

**REPORT TO EDUCATION & CHILDREN'S SERVICES - 1 FEBRUARY 2018****School Transport - DVSA Checks****1 Recommendations**

The Committee is recommended to:

1.1 Acknowledge work which takes place to ensure the safety of all pupils using school transport service within Aberdeenshire.

2 Background / Discussion

- 2.1 The Chair of the Education and Children's Services Committee has asked for an urgent report on the checks undertaken in relation to school transport.
- 2.2 Following the DVSA inspection of the vehicles used by seven operators providing school transport services to Meldrum Academy, three received vehicle prohibition notices: J&M Burns; Kineil Coaches; and, Watermill Coaches. Details of the vehicle defects identified were sought from the operators involved and, in line with our contractual requirements, all of the operators have updated us with regard to these prohibition notices. A further operator.
- 2.2 J&M Burns received an immediate prohibition notice (where the vehicle is not permitted to be driven); Kineil Coaches one immediate and one delayed prohibition notice (in the latter case the vehicle can be driven away within a specified time period to be repaired); and, Watermill Coaches a delayed prohibition notice. Bain's Coaches, also received an advisory notice regarding two minor defects on one vehicle that did not merit a delayed or immediate prohibition notice.
- 2.3 Given the serious nature of the two immediate prohibition notices, termination of contract notices were issued to the two operators in receipt of these prohibition notices, with effect from 14 February 2018 (contracts NS705I20 and NS705J20, refer). The use of both vehicles involved on any Council passenger transport contract has also been prohibited.

3 Next Steps

- 3.1 Both operators have a right of appeal regarding the contract terminations and, if received, these will be considered in consultation with Legal Services. If the appeals are not upheld, the Scottish Traffic Commissioner will be advised of the Council's action for her information.
- 3.2 It is also intended to take appropriate action under the Council's Contract Performance Management System (CPMS) in the case of the delayed prohibition notices which will see 'penalty points' applied to those contracts, potentially leading to contract withdrawal.

- 3.3 The DVSA carries out regular inspections of Passenger Service Vehicles that provide services to private and public sector alike. This has included carrying out such inspections at both primary schools and academies in the past. All operators are aware that these unannounced inspections can take place at any time. In addition general monitoring of the service is undertaken by schools and officers of the Council.
- 3.4 In addition officers have, raised concerns directly with the DVSA as well as arranging for inspections using the Council's Fleet Services. However, such action has only been required on a small number of occasions.
- 3.5 Given the impact that failing DVSA inspections can have on the ability of an operator to remain in business it is of course in their interest to maintain their vehicles so they are roadworthy. In not passing these inspections it is likely that the Traffic Commissioner's Office will seek further information on the maintenance operations of the companies concerned.
- 3.6 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

4 Scheme of Governance

- 4.1 The Committee is able to consider this item in terms of Section F.1.1.f of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to Transportation.

5 Implications and Risk

- 5.1 An equality impact assessment is not required.
- 5.2 There are no staffing and financial implications on the contents of this report.
- 5.4.3 The following Risks have been identified as relevant to this matter on a Corporate Level. These are the reputational risk, failure to provide services and health and safety.

Maria Walker
Director of Education & Children's Services