider the cost implications, to do it all in one go would probably stretch finances beyond where they are able to go at the moment.

[176] **Peter Black:** He also said that the Government's intention is for the proposed Measure to only apply to home-to-school transport and vice versa, and not to travel during the day between different places of education or training, which is becoming more common, of course. Could you expand on the concerns expressed in your evidence about the implications for educational visits of two or more days' duration, and for any other types of school transport that you think should be provided for?

[177] **Mr Pratt:** The issue here is that there are occasions where students will travel away on residential visits, for which school transport—for example, minibuses—may be used. When they return, they could be returned directly to their home, and if that were the case, would that then count as home-to-school transport? It is just that the definition there is a little lacking.

[178] **Mr Britten:** I would agree that there is a possibility of unintended consequences.

[179] **Peter Black:** Should the proposed Measure apply to transport within the school day as well as home-to-school? Would that just cost too much?

[180] **Mr Pratt:** Our feeling is that it would increase the cost enormously. If some of the implications of the proposed Measure are applied to school minibuses it might well mean the end of school minibuses. It is already getting harder for schools to run minibuses, because of the European Union regulations on who can and cannot drive them. Although the safety of our students is paramount, we have to balance that against what we can afford to do. If we cannot afford to run our own minibuses and we have to hire minibuses from approved contractors, our costs will rise significantly.

[181] **Peter Black:** This is a technical point, but the proposed Measure itself is an enabling piece of legislation that will allow the Deputy First Minister to produce lots of regulations. Would you prefer to see the sort of detail that will emerge in the proposed Measure itself or are you content for the regulations to emerge later with all the consultations and costs around that?

[182] **Mr Britten:** I would say the latter.

[183] **Mr Pratt:** I think that that would make more sense.

[184] **Peter Black:** The explanatory memorandum states that the intention is to bring forward regulations early in the next Assembly concerning the requirements to fit seat belts

on all dedicated school transport. Do you have a view on whether this should be the first set of regulations following the proposed Measure? Do you think that something else should come first?

[185] **Mr Pratt:** This is one of the priorities. It would be a good thing to get seat belts on all school transport. Having seat belts and enforcing their use are different matters. How we tackle that one is a different kettle of fish all together.

[186] **Mr Britten:** I concur. Regulations on seat belts should come first.

[187] **Peter Black:** In your written evidence, you say that you have concerns about the potential cost implications for school-owned transport used for home-to-school travel—something we have already touched on. Can you explain your concerns further, and do you know how many schools own their own home-to-school transport?

[188] **Mr Pratt:** If we are talking about coaches as opposed to minibuses, we are probably talking about fewer than half a dozen schools. However, for those schools that own coaches there are concerns, and that is something that we have not really had a chance to explore. Given that it is a very small number, they might need to be consulted separately. Obviously, the implications for them are quite different to those for most schools.

[189] **Peter Black:** Do many schools use minibuses for home-to-school transport?

[190] **Mr Pratt:** No, I would not say that it is a great number. If it is home-to-school transport, it is on occasions when you happen to have been somewhere and you are on your way back to the school and someone asks whether you can drop them off. That is what we are talking about.

[191] **Peter Black:** Yes, that is where unintended consequences come in. I would have thought that most fairly new minibuses would have seat belts fitted as standard.

[192] **Mr Pratt:** Absolutely, yes.

[193] **Mr Britten:** I would be surprised if schools are running minibuses without seat belts fitted.

[194] **Brian Gibbons:** In your written evidence, you say that school leaders have experienced problems relating to school transport arrangements. How do you think that these proposals would help you to address those issues?

[195] **Mr Britten:** I would add to what we have said in the written evidence, particularly with regard to pupils with additional learning needs, that, if we can get better training and better awareness, we will reduce risk. Pupils with autistic spectrum disorders in particular are highly risky to transport. They are quite likely to have episodes of extreme anxiety that can result in their being very physical. Experience shows that lack of training, awareness and appropriate escorts and vehicles have resulted in pupils not being brought to school and that, at other times, there has been a high risk of accidents. For example, a car has had to stop on the hard shoulder of a motorway before now for that reason. So, if the legislation is stronger on training, provision and appropriateness of vehicles, that is a very good thing, and it will support us in getting children to and from school—and doing it safely.

10.40 a.m.

[196] **Mr Pratt:** To add to that, there are occasional problems with the appropriateness of drivers. That largely revolves around drivers being able to cope with young people and having

the training to know which strategies work and which do not work. There have been cases within the last five years of drivers stopping a bus and telling a child to get off because of their behaviour. There are vast safety issues if that happens, so those safety implications are at the centre of what we are talking about.

[197] **Brian Gibbons:** The proposed Measure also covers taxis and private-hire vehicles. Do you have any views on that?

[198] **Mr Britten:** It essentially covers those types of vehicles that most children will use. Coming back to additional learning needs—although it sounds as if I am banging on about it—nearly all of the 6,000 or so pupils with additional learning needs in special schools travel there by taxi or private-hire vehicles, so it is imperative that the proposed Measure covers those types of vehicles.

[199] **Ms Keeble:** It is important that the taxi drivers are appropriate and that there are appropriate escorts to meet the needs of individuals.

[200] **Brian Gibbons:** You touch in your written evidence on the problems of school leaders gathering evidence of incidents of bad behaviour on school buses. Will the proposed Measure help to address this?

[201] **Mr Pratt:** It could well do. If we are talking about having closed-circuit television in buses, that would certainly help, but it leads to the question of who owns that footage. Does the school have an automatic right to it? Is it owned by the bus company or the local authority? There are grey areas there, and we would need to be clear about them. From the school's perspective, if I am responsible, as headteacher, for the conduct of my students between school and home and vice versa, I would need first call on that. However, I could understand it if a bus company felt compromised by some of the evidence and did not want to release it quickly to me. That sort of area would need work.

[202] **Brian Gibbons:** As a supplementary question to that, the focus is on the behaviour of pupils, but do you think that CCTV should also cover the behaviour of adults?

[203] **Mr Pratt:** Absolutely.

[204] **Ms Keeble:** Occasionally, you will see children standing by the driver. That should never happen and the driver should be fully aware of that. As well as safeguarding the children on the bus, it should also be there to safeguard the driver against any accusations that could be made.

[205] **Mr Britten:** Where the proposed Measure is applied to taxis and private minibuses, CCTV may well be an issue. I am not sure what will happen on the detail of that. We know that there are issues with the transport of young people who are non-verbal and unable to communicate, but the issue is about being able to gather evidence.

[206] **Mr Pratt:** As headteachers, we have no knowledge as to whether the taxi drivers who take children around the place are checked by the Criminal Records Bureau. It could be that they are being checked, but we have no knowledge of that, and we have no way that we know of to check.

[207] **Bethan Jenkins:** Mae fy **Bethan Jenkins:** My questions are on  
 nghwestiynau yn ymwneud ag adran 3 y section 3 of the proposed Measure, which  
 Mesur arfaethedig, sy'n sôn am asesiadau deals with risk assessments. It allows for  
 risg. Mae'n darparu ar gyfer rheoliadau regulations in relation to risk assessments  
 ynghylch llunio asesiadau risg sy'n ymwneud with regard to safety and the publishing of

â diogelwch a chyhoeddi adroddiadau. A reports. Are you content with these ydych yn fodlon â'r darpariaethau hyn o ran provisions with regard to risk assessments? asesiadau risg?

[208] **Mr Pratt:** I am sorry, but we did not get any translation.

[209] **Bethan Jenkins:** It is on channel 1.

[210] **Jenny Randerson:** We shall ask Bethan to repeat her question.

[211] **Bethan Jenkins:** Cwestiwn am yr asesiadau risg ydoedd. Mae adran 3 y Mesur arfaethedig yn darparu ar gyfer rheoliadau ynghylch llunio asesiadau risg sy'n ymwneud â diogelwch a chyhoeddi adroddiadau. A ydych yn fodlon â'r darpariaethau hyn?

**Bethan Jenkins:** It was a question on risk assessments. 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?

[212] **Mr Britten:** The issue for us is the definition of 'a relevant body' and on whom that would fall. If I take 'a relevant body' to mean the governing body of the school then we have a strange mixture of responsibilities and liabilities, as the governing body may not be the contractor or client, and it may not have any kind of legal responsibilities in terms of the nature of the appointed contractors. I am not sure that Elaine and I agree that the risk assessment should fall to schools' governing bodies; I think that this should fall to the contractors, which, in this case, would be the local authority.

[213] **Bethan Jenkins:** Dyna yr oeddwn am ofyn amdano. Mae BUSK wedi dweud yn ei dystiolaeth mai'r corff sy'n contractio'r cludiant ysgol a ddylai fod yn gyfrifol. A ydych yn cytuno ag asesiad BUSK mai dyna'r ffordd orau ymlaen yn hynny o beth?

**Bethan Jenkins:** That is what I wanted to ask about. In its evidence, BUSK stated that the body that contracts school transport should be responsible. Do you agree with BUSK's assessment that this is the best way forward in this regard?

[214] **Mr Pratt:** I think so. There is a small question as to how much of the responsibility falls to the local authority, and how much falls to the individual contractor. The contractors are contracted by the authority. However, is it the duty of the authority to carry out the risk assessment, or is that something that the individual contractor should do and be checked on by the authority? From our perspective, it is right that it should fall between the individual contractor and the authority because, at school level, it would mean an enormous duplication of effort to get all that information.

[215] **Bethan Jenkins:** O ran hyfforddiant i yrwyr, mae adran 4 y Mesur arfaethedig yn darparu ar gyfer llunio rheoliadau i sicrhau bod gywyr cerbydau a ddefnyddir i gludo dysgwyr wedi cwblhau hyfforddiant penodol, gan gynnwys hyfforddiant ar weithio gyda phlant. A fydd gwella safon hyfforddiant i yrwyr yn cael effaith gadarnhaol ar ymddygiad disgyblion sy'n cael eu cludo yn ôl ac ymlaen i'r ysgol?

**Bethan Jenkins:** With regard 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 specific training, including training on working with children. Will improving the standard of driver training have a positive impact on the behaviour of pupils who are transported to and from school?

[216] **Ms Keeble:** I certainly think that it will. Just look at a classroom where teachers are trained to deal, as required, with different situations that, generally speaking, do not arise—there are always exceptions. I also think that it is important that, if you have escorts on the buses, those escorts are trained to deal with situations. My colleague is from a special school,

but I, like many headteachers, have individuals in school, because of the inclusion policy, who have specific learning needs and they could well be on the bus. So, the training would need to be specific to the needs of individuals.

[217] **Mr Britten:** I would echo that and add that this specific training may well be different for primary schools and secondary schools. It certainly will be different for pupils who have additional learning needs. We need to be very specific and strong about that, as it will make a huge difference to safety in the additional learning needs section.

[218] **Bethan Jenkins:** Mae adran 5 yn darparu ar gyfer sicrhau bod goruchwylwyr ar gludiant i ddysgwyr. Beth yw eich barn am y dystiolaeth a gafwyd gan y Dirprwy Brif Weinidog, sef mai cyfrifoldeb awdurdodau lleol fydd darparu goruchwylwyr penodedig ar gyfer cludiant i ddysgwyr, ac nid athrawon neu gynorthwyr ddylai fod ar y bys hynny? A oes gennych farn benodol ar hynny?

**Bethan Jenkins:** Section 5 allows for the provision of supervisors on learner transport. What are your views on the evidence from the Deputy First Minister that it will be the responsibility of local authorities to provide dedicated supervisors for learner transport, and that it should not be teachers or assistants who would be on these buses? Do you have a specific view on that?

10.50 a.m.

[219] **Mr Pratt:** I think that it would be almost impossible for schools to provide that. For teachers to be responsible for students after school would extend their terms and conditions and the number of hours that they are expected to work quite substantially. Therefore, there is that element to it. I think that they should be provided, but I wonder where the funding would come from for them because, clearly, that will be a major cost for the authorities to bear. That is something that I do not know about. I understand that it is more relevant for primary school children than secondary school students, as is currently proposed.

[220] **Mr Britten:** At present, all of our children who have additional learning needs have escorts travelling with them as a matter of course. That may even be on a ratio of 2:1 in a taxi where pupils are transported individually; they will have an escort and a driver with them at all times. I do not see much of a change there from the additional learning needs point of view.

[221] **Bethan Jenkins:** I yrru ymlaen o'r hyn a ddywedodd Tim, mae gennyf un cwestiwn arall. Soniodd y Dirprwy Brif Weinidog am y ffaith mai darparu ar gyfer plant ysgol gynradd fyddai'r Mesur arfaethedig hwn. A ydych yn cytuno â'r dull hwn o weithredu, ynteu a ydych yn credu bod angen ei ehangu ar gyfer plant hyn? Mae llawer o broblemau yn digwydd ar fsys ysgol uwchradd, felly a ddylid darparu ar gyfer hynny hefyd?

**Bethan Jenkins:** Following on from Tim's comments, I have one more question. The Deputy First Minister mentioned that this proposed Measure would only provide for primary school children. Do you agree with this approach, or do you think that we need to expand this to include older children? Many problems happen on secondary school buses, therefore why not also expand it to include that?

[222] **Ms Keeble:** I think that the CCTV will deter some pupils because they are being watched, but I also think that, if an individual is on the bus, if the money is available and there are suitable individuals who have been trained effectively, they can deal with situations as and when they arise, which would improve safety on the buses. It would be an issue of money, getting the right individuals, and whether we have the capacity to train these individuals to do the job that we need them to do.



[223] **Mr Britten:** The other aspect is whether the proposed Measure aspires to be proactive or reactive. CCTV will only ever be reactive, and it will be a bit late if we have another tragedy. It is a question of whether the presence of an escort on a bus can prevent a tragedy rather than looking at CCTV coverage afterwards. I would prefer to see escorts on all buses, to have an individual who is not the driver and is able to respond to pupils on buses.

[224] **Mr Pratt:** Perhaps it is a matter of flexibility. There may well be occasions where, knowing the individuals who use a bus, a school would be in a position to say, 'We really feel that there should be an escort on this bus because these children with these specific needs are there', whereas on other buses, again knowing the children who travel on them, the school may say 'CCTV is a perfectly acceptable risk for this bus'.

[225] **Bethan Jenkins:** Pan ofynasom y cwestiwn hwnnw i'r Dirprwy Brif Weinidog, dywedodd fod y Mesur arfaethedig wedi'i anelu at bob bws ysgol gynradd. Nid oedd yn dymuno gwahaniaethu rhwng unigolion a fyddai, efallai, yn peri mwy o broblemau nag eraill. A ydych yn dweud, felly, ar gyfer ysgol uwchradd, y gallech fod yn fwy hyblyg gyda phryd y bydd goruchwylwyr ar fws neu fysys penodol?

**Bethan Jenkins:** When we asked that question to the Deputy First Minister, he said that the proposed Measure was targeted at every primary school bus. He did not want to differentiate between individuals who might perhaps cause more problems than others. Are you saying, therefore, that for secondary schools, you could be more flexible in terms of when supervisors will be required on a specific bus or buses?

[226] **Mr Pratt:** I think that that is right. For most buses, the CCTV will probably be a sufficient deterrent, particularly if you have an incident and you are able to follow it up quickly. The students very quickly know that things will be dealt with and that it is not worth their while doing that. However, to have that flexibility where there may be a specific need or a particular problem, even if it is only a temporary thing, would be really useful for us.

[227] **Brian Gibbons:** To rewind the video slightly, who do you think should own the CCTV? You asked that question in a rhetorical way. Who do you think should be the custodian of it ideally? If you do not have a view, perhaps you could write to the committee with a reflective view.

[228] **Mr Pratt:** It is a difficult question. As a headteacher, I would want to be able to access that footage immediately. However, I understand that, technically, that may be increasing the costs if it has to be streamed live, or whatever. It could be quite hard. It is not an easy answer to give. I certainly do not think that it should be the property of the contractor.

[229] **Ms Keeble:** I think that the purpose of the CCTV will be critical in that because if the purpose is very clear the ownership of it, or access to it, can also be very clear.

[230] **Jenny Randerson:** We shall move now to questions from Christine.

[231] **Christine Chapman:** I want to ask some questions on the civil sanctions that are mentioned in the proposed Measure, such as fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings. Do you think that it is appropriate for there to be civil sanctions for non-compliance with the safety regulations?

[232] **Mr Britten:** Yes.

[233] **Mr Pratt:** Yes, providing that they are not applied to the governing bodies of schools.

[234] **Christine Chapman:** That touches on my next question. You say that you have

concerns that criminal offences and sanctions may be imposed on individual members of a body corporate rather than the body corporate itself. Could you expand on that?

[235] **Mr Pratt:** There are two areas there. As a headteacher, I now have the responsibility for the behaviour of my students to and from school. If headteachers felt that they were personally liable, a great deal of pressure would be placed on the recruitment of headteachers if, for example, in the worst case scenario, a child were to be killed, and I were to be personally liable for that because that child was nominally in my care on the way home. Similarly, if a governor were nominally the link governor for transport, and were to be held personally liable for something because they could be perceived as not having followed a certain course of action, the recruitment of governors, again, would be extremely hard.

[236] **Christine Chapman:** To clarify, you are saying that you are not happy with the fact that the sanctions would apply to individuals, but you would not be happy either if the sanctions could be applied to the governing body in its entirety. Is that correct? Should they apply to the LEA?

[237] **Mr Pratt:** They should apply to the LEA, as it is the organisation that has the overall responsibility, deals with the contractors and is issuing contracts to those people. It is in a much better position, legally, to deal with that. A governing body may well not have anyone who has a legal background.

[238] **Mr Britten:** It would be strange to be legally liable for something over which you have no control, for example, with regard to the contract, enforcement, quality assurance, risk assessments and the guarantee of training and so on of the individuals who are providing that service. All of that has nothing to do with you as a headteacher—or rather, it does but it does not. So, as a governor or a headteacher, to then be legally liable for all of that seems to be somewhat perverse.

[239] **Christine Chapman:** Finally—

[240] **Jenny Randerson:** Excuse me, Christine, Brian wants to ask a supplementary question.

[241] **Brian Gibbons:** To clarify, section 11 says that the officers of a body corporate could be so liable. I am not familiar with the law in this respect, but what would your understanding be in relation to governing bodies? Is every member of a governing body an officer? Are there officers of a governing body? If there are such officers, not every governor would be affected.

[242] **Peter Black:** I feel a legal note coming on. [*Laughter.*]

[243] **Mr Pratt:** I am afraid that I do not have the technical knowledge to answer that.

[244] **Peter Black:** I understand that there have been many changes in the law in the past decade or so in relation to corporate liability, and it would be useful to have some clarification and to receive a legal note.

[245] **Jenny Randerson:** Yes, we will seek that clarification before our next meeting.

[246] **Mr Britten:** Governing bodies are required to have lead governors for certain areas, for example, for special educational needs, transport and so on. The legal status of that governor probably needs to be clarified as well before they put their names forward to do that.

[247] **Ms Keeble:** Governing bodies are made up of volunteers, who work very hard for

individual schools. If the implications of the proposed Measure were that they are held personally responsible, I think that it says that we would have no governing bodies. It is not meant in that sense though, is it? It is meant to help, so I think that that needs to be clarified.

11.00 a.m.

[248] **Christine Chapman:** Finally, do you have any views on the levels and types of civil sanctions that are being proposed, which I mentioned earlier?

[249] **Mr Pratt:** Not really. It is a little bit out of our remit.

[250] **Jonathan Morgan:** The Deputy First Minister has already said that the proposed Measure will allow for a new Welsh enforcement authority to be established. That sounds awfully grandiose; it could be one person sat behind a desk in Cathays park or a brand new quango. At this stage, we do not know what this could be. However, that suggests that there could be staff with a particular expertise in this policy area and particularly with regard to enforcement. Do you have a view on this?

[251] **Mr Britten:** I guess that experience shows that it is likely to be the latter of those two scenarios. It is unlikely to be an individual civil servant in Cathays park. It is probably not the best time to be supporting the establishment of new quangos, and experience shows that these things tend to take on a life of their own. I am not sure why it would not be done by the local authorities, which already have enforcement powers in a huge number of areas. I heard them, just as we came in, throwing up their arms in horror at this, but it strikes me that we already have enforcement officers there. If it is a matter of needing to be looking for efficiencies, given that they are the contactors, and given that, with something as simple as waste disposal, for example, they contract it out and they are also the enforcement authorities, it seems right that it should sit there rather than it being taken into the Assembly Government to try to control from a higher level something that is running through many sub-levels. I do not know whether that makes any sense to you.

[252] **Mr Pratt:** I agree. The authorities already have safety and transport officers, so this should lie with them.

[253] **Christine Chapman:** Is there not a potential for them to be policing themselves in that case? I know that we have not really clarified whether it would be the contractors or the authorities who would be responsible, but is there not a danger that that could happen if enforcement was done by the local authorities?

[254] **Mr Pratt:** They already have to answer to the Health and Safety Executive, the Royal Society for the Prevention of Accidents and so on. There are probably already a good number of checks and balances.

[255] **Mr Britten:** Clearly, there could be a conflict if an authority owned, maintained and ran its own fleet. Experience shows that they mostly contract out to private companies, so it should be all right in that sense.

[256] **Jonathan Morgan:** In your written evidence, you say that there may be rare circumstances in which a headteacher has to restrict access to a school site. Can you expand on this? Do you think that this ought to be reflected in some way in the proposed Measure itself?

[257] **Mr Pratt:** We are talking about pretty rare events. For example, if someone who wanted access to equipment arrived when there was an emergency in the school and the school had had to be evacuated, it would not be appropriate for them to come onto the school

site. Our concern is that the headteacher, who has operational oversight of the establishment, should have the power to say, 'Hang on. We need to deal with this first'. If the power is absolute, if an enforcement officer turns up, there is no opportunity for the headteacher to say that it is not a good time and that they need 10 minutes to get the pupils back inside and so on. That is the concern. We are not talking about everyday things, but the very occasional emergencies that crop up.

[258] **Brian Gibbons:** The legislation refers to a 'reasonable' test. Usually, 'reasonable' tends to be in favour of the inspector, but, in this case, it might be in favour of the inspectee, if that is a word.

[259] **Jonathan Morgan:** The legislation, particularly with regard to consultation, states that the Minister must consult each local authority and other persons considered appropriate—which is a catch-all term—before making regulations under the proposed Measure. In your evidence, you say that school governing bodies should be included in the list of consultees. Why does that need to be specifically stated, when there is the usual catch-all provision of 'persons considered appropriate'? I would imagine that that would cover governing bodies. Why do you want governing bodies to be singled out?

[260] **Mr Britten:** In the same way that local authorities are singled out, singling out schools, as end users, would strengthen that. There is often a danger that WAG and local authorities work together because it is easier, because there are only 22 authorities, and, often, schools drop off the bottom in terms of having a real input. That is really why we are looking to have school governing bodies included specifically. Along with local authorities, they are the key players in this—along with parents.

[261] **Jenny Randerson:** I will just take you back to the issue of CCTV for a moment. Do you think that the use of CCTV is most effective at secondary school level and, therefore, should be focused at that level, or do you think that it is useful at all ages?

[262] **Mr Pratt:** As someone who represents secondary headteachers, I think that it has great potential at secondary level. I cannot comment about primary schools, because it is not our area of expertise. Chris can tell you about that.

[263] **Mr Britten:** It is useful at primary school level as well, definitely. At the end of the day, some of the primary school youngsters are only two months away from being at secondary school. It is a strange distinction to make sometimes, and they can be just as troublesome at times.

[264] **Jenny Randerson:** I see that there are no further questions from Members. Is there anything that you would like to add that you have not had the opportunity to give evidence on this morning?

[265] **Ms Keeble:** We need to ensure that the pupil's voice is taken into account. Pupils will have good views and opinions on the use of CCTV or escorts, which would be useful.

[266] **Mr Pratt:** I will just reiterate our concern about school minibuses. There needs to be clarity about whether a school minibus is viewed as home-to-school transport and whether some of these provisions impact on the use of minibuses. We have serious concerns about schools' ability to continue to run minibuses.

[267] **Jenny Randerson:** Thank you for your evidence this morning. It has been extremely helpful to us. A draft transcript will be sent to you in the next few days for you to check before it is published. Thank you for coming in.

[268] The committee will now adjourn for a few minutes and then we will see our third panel.

*Gohiriwyd y cyfarfod rhwng 11.08 a.m. ac 11.17 a.m.  
The meeting adjourned between 11.08 a.m. and 11.17 a.m.*

[269] **Jenny Randerson:** We now move on to our third set of witnesses, or rather we had two sets of witnesses to begin with, and for this third session we have John Pockett, Director of Government Relations in Wales for the Confederation of Passenger Transport; I thank him for coming to give evidence.

[270] We will embark on our questions immediately, and I will begin by asking whether you can confirm for the record that there is a need for the proposed Measure, and whether it will meet the Government's stated policy objectives in relation to the safety and quality of learner transport.

[271] **Mr Pockett:** We are, as an organisation, grateful for the opportunity to share in your discussions; we have shared in them since the days of the committee that Peter Black chaired some time ago. Throughout the process, we have been in favour of a Measure on this matter. We heard it said a lot yesterday that the devil is in the detail, but there is certainly a need for a Measure. From 2002 onwards, the process has shown that there is a lack of uniformity across Wales. There are 22 local authorities and they were perhaps 22 different standards—certainly, there were a lot of different standards. Just from the standpoint of ensuring uniformity, so that there is a pan-Wales standard, a Measure is to be welcomed.

[272] **Jenny Randerson:** Thank you. We move on to questions from Christine.

[273] **Christine Chapman:** I turn to section 1 of the proposed Measure, on descriptions of vehicles that may be used for learner transport. Last week, we heard evidence from Belt Up School Kids that existing buses are unsuitable for the retrofitting of seatbelts, and that the cost of fitting them properly and safely would be prohibitive. What is your view on this and what implications would it have for your members?

[274] **Mr Pockett:** You cannot say that every vehicle cannot be adapted, but that is generally the case. My understanding is that it is the anchoring point for the seat and the frame of the seat where the problems arise. If you liked, you could fit seatbelts to the seats in this room, but the problem is that the seat would then fly through the air in the event of a collision, and it would be pretty useless. There are issues with the decks bending under the g-force. I do not know what g-force applies in this, but it is our understanding that that is the case.

11.20 a.m.

[275] **Christine Chapman:** We have also received evidence expressing some concern that most seat belts are designed for adults and, as such, are not appropriate for children. Would you share this concern? Should specific provision be made for fitting appropriate seat belts?

[276] **Mr Pockett:** I think that these are all-age belts. I think that BUSK went into some detail in its written submission about this issue. We do not have a particular view, one way or the other. We want whatever is the most appropriate and the best. The matter of the extra cost is an issue for the Government to consider. If seat belts have to be fitted, it would be right for the most appropriate ones to be fitted.

[277] **Christine Chapman:** The explanatory 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 under the proposed Measure?

[278] **Mr Pockett:** No one particular regulation is going to tackle this issue. Clarity is needed to decide who is going to be responsible for them being worn. We have batted on about this since Peter's inquiry back in the early part of the decade. I do not know who is going to be responsible. There is no clarity in this proposed Measure, as far as we can see, as to who is responsible. Driving a car is difficult enough; driving a bus with 40 children who have just come out of school is very difficult. To expect the driver to have his eye on the mirror and to tell so-and-so in row 4, seat 6 to put his seat belt on makes a nonsense of improving safety. Absolute clarity is needed on who is responsible for the seat belts being worn.

[279] **Jenny Randerson:** Do you have views on who should be responsible?

[280] **Mr Pockett:** This comes on to the idea of whether escorts or supervisors are going to be carried on every school transport vehicle. There are huge ongoing cost implications involved with that. These are referred to in the explanatory memorandum with some sort of figure—around £9 million per year, I think. I am old enough to remember that, when I went to school—to Pontypridd Grammar School back in the mid-1960s—there was a conductor on the bus. If the conductor told us to behave, we blooming well behaved. Those days are possibly gone. To be realistic, the days of having a lollipop-lady-type of adult on the bus making sure that the children all sit quietly, twiddling their thumbs, are gone. On the whole, the behaviour of children is more challenging now than it was when I was in school.

[281] **Jonathan Morgan:** Can you expand on your concerns regarding the phasing-out of double-decker buses? What implications might this have for your members?

[282] **Mr Pockett:** To reiterate what the WLGA/ADEW paper said, there is no evidence to suggest that double-deckers are any less safe—if I can put it that way—than other forms of transport. However, if the decision is made, it will be a decision that we have argued against consistently throughout previous inquiries, and capacity problems will arise. There is no evidence to suggest that there will be enough high-capacity single-deckers available. If so, double-deckers will have to be replaced by two ordinary single-deckers. There is almost a doubling of cost on that. You need two drivers, two insurance policies, two lots of fuel and—this is important, given other aspects of policy coming out of here—you have double the amount of carbon emissions, because there are two engines.

[283] In terms of practical logistics, some operators have enough room in their depots to accommodate the vehicles that they have, but they may not have the capacity to double the provision. The footprint of a double-decker is obviously half the footprint of two single-deckers, and there may be problems even in the logistics of accommodating the vehicles and parking them over night. That may have fallen off the edge a little bit.

[284] **Jonathan Morgan:** You also state in your written evidence that the quality of vehicle provision will inevitably be linked to the life of a contract. Can you expand on this? In particular, what do you consider to be a reasonable term for such a contract?

[285] **Mr Pockett:** My little note here states that longer contracts provide encouragement for more investment by operators, more investment equals better vehicles, better vehicles equals higher quality, and higher quality equals more respect from among the children that are being carried. There is peer pressure, and there are all sorts of evidence to suggest that children respect better quality vehicles that they are being carried on. They will put pressure on anyone who might want to be scribbling graffiti on the back of the seats or whatever. A new, basic school vehicle costs £150,000 or more. No operator will invest that level of money

for a short contract. You would not expect anything different from local authorities—even more so in the current climate—but, to be fair, school contracts are not overly generous, if I can put it that way. Obviously, there is some money in it, but operators are not going to be keen about going to the bank manager and outlaying a high sum of money for contracts that only last for two years. Furthermore, if contracts are longer, it is essential to encourage operators to invest more. Any get out clause on the part of local authorities needs to be carefully looked at—it cannot be withdrawn at very short notice without really good and solid grounds.

[286] **Jonathan Morgan:** Could you also expand on the points made in your written evidence about the data protection implications of section 2 of the proposed Measure—the recording of visual images or sound—and the potential additional responsibilities that this will also involve for your members?

[287] **Mr Pockett:** There are two aspects to this. If CCTV is to be installed, it needs to be of good quality. It is no good having old-fashioned, grainy things. If it is to be used as evidence, whether it is a matter of internal school discipline or whatever, the quality of the CCTV needs to be good. That is one aspect.

[288] On handling CCTV evidence, there are Data Protection Act 1998 implications. Operators will have to register with the data protection agency. Everyone cannot fiddle around with the images. There are certain protocols and regulations that have to be followed. There is a time element for operators, because going through the CCTV footage can take considerable time. That is a brief summary of the concerns.

[289] **Jonathan Morgan:** Is it your view that the use of CCTV should be focused on learner transport for secondary school children, or do you think that CCTV should be used on all dedicated school transport, regardless of the age of the children?

[290] **Mr Pockett:** I agree with the second half of your question. Operators do not have a pool of buses for primary schools and a pool of buses for secondary schools. The buses are interchangeable. The reality is that, if CCTV is to be installed, it should be installed of the quality that I have referred to, on all vehicles. It is a bit of a red herring to say that it only needs to be on vehicles used for secondary schools. As well as that, I read in the trade press, and sometimes in the ordinary press, that primary school children can display behaviour that is equally as bad as that of secondary school children. I think that it needs to apply across the board.

11.30 a.m.

[291] **Jenny Randerson:** Who do you think should own the CCTV footage? We had a suggestion earlier that local authorities should own it, but the alternatives would be the bus operator or the school itself.

[292] **Mr Pockett:** Through all of this proposed Measure, Jenny, there are three partners, and this is just an example of that. There is the operator, the local authority as the contractor, and the school. I wonder whether, for all of this, it would be useful and sensible to have some sort of co-ordinating person who is in the middle and has ownership of all aspects of this. That may be a way around it. I do not know what the legal implications are, to be honest. I am sure that there is some sort of intellectual property clause somewhere or other about this. As far as ownership is concerned, I do not know what the Data Protection Act 1998 says.

[293] **Brian Gibbons:** Do you not think that your organisation would be very possessive? It has been suggested in the evidence that Jenny mentioned that, if a headteacher, for example, was dealing with the poor behaviour of a pupil, but the pupil's defence was that the driver

was the cause of the problem, the bus operator might not be that keen to hand over—

[294] **Mr Pockett:** I have no evidence of that. I think that that featured in the BUSK evidence as well, where it was put in a negative way, specifically referring to bad behaviour by drivers; the reference should be to any adult on the bus, whether it is a supervisor, an escort or whatever. I would look at it in a positive way. Having made a few phone calls to my colleagues, we do not think that there would be any objection on the part of the bus companies to this being used as far as adults are concerned. The positive way that I would look at it is illustrated by a recent case in Manchester. An ordinary service bus was involved in a spurious insurance claim, and they played the CCTV and saw that the accusations were not true. So, I think that bus operators would be quite happy to go along with this.

[295] **Brian Gibbons:** In your evidence you mention inspections, or risk assessments, and point out that some of the smaller operators might find that difficult to manage. I do not know whether you would want to say any more about that. It occurs to me to ask: what proportion of home-to-school transport is provided by these smaller operators? Maybe, if a significant proportion was provided by smaller operators, there would be a more urgent need for this risk assessment to be undertaken.

[296] **Mr Pockett:** The Wales traffic area and the west midlands traffic area is run by the same traffic commissioner—this is where I get some sort of statistics from, Brian. He always says that the west midlands has double the population of Wales, but half the number of bus operators. So, there is a plethora of smaller transport operators in Wales, with a few bigger ones, including some multinationals, and some larger, independent operators. That is the situation. Some of the bigger operators have their own template, as I say in the written evidence, for doing risk assessments. However, the smaller operators are not part of that culture, and we would hope that the Government would allow sufficient time for them, and offer some sort of guidance, whether that comes in the form of training courses, or whatever. There will be a resource implication for operators as regards time, but we also need to get these smaller operators on board, so that they are part of the culture, and know what is expected of them when risk assessments are needed. These templates have been created, and there is no need for duplication. Maybe they could be looked at and used as the pattern.

[297] **Brian Gibbons:** Would you have any idea as to what proportion of school transport is provided by the smaller operators that you are referring to? Would it be a quarter, a third, two thirds, or three quarters?

[298] **Mr Pockett:** I would rather be honest and say that I cannot give you an answer. In rural parts of Wales, there is a higher proportion than there would be in, say, south-east Wales where you have bigger independent operators taking children to school. I do not know if the statistics are available, but if they are, they are more likely to be held by the WLGA or the Association of Transport Coordinating Officers. If it would be of any help, I can have a look, and if the information is available, I can let the clerk have it.

[299] **Jenny Randerson:** That would be helpful; thank you very much.

[300] **Brian Gibbons:** That would be useful, John.

[301] **Mr Pockett:** I would not hold my breath if I were you; that is what I am saying. However, I will make every effort to get it for you.

[302] **Brian Gibbons:** All right, we will take that as it was said.

[303] You mentioned the carrying out of risk assessments. We have had evidence both ways. That is, we have heard that the bus operators should do it, but we have also heard that



local authorities should do it. What is your feeling on that?

[304] **Mr Pockett:** In some ways, it refers back to what I said earlier. We are pragmatic about this. There are aspects of the risk assessment of the entire home-to-school journey that would be best carried out by the bus operator, some bits of it would be best carried out by the local authority, and there are certainly some bits of it that would be best carried out by the third partner in this trio, namely the school, because some of the greatest risks occur with vehicle movements around schools. Again, I would refer to this as a partnership.

[305] Smaller operators, which you referred to just now, are creating their own risk assessments, as are some local authorities, I think. I am not quite sure, but I think that Powys is beginning to consider making it a requirement of school contracts.

[306] **Brian Gibbons:** I think that the gist of what you are saying is that you feel that bus operators that operate on their own certainly would not be in a position to carry out a holistic risk assessment from the front door to the front of the school?

[307] **Mr Pockett:** I do not think that any one of the three is really qualified to do that.

[308] **Brian Gibbons:** The last question from me is about the training for drivers and so on. You say that this could lead to duplication. The thesis underpinning that claim would be that all drivers are already undergoing module training in relation to managing children on school transport. Is that what you are claiming? Everybody has to have the driver certificate of professional competence, but underpinning that, are you saying that everybody would also have to undertake the schoolchildren module?

[309] **Mr Pockett:** No. What we are saying is that there is this training, and not everybody does the children aspect.

[310] **Brian Gibbons:** That is the point.

[311] **Mr Pockett:** The other point of it is that you need to be careful with the idea of children-handling, as it were. As I have said, the driver is there to drive the bus. I do not think that it is the driver's responsibility to handle the children in that sense. We need to be careful about that.

[312] Certainly, there are training modules, and it would be helpful to say the least for all bus drivers who take children to school to take these modules as part of their overall 35 hours of CPC training.

[313] **Brian Gibbons:** However, you could not say with any certainty that the drivers undertake the school learner travel module.

[314] **Mr Pockett:** I could not say that with certainty. I am sure that some do, Brian, and some do not.

[315] **Peter Black:** Good morning, John. In terms of the questions on escorts, what are your views on the evidence from the Deputy First Minister that it should be the responsibility of local authorities to provide dedicated supervisors for learner transport?

[316] **Mr Pockett:** I think that, on the whole, bus operators would welcome that. We need to be clear about what is meant by 'supervisor'. 'Escort' is sometimes used, as is 'supervisor', which I think I mentioned earlier. These days, unfortunately, very often, what is needed is a bit of an enforcer on a vehicle.

11.40 a.m.

[317] As I have said, gone are the days when somebody could sit on the bus and the children would sit twiddling their thumbs, as we used to do. Are these to be operational supervisors or are they to supervise the children? We need some clarity on that. However, if local authorities are given the responsibility for recruiting and training, and there are some ongoing costs, we would welcome that.

[318] **Peter Black:** Do you have a view on whether it would be appropriate to train staff provided by transport operators—

[319] **Mr Pockett:** I am sorry, can you say that again?

[320] **Peter Black:** Do you have a view on whether it would be appropriate for local councils to train staff who had been provided by transport operators as supervisors?

[321] **Mr Pockett:** Yes, is there not a precedent in your area? I think that the South West Wales Integrated Transport Consortium is doing something along those lines. I think that it has something going on and is leading Wales on that. The industry would be very receptive.

[322] **Peter Black:** In his evidence to the committee, the Deputy First Minister said that the Government's policy priority was for learner transport for primary school children to be provided with supervisors/escorts. In other words, the primary sector would be done first. Do you agree with that approach, or would you prefer to see escorts on school transport for all age groups?

[323] **Mr Pockett:** I have to refer to my previous question: what are they there for? We must have clarity on that. There is an argument that behaviour on secondary school vehicles is more challenging than on primary school vehicles. So, as in the case of CCTV, if there is evidence that a second adult on board is helpful, they will be helpful across the board.

[324] **Bethan Jenkins:** Mae fy nghwestiynau ar sancsiynau sifil. Yn eich tystiolaeth ysgrifenedig, yr ydych yn mynegi pryderon ynghylch cyflwyno troseddau a chosbau troseddol ar gyfer achosion o fethu â chydymffurfio â'r gofynion dan adran 14A. A allwch ymhelaethu ar eich pryderon ynghylch hynny?

**Bethan Jenkins:** My questions are on civil sanctions. In your written evidence, you express concerns about the introduction of criminal offences and penalties in relation to breaches of requirements under section 14A. Can you expand on your concerns about that?

[325] **Mr Pockett:** Buaswn yn cyfeirio at y dystiolaeth a wnaethom ei chyflwyno. Darllenais yn nhystiolaeth Cymdeithas Llywodraeth Leol Cymru ei bod hefyd yn gweld y gosb dipyn bach yn llym. Nid yw'n taro'n gytbwys—yr wyf yn ceisio meddwl am y gair Cymraeg am '*disproportionate*'. Fodd bynnag, i berchennog cwmni bysiau, un o'r cosbau mwyaf fyddai colli cytundeb—ni fyddai'n ennill arian, felly byddai ganddo fws oedd wedi costio hyn a hyn o arian yn awr yn sefyll yn llonydd. Ar ben hynny mae trefn eisoes yn bodoli gyda chomisiynwyr traffig, yr Asiantaeth Gwasanaethau Cerbydau a Gweithredwyr ac yn y blaen, lle gall

**Mr Pockett:** I would refer to the evidence that we submitted. I read in the Welsh Local Government Association's evidence that it also perceives the sanctions as being a little too strict. It does not strike in a balanced way—I am trying to think of the Welsh word for 'disproportionate'. However for the owner of a bus company, one of the greatest sanctions would be to lose a contract—he would make no money, so he would have a bus that had cost a certain sum that was now just sitting there. In addition, a regime already exists with traffic commissioners, the Vehicle and Operator Services Agency and so on, whereby a commissioner can call a

comisiynydd alw'r cwmni o'i flaen ar gyfer ymchwiliad cyhoeddus a rhoi sancsiynau llymach fyth arno a fydd yn effeithio ar weddill y busnes. Yn y system sydd eisioes yn bodoli, efallai bod angen i VOSA fod yn fwy gweladwy a goruchwyllo hyn o gwmpas Cymru, ond a yw'r cosbau troseddol hyn yn cyfrannu o gwbl at ddiogelwch plant ar fysiau? Ein barn ni yw nad ydynt.

[326] **Bethan Jenkins:** I gadarnhau, yr ydych yn credu bod yr hyn sydd eisioes yn bodoli yn ddigonol ac nad oes angen creu pryderon am gosbau troseddol newydd yn y Mesur arfaethedig.

[327] **Mr Pockett:** Mewn gair, 'ydw'. Mae'r hyn sydd yn bodoli, os caiff ei weithredu'n gywir, yn ddigonol. Mae'n ddigon o gansen i unrhyw gwmni sydd yn mynd yn erbyn y rheoliadau.

[328] **Bethan Jenkins:** Mae adran 7 ynglŷn â'r awdurdod gorfodi a fydd yn cael ei benodi. Yng nghyfarfod y pwyllgor ar 7 Hydref, dywedodd y Dirprwy Brif Weinidog, o safbwynt gorfodi'r darpariaethau newydd o ran diogelwch ar gyfer cludiant i ddysgwyr, y byddai awdurdod gorfodi newydd yn cael ei sefydlu i Gymru, gyda'i staff ei hun gydag arbenigedd yn y maes hwn. Nid ydym wedi cael mwy o wybodaeth ynghylch ffurf y corff. Beth yw eich barn chi am hynny? Ai VOSA neu CLILC fyddai'n gyfrifol am hynny?

[329] **Mr Pockett:** Hoffwn ategu'r hyn yr wyf wedi'i ddweud. Mae'r pwerau sydd gan VOSA a'r comisiynwyr traffig yn rhai gweddol lym. Maent yn gallu rhoi hysbysebion gorfodi yn y fan a'r lle, sy'n golygu na fydd bysiau, er enghraifft, yn gallu bod ar yr heol. Mae gan gomisiynwyr traffig hefyd yr hawl i roi cosbau ariannol llym ac i dynnu trwyddedau yn ôl. Felly, mae'r arbenigedd yna. Dywed y memorandum esboniadol fod swm o bron i £0.25 miliwn yn cael ei grybwyll ar gyfer hyn. Credwn y byddai'n well i hynny fynd at VOSA ar gyfer ei weithrediadau yng Nghymru yn y maes hwn. Nid oes pwrpas ceisio ailddyfeisio'r olwyn.

[330] **Bethan Jenkins:** Mae gen i bwynt cyflym arall ar yr un mater. A allwch chi

company to appear before a public inquiry and impose far more stringent sanctions on it that will affect the rest of the business. In the existing system, perhaps there is a need for VOSA to be more visible and to oversee this around Wales, but do these criminal penalties contribute to the safety of children on buses? In our opinion, they do not.

**Bethan Jenkins:** To confirm, you think that what is already in existence is sufficient, and that there is no need to give rise to concerns about new penalties in the proposed Measure.

**Mr Pockett:** In a word, 'yes'. What is already in existence, if it is implemented correctly, is sufficient. It is enough of a stick for any company that goes against the regulations.

**Bethan Jenkins:** Section 7 relates to the enforcement authority that will be appointed. In the committee meeting on 7 October, the Deputy First Minister said that, in relation to enforcing the new safety provisions for learner transport, a new Welsh enforcement authority would be established, with its own staff with expertise in this area. We have not received further information about the form that this body will take. What is your view on that? Would it be VOSA or the WLGA that would be responsible for that?

**Mr Pockett:** I wish to reiterate what I have already said. The powers that VOSA and the traffic commissioners have are pretty strict. They can give enforcement notices on the spot, which mean that buses, for example, have to be taken off the road. The traffic commissioners can also impose strict financial penalties and withdraw licences. So, the expertise is there. The explanatory memorandum states that a sum of nearly £0.25 million is being earmarked for this. We believe that it would be better for that to go to VOSA for its activities in Wales in this field. There is no point in trying to reinvent the wheel.

**Bethan Jenkins:** I have another quick point on the same issue. Can you expand on the

ehangu ar y ffaith eich bod wedi dweud bod angen ymgynghori â'r gweithredwyr cludiant o ran unrhyw gorff neu sefydliad newydd?

fact that you have said that consultation is needed with transport operators in relation to any new body or organisation?

[331] **Mr Pockett:** Fel yr wyf eisoes wedi dweud, mewn unrhyw faes, nid y maes hwn yn unig, credaf fod siarad â'r bobl sydd ar flaen y gad, fel petai, yn gallu helpu. Yr hyn y mae pawb eisiau ei wneud, gobeithio, yw helpu'r broses hon a sicrhau bod cyn lleied o broblemau ag sy'n bosibl wedi i'r Mesur arfaethedig hwn gael ei gyflwyno. Byddai ymgynghori â chwmnïau bysiau, felly, yn gam pwysig, ac yn gymorth i rwystro unrhyw broblemau rhag codi. Fel y dywedais, mae gan VOSA a'r comisiynwyr traffig bwerau'n barod; efallai nad oes neb arall wedi tynnu sylw at hynny.

**Mr Pockett:** As I have already stated, in any field, not just this one, I believe that talking to the people who are on the front line, as it were, can help. What everyone wants to do, I hope, is to assist with this process and ensure that there are as few problems as possible once this proposed Measure has been introduced. So, consulting the bus companies would be an important step, and would help to prevent any problems from arising. As I have said, VOSA and the transport commissioners already have powers; perhaps no-one else has drawn attention to that.

[332] **Bethan Jenkins:** Mae fy nghwestiwn olaf ar adrannau 8, 9 a 10, sy'n cynnwys darpariaethau gorfodi, sy'n ymwneud â phwerau cael mynediad, pwerau arolygu, a phwerau i fynnu bod gwybodaeth yn cael ei darparu. A gredwch ei bod yn briodol cynnwys y pwerau hyn yn y Mesur arfaethedig?

**Bethan Jenkins:** My final question is on sections 8, 9 and 10, which contain enforcement provisions relating to powers of entry, powers of inspection, and powers to require provision of information. Do you consider that these powers are appropriate for inclusion in the proposed Measure?

[333] **Mr Pockett:** Yr unig sylw sydd gennyf ar hynny yw efallai y dylid cynnwys y geiriau canlynol—cyfeirïaf atynt yn Saesneg, oherwydd mai fersiwn Saesneg o'r Mesur arfaethedig sydd gennyf:

**Mr Pockett:** The only comment that I have on that is that the following words should be included—I will refer to them in English, because I have an English version of the proposed Measure:

[334] 'powers of entry at any reasonable time'.

[335] Byddai'n synhwyrol cynnwys cymal o'r fath i osgoi cyrchoedd am 2 a.m., er enghraifft. Er nad wyf yn dweud y byddai hynny yn digwydd, byddai'n rhoi rhyw fath o sicrwydd pe bai rhyw fath o atodiad tebyg yn cael ei gynnwys.

It would be sensible to include such a provision to avoid raids at 2 a.m., for example. Although I am not saying that that would happen, it would offer some sort of certainty if such a rider were to be included.

[336] **Bethan Jenkins:** Yr wyf bron yn sicr inni dderbyn tystiolaeth o'r blaen yn dweud mai amser gwaith, sef 9 a.m. tan 5 p.m., fyddai'r amser mwyaf priodol.

**Bethan Jenkins:** I am almost certain that we have received evidence stating that working hours, from 9 a.m. to 5 p.m., would be the most appropriate.

[337] **Mr Pockett:** Cytunaf â hynny, a dyna beth yr oeddwn yn ceisio'i ddweud. Mae cwmnïau bysiau yn gweithio diwrnodau hir; maent yn dechrau am 6 a.m. i gael y bysiau yn barod, ac weithiau nid ydynt yn gorffen eu gwaith tan yn hwyr y nos. Felly, credaf y byddai gweithredu o fewn oriau

**Mr Pockett:** I agree with that, and that is what I was trying to say. Bus companies work long days; they start at 6 a.m. to get the buses ready, and sometimes they do not finish work until late at night. So, I believe that operating within working hours would be reasonable.

gwaith yn rhesymol.

[338] **Brian Gibbons:** What has intrigued me regarding enforcement is a few of the provisions, and we are waiting for further information from the Deputy First Minister. I do not know whether you have taken a view on it. For example, there is reference in relation to staff notices and compensation being paid, and I am not clear from reading it who pays for what and when. Do you have a view on that? There is also a section on publicity for the imposition of civil sanctions. Although I do not quite know what that means, it is to be found in section 16 of the Schedule to the proposed Measure. Is it part of current practice in the industry?

[339] **Mr Pockett:** We would ask for what VOSA does now to be reflected.

[340] **Brian Gibbons:** What does VOSA do now?

[341] **Mr Pockett:** Clarity about the nature of the offence would be helpful, and the idea of publishing details of sanctions should wait until any appeal has been heard.

11.50 a.m.

[342] **Brian Gibbons:** It says that

[343] ‘A “publicity notice” is a notice requiring the person to publicise’.

[344] I think that that refers to the person who has been the subject of the civil sanctions. On that basis, should the notice be somewhere on the bus, in the garage or on the website, saying, ‘We have been penalised’ by whatever enforcement authority?

[345] **Mr Pockett:** It is a bit like being put in the stocks, I suppose.

[346] **Brian Gibbons:** Have you taken a view on this? I did not get a ready answer when I asked this question before. I am trying to understand the logic of it or where it comes from, and if it is practice—

[347] **Mr Pockett:** I wonder whether there is an idea of public retribution here that has come from establishing a criminal offence for this. It may be a flippant comment, but it is a bit like being put in the public stocks. However, it is fair enough for the public to know about it if someone is being penalised.

[348] **Brian Gibbons:** It also says on the face of the proposed Measure that local authorities, and other persons considered appropriate, without naming them, should be consulted in relation to enforcement measures. In your view, is that adequate, or should more bodies be specifically mentioned?

[349] **Mr Pockett:** You would expect me to say that operators should be consulted. I refer to what I just said, namely that operators, most of whom are good, reputable people, can bring experience to the table of what happens day in, day out on the buses, as people from schools can bring their experience of what happens outside the school as vehicles are moving. We would push for operators to be included. As I have said, there is a trio working in partnership here, namely operators, local authorities and the schools.

[350] **Brian Gibbons:** Would you like that to be stated explicitly in the proposed Measure?

[351] **Mr Pockett:** Yes, that would be helpful.

[352] **Brian Gibbons:** This is my last question. In your written evidence, you state that the proposed Measure

[353] ‘will place higher demands on CPT members in terms of resources and time.’

[354] You go on to say that this will inevitably lead to significantly higher costs in the regulatory impact assessment. The Deputy First Minister has provided us with a range of costs. Could you have a stab at indicating how much higher ‘significantly higher’ will be? Will it be 10 per cent, 20 per cent, twofold, threefold or tenfold?

[355] **Mr Pockett:** There are economies of scale and I would have difficulty coming up with an absolute figure. There are lots of hidden costs, and I notice that the WLGA and ADEW have also referred to them. While the proposed Measure and the explanatory memorandum refer to the fact that the costs would be carried by the Welsh Government, there are other hidden costs such as doing the data protection stuff, CCTV cameras, possible capacity issues at depots, training costs and the costs of taking staff out to undertake training. The smaller the company, the greater the burden would be. It would be impossible to give you a figure.

[356] **Brian Gibbons:** The Finance Committee will hold a separate session to go over this matter more forensically. The word that you used was ‘significantly’. You did not say that the costs would be a bit higher or that it could cost more. You have given a clear, unambiguous statement with ‘significantly higher’. From the industry’s point of view, it would be helpful if we had a feel for what you mean by ‘significantly’.

[357] **Mr Pockett:** May I look at that and write to the clerk with that information, if that would be helpful?

[358] **Jenny Randerson:** That would be very helpful, John. Are there any other questions? I see that there are not. That brings us to the end of our questions. Is there anything else that you wish to add that you have not had the opportunity to say?

[359] **Mr Pockett:** There are two things. First, we noticed that there is no reference in the proposed Measure to what we call section 19 operations. These are not-for-profit organisations that operate buses. Section 19 operations are referred to only in the joint response from the National Association of Headteachers Cymru and the Association of School and College Leaders Cymru. For instance, some schools run their own vehicles. Given that those vehicles are carrying children regularly, we are surprised that there is no mention of that in the proposed Measure, because safety applies there as much as anywhere else.

[360] Secondly, the issue of the construction of vehicles has come up, given the phasing out of double-deckers and their replacement with high-capacity single-deckers. I was going to offer to write to you on that too, if you thought that that would be helpful. There is an issue with the construction and the date of vehicles, and I do not know whether anyone else has brought it up. Vehicles constructed in the period up to December 2001 have a certificate of initial fitness, so they are called ‘COIFed’ vehicles. Those vehicles can be adapted. For example, the seats in 70-seat buses can be taken out and replaced by the three-plus-two seat configuration. Vehicles constructed after January 2002 are subject to a European regulation—I think that it is the 2001/85/EC directive, but I will have to check that. So, vehicles constructed after that date are subject to different construction regulations and cannot be adapted.

[361] The construction of vehicles is not a devolved matter. I think that the decision was taken, quite sensibly, to leave it with Westminster, and it is increasingly becoming a Europe-wide issue. So, it would not be helpful for anyone to introduce other types of vehicles on the

assumption that some vehicles could be quite easily or readily, albeit expensively, adapted. So, there is an issue there. I have three pages of technical notes here. Would you find it helpful if I asked my colleague in London to turn them into a letter to send to you because the time is available? None of us wants to come up against anything that creates a difficulty once this proposed Measure has been passed.

[362] **Jenny Randerson:** That would be very helpful. We could then raise that issue with the Deputy First Minister, to ensure that he is aware of it.

[363] **Mr Pockett:** Those were the two main points that I wanted to mention that had not been covered.

[364] **Jenny Randerson:** Thank you very much for coming in to give evidence. It has been very helpful. You will be sent a draft transcript in the next few days for you to correct before it is published.

[365] Before we conclude the meeting, I confirm that the next meeting will be on Thursday, 4 November. I remind you that that meeting will have to start at 9 a.m., because of the Deputy First Minister's availability. We will take further oral evidence from him and from one other organisation. I congratulate the committee on its commendable efficiency this morning; we have got through a phenomenal amount of evidence very effectively. With that, we come to the end of the meeting.

*Daeth y cyfarfod i ben am 11.58 a.m.*  
*The meeting ended at 11.58 a.m.*