

Transport Safeguarding Guidance and Procedures

Approved By:	
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Statement of intent

This policy has been created to support and promote the safe and sustainable travel of pupils, as well as school-organised travel, and to highlight good practice and provide equal opportunities for all pupils. This policy should be adhered to by all staff members, pupils, parents and volunteers. The Transport Safeguarding Policy should be read in conjunction with other Ethos Academy Trust policies and DfE guidance. This policy ensures staff, pupils and contractors are free from any potential risks and enable vulnerable persons who may be at risk to be identified.

Ethos Academy Trust:

- Is committed to ensuring the safety and wellbeing of pupils.
- Recognises that additional support is required for the transport of pupils with special educational needs and disabilities (SEND).
- Is committed to ensuring that all school-related activities and events are accessible to all pupils.
- Ensures that any transport arranged by the school is suitable for the intended purpose.
- Works to ensure a consistent process regarding the transportation of pupils in both private vehicles, school-owned vehicles, and taxi licensing services.
- Protects student from harm and has a duty to report matters of concern that could relate to the safety and/or welfare of children and vulnerable persons to the relevant authorities;
- Ensure transport services are provided by duly trained and Kirklees accredited persons;
- Ensure vehicles used to convey passengers are safe and fit for the purpose;

1. Legal framework

It is the intention of the policy to comply with the statutory requirements of the Education Act 1996 and updated by the Education and Inspections Act 2006. The policy set out in this document became applicable to children of primary school age on or after 1 September 2007 and to secondary school age pupils on or 1 September 2008. In supporting the guidelines outlined in the policy, Kirklees Council work in partnership with licencing authorities and contractors to maintain safeguarding standards and achieve the best possible outcomes in delivering transport services for vulnerable young people.

1.1. This policy has due regard to legislation and guidance including, but not limited to, the following:

- Road Traffic Act 1988 (as amended)
- Motor Vehicles (Driving Licenses) Regulations 1999 (as amended)
- Health and Safety at Work etc. Act 1974
- Equality Act 2010
- DfE (2014) 'Home to school travel and transport guidance'

1.2. This policy will be implemented in conjunction with the following school policies, documents and procedures:

- **Health and Safety Policy**
- **Special Educational Needs and Disabilities Policy**
- **First Aid Policy**
- **Behavioural Policy**
- **Minibus Policy**
- **Private Car Transport Policy**
- **Educational Visits and School Trips Policy**

- [Supporting Pupils with Medical Conditions](#)
- [Administering Medication Policy](#)
- [Manual Handling Policy](#)
- [Positive Handling Policy](#)
- [Pupil Accident Log](#)
- [Staff Code of Conduct](#)

2. The Disclosure and Barring Service

The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children. Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants.

The Department for Transport's 2018 survey of taxi and PHV licensing shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal. The Department considers that all licensing authorities should also request a check of the barred lists in addition to the enhanced DBS check, for individuals applying for or renewing taxi and PHV driver licences.

Enhanced certificates with check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. The filtering rules allow for certain old and minor convictions to be removed from a DBS certificate after an appropriate period has passed, but they do not allow filtering where an individual has more than one conviction, has received a custodial sentence or has committed a specified serious offence such as those involving child sexual abuse.

Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act 2006. It is an offence to knowingly allow a barred individual to work in regulated activity. The guidance on home-to school travel and transport issued by the Department for Education should be considered alongside this document.

Private Hire drivers and passenger assistants have to produce a new DBS, (enhanced check), certificate obtained via their local licencing authority and evidence of signing up to the DBS update service; licencing authorities have indicated that they will accept an enhanced DBS check via the Kirklees Council with DBS update service for licencing purposes.

The purpose of signing up to the DBS update service is two-fold: to simplify re-checking of enhanced DBS clearances in future years; and to aid re-checking in the event of a safeguarding investigation.

2.2 DBS update service

Licensing authorities should make use of the DBS update service. This subscription service allows licensees to keep their DBS certificates up to date online and, with the individual's consent, allows licensing authorities (as a nominee) to check the status of a certificate online at any time. Subscription to the service removes the need for repeat checks, reduces the administrative burden and mitigates potential delays in relicensing. Licensees should be required to evidence continuous registration and nomination throughout the period of the licence.

The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the level and type of DBS certificate. For criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months. Licensing Authorities should therefore consider routinely checking the DBS certificates of their licence holders, for example every six months.

2.3 Referrals to DBS and the police

In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS; for example, a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the licensing authority to in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the DBS.

The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the 'harm test'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;
- the DBS may consider it appropriate for the person to be added to a barred list.

These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is available

To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police. Referrals to DBS and the police

4 Safeguarding

Local authorities must ensure that the required safeguarding and suitability checks on the drivers of vehicles providing dedicated home to school transport, and any passenger assistants involved in providing home to school transport have been undertaken. In these circumstances both roles are considered to be regulated activity, which means some people are barred from doing it. Therefore, if the LA are responsible for arranging transport for a child, they must ensure the relevant checks have

been done.

4.1 Safeguarding Awareness

Licensing authorities should consider the role that those in the taxi and PHV industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

It is the Department's recommendation that licensing authorities provide safeguarding advice and guidance to the trade and that taxi and PHV drivers are required to undertake safeguarding training. This is often produced in conjunction with the police and other agencies.

These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses.

The DfE recommends all licensing authorities should establish a means to facilitate the objectives of Safeguarding Board. As has been emphasised throughout this guidance, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and PHVs is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

4.2 Training

Local authorities should ensure that drivers of vehicles providing dedicated home to school transport, and any passenger assistants involved in providing home to school transport, have undertaken appropriate training and that this is kept up to date. It is also considered good practice for those responsible for planning and managing school transport to have undertaken appropriate equality training.

This training should include (but is not restricted to):

- the handling of emergency situations, including when to contact the emergency services
- an awareness of different types of disability, including hidden disabilities
- an awareness of what constitutes discrimination
- training in recognising, supporting and managing children with different types of disabilities, including hidden disabilities, and behaviour that may be associated with such disabilities
- communicating appropriately with pupils with different types of disabilities, including hidden disabilities.

Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- young people, sometimes as young as 12, travelling in taxis alone;
- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances ;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid

The Home Office is working with partners to raise awareness of county lines and has produced promotional material that can be used by taxi and PHV companies

Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111

5: Late collection

Staff and parents/carers must work together to ensure pupils are safe. It must be made clear in the **Parent Handbook** that the school should be notified immediately should it become apparent the person collecting will be late or not present at the transport destination address.

In the event of late collection or a responsible person not available, the student/Taxi driver will make the situation known to a member of staff and be supervised. We will allow a **15-minute** window for late arrival. Following this, we will attempt to contact the parents on the phone numbers provided to the school. If this is unsuccessful, we will attempt to contact the emergency contacts.

The school will keep a record of incidents where parents are late/unavailable for no explained or good reason, or where there are repeated incidents.

If a parent/carer wishes for their child to be collected by another party who does not have parental responsibility, whether this is a regular occurrence or a single occurrence, this must be put in writing.

In an emergency, verbal consent may be given for an agreed person to take their child home/or taken to an alternative known address. A password may be requested to be used by both parties to ensure the identity of the person.

5.1: Non-collection

In the event a student is not collected by an authorised adult or available for hand over from transportation and no contact has been established within **forty-five minutes to one hour** of the usual collection time, the school will follow child protection procedures and the police will be informed and a safeguarding referral to Children's Services will be made.

Under no circumstances will staff go to look for the parent or take the child home with them.

A letter will be sent to the parents notifying them of the existing arrangements in place and inviting them to discuss any changes that need to be made. It is important that the school and parents/carers do everything possible to avoid a recurrence of the situation.

6: Complaints against licensees

The Local Government Association recommends that all councils should have a robust system for recording complaints, including analysing trends across the whole system as well as complaints against individual licensees. Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

Licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that must be available on their website and displayed in licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a PHV driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged. A systematic recording of complaints will provide a further source of information to consider when renewing a licence for a driver or operator or identify problems during the period of the licence.

7. Children with medical needs

When a local authority makes transport arrangements for a child with medical needs, they should conduct a risk assessment to consider how those needs might affect the child during their home to school journey and put in place proportionate arrangements to manage those needs. This is likely to involve consulting the parent and may also involve consulting the child and their school, and considering any information in an EHC plan. It should ensure the driver of a vehicle providing dedicated home to school transport, and any passenger assistant involved in providing the child's transport, are aware of the needs and how to respond to them, and have received any training necessary to enable them to do so.

8. Vehicle Safety

Mini buses and coaches used to take children to and from school are public service vehicles. This means they are subject to specific legislation on safety standards. Local authorities should satisfy themselves that the vehicles used are appropriate for the types of journeys planned. They may, if they wish, specify within their contracts with school transport providers that they will only accept vehicles fitted with seat belts.

Regulations provide that three children under the age of 14 may count as two passengers when travelling on a service bus and occupying seats which do not have seatbelts fitted (i.e. on a service bus they may occupy a bench seat designed for two adults on a service bus). Local authorities should only make use of this concession on an exceptional basis.

9. English speaking

Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a passenger carrier vehicle (PCV), private hire driver, transport assistant, or transport manager or administrator. This includes the ability:

- to clearly understand guidance and instructions;
- to direct vulnerable persons in the event of accident or incident;
- to act on the instructions of officials, eg, emergency service personnel;
- to support vulnerable persons;
- to produce written reports, eg, accident or incident reports;
- present evidence to, eg, public inquiries or courts.

10. Identity Badges

There is a requirement to hold a Kirklees Council identity badge for all contractor staff, ie, – drivers, passenger assistants, and identified proprietors/base staff.

All drivers and passenger assistants must wear their Kirklees Council issued identity badge visibly on their person at all times during the operation of contracted transport. No other ID badge previously issued by the Council will be valid and must be returned.

Contractor staff must have been enhanced DBS cleared, (including a certificate of good conduct if relevant), be signed up to the DBS update service and have successfully completed safeguarding training before a badge can be applied for and issued. Badges will remain the property of the Council and must be returned at any time upon request to the Council. Each badge will carry an expiry date after which it ceases to be valid and will additionally carry details of any exclusions that the Council may, at its discretion, apply, for instance, in certain circumstances the Council may authorise that a badge holder can act as passenger assistant, but not driver (e.g. because of driving offences).

Contract staff not in possession of a Council identity badge will be prohibited from working on Council contracted transport and/or managing drivers and transport assistants work allocation to regulated activity.

11. ETHOS Academy Trust Procedures:

- Identity Check: A driver list with license expiry date is produced daily and DBS details logged with the office.
- At the end of each day an allocated member of staff checks Taxi Driver Badge Number and the expiry Date before allowing the pupil to go.
- If a pupil is collected earlier than 2.30 the driver should be checked by the handover member of staff.
- Pupils are escorted to the taxi and as appropriate (dependant on age) buckled before they set off.
- If a driver is not on the list they are not able to take the child. Also drivers regularly late will be declined as it can be distressing.

- Safeguarding concerns or drivers which pose a threat will be reported to Kirklees Duty and Advice and School Transport.
- A list of drivers who have previously been refused due to pupil concerns is shared across the Trust
- As part of the home/school agreement it will be highlighted that parents accept responsibility for monitoring students transportation from home to setting.
- If possible a named driver will be allocated for students with a bank of familiar known drivers who would be most suited to our pupils.

Review of the Policy

The safe carriage of vulnerable persons initiated by Ethos Academy Trust is of paramount importance. The policy is consistent with current legislative requirement, best practice and is formally reviewed every year. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will be advised. The Council's requirements enhance user confidence in contracted services.