

2. POLICY CONTEXT FOR THE PROVISION OF HOME TO SCHOOL TRANSPORT

“..statutory provision does not reflect the current situation in which parents can choose schools” (House of Commons Transport Committee Report on School Transport, 2004, p5).

“..there is widespread agreement that the current requirement to provide free transport for children living a particular distance from school, and the sharp dividing line between free and full cost provision, no longer can be justified in terms of equity efficiency or need”(Local Government Association, Evidence to the House of Commons Transport Committee).

“Some parents believe that the statutory walking distances are out-of-date, while others are concerned about high fares, bullying, vehicle quality, or arrangements which do not cater for the needs of younger pupils. Many people have highlighted the problems faced by pupils who live just inside the statutory walking distances, say between one and three miles from school. It may be too far or impractical to walk to school, particularly for primary age children or older children carrying heavy bags; and the walking route may be unsafe” (House of Commons Transport Committee Report on School Transport, 2004, p5)

“A key criticism of the current arrangements is that they are badly targeted and often do not assist those that need it most” (Kilkelly et al, 2004)

2.1 Introduction

The provision of home to school transport is governed in Northern Ireland by the Education and Libraries (NI) Order 1986¹. This defines maximum walking distances which dictate that a child who lives more than these distances from their ‘nearest suitable school’ can receive transport assistance (House of Commons, 2004; NI Assembly, Committee for the Environment, 2001). The main purpose of home to school transport is currently to ensure that children can attend school. In Northern Ireland the provision of school transport has become an area of key public policy concern. This concern has arisen out of the ways in which school transport assistance is being made available to children, budgetary constraints within the public sector in NI and the future role of ELBs, plus a wider concern about trends in car dependence in Northern Ireland and their impact on the travel behaviour of school children. This has also manifested itself more directly in a concern about growing traffic levels and the safety of children on their journeys to school. Budgetary concerns with regard to school transport are not confined to Northern Ireland. In England, over the last 20 years LEAs have cut their school transport budgets and have used their discretionary powers to provide less transport assistance (House of Commons, 2004; DfES and DfT, 2003).

Following an inquiry by the Northern Ireland Assembly, attention has also been focused on the overcrowding experienced on school buses and scheduled services run by Translink, despite rises in the price of the annual travel pass (paid for by the

¹ Home to school transport in GB is governed by the Education Act 1996

ELBs) (NI Assembly, Committee for the Environment, 2001). This has also prompted a debate about safety on school buses and in particular the provision of seatbelts on buses and the '3 for 2' seat rule used by Translink to justify current levels of provision. Recent Ministerial announcements in Northern Ireland regarding new post-primary arrangements, following publication of the Burns Report and the Costello Report also raise issues about pupil movements between neighbouring schools in order to fulfil the new Entitlement Frameworks² (DE, 2005; Burns Report, 2001; Costello Report, 2004). Increasing parental choice in this manner will further complicate school travel patterns and may result in increased car use by parents/guardians. Concern about the growth in the proportion of escorted journeys to school made by car in England and Wales has prompted introduction of the School Transport Bill. Under this legislation LEAs will be able to run innovative school transport schemes suited to their own areas. LEAs can choose to become a scheme authority under the legislation, or continue with current arrangements under the Education Act.

The operation of the statutory walking distances by ELBs is also contentious (as it is elsewhere in the UK). Concerns have recently been expressed to NICCY about the operation of the statutory walking distances and their impact on low income families, and also how the system treats children attending Irish-medium and integrated schools (Kilkelly et al, 2004; NICCY, 2005). This is despite the 'nearest suitable school' ruling being applied to within a school management type by ELBs, which allows children to travel to their nearest chosen school type i.e. integrated or Irish Medium irrespective of distance travelled. Other criticisms and disputes have arisen out of how the shortest route or nearest available route is assessed and measured, in terms of the walking distances, and in particular if the route is considered to be too dangerous for children to travel on that route.

This chapter reviews the nature of demand and provision, and the costs involved in providing the current system of home to school transport. It also discusses issues surrounding the use of the statutory walking distance, safety on buses including the provision of seatbelts, and pupil behaviour and vandalism issues.

2.2 School Travel Patterns

In Northern Ireland the majority of journeys to school are made by car. Over the period 1999-2001 to 2002-2004 the proportion of journeys by car increased from 33.6% to 40.4%³ (Table 2.1) (DRD/NISRA, 2005). The proportions of pupils walking and using the bus have declined. Walking declined by 7.1% over the period 1999-2001 to 2002-2004, accounting for 22.5% of journeys in 2002-2004. Bus use in Northern Ireland declined over the period 1999-2001 to 2001-2003 but increased during the period 2002-2004. Bus use now accounts for 24.4% of journeys to school. In comparison, private bus use has increased over the same period accounting for 6.3% of trips in 2002-2004 (DRD/NISRA, 2005). Average journey length in Northern

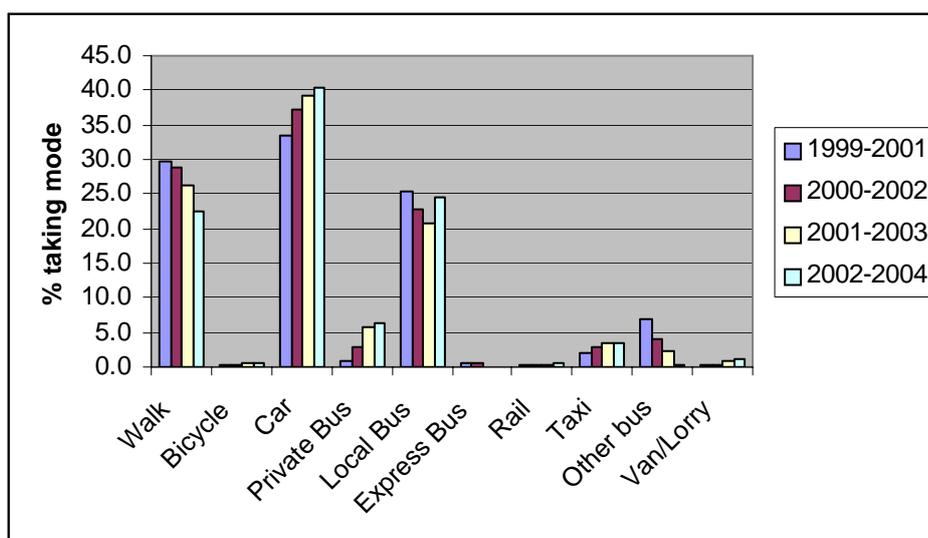
² Entitlement frameworks are a guarantee for all pupils of a minimum number and range of course choices. Pupils will choose which courses they wish to follow and how many. Most of the courses will be available in their own school, but some pupils will also access courses in neighbouring schools. This could potentially result in pupil or staff movements between schools (DE, 2005).

³ Data based on a special cross-tabulation of the NI Travel Survey data. Data from this survey is based on 3 year rolling averages.

Ireland for all education trips has remained stable. In 2002-2004 the average journey length per person per year for education trips was 4.2 miles (DRD/NISRA. 2005).

In Great Britain, increased parental choice combined with a mode shift towards car ownership amongst higher income groups, and a reduction in provision of free school transport has contributed to an increase in the number of school trips taken by children in the car. However, compared to Northern Ireland this proportion is lower and may suggest that, with the introduction of more parental choice in Northern Ireland under the Burns proposals, that this figure could increase further. The National Travel Survey (NTS)⁴ for the period 1985/86 to 2002 indicates that the average length of the school journey has increased from 1.7 miles to 2.3 miles in 2004 (Table 2.2). Estimates suggest that around half the increase in distance travelled can be attributed to the growth in car use for the journey to school. The NTS also indicates that the proportion of trips to school by car has doubled over the period 1985/86 to 2004 from 16% to 31% (Table 2.3). Evidence presented by the Department for Transport to the House of Commons Transport Committee indicated that while in theory school choice is available to all, it is likely that lower levels of car ownership amongst lower income groups reduces their ability to make a choice (House of Commons, 2004)⁵. Free home to school transport may have a key role to play in reducing the number of car trips on the journey to school. Transport 2000 (2003) have stated that 48% of parents (including 40% who drove) who were ineligible for free school transport would consider switching to buses. Evidence from the Government's School Transport Advisory Group (STAG) suggests that there is suppressed demand for school buses. It has been estimated that 1 in 5 cars in the morning peak is a car on a school journey. This not only increases congestion but also reduces road safety. The accident rate for children aged up to 15 increases during the period 8am to 9am in the morning peak and at around 3pm in the afternoon peak (House of Commons, 2004). Detailed research on factors affecting the school bus use in England, Wales and Northern Ireland indicate that a reduction in free bus travel resulted in an increase in the number of car journeys (Atkins, 2000).

Figure 2.1 Journeys to school per child (5-16 year olds) per year by mode 1999-2001 to 2002-2004, Northern Ireland



⁴ The National Travel Survey (NTS) covers GB and is a continuous survey.

⁵ Evidence provided by the Department of Transport (ST12) reported in Volume 2 of the Transport Committee Report (House of Commons, 2004).

Figure 2.2 Average trip length for journeys to school (miles), Children aged 5-16, GB National Travel Survey

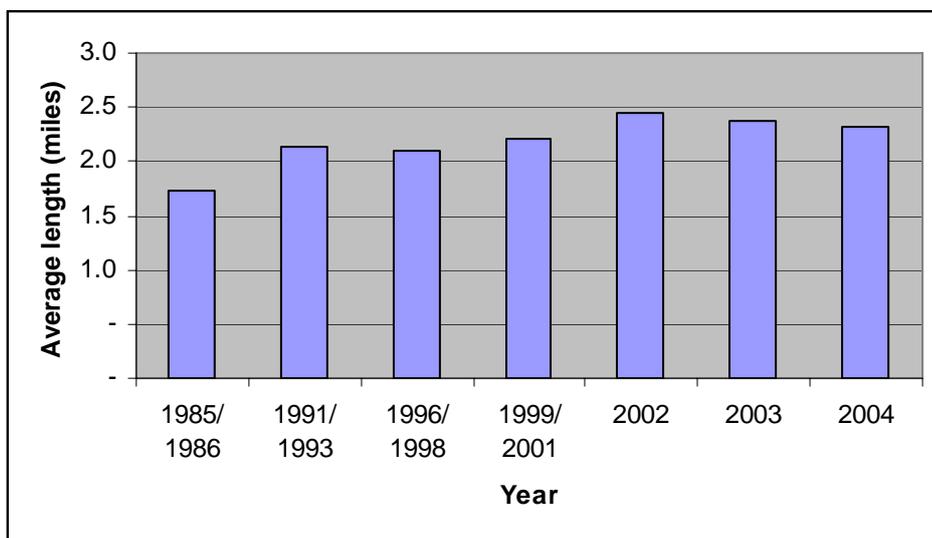
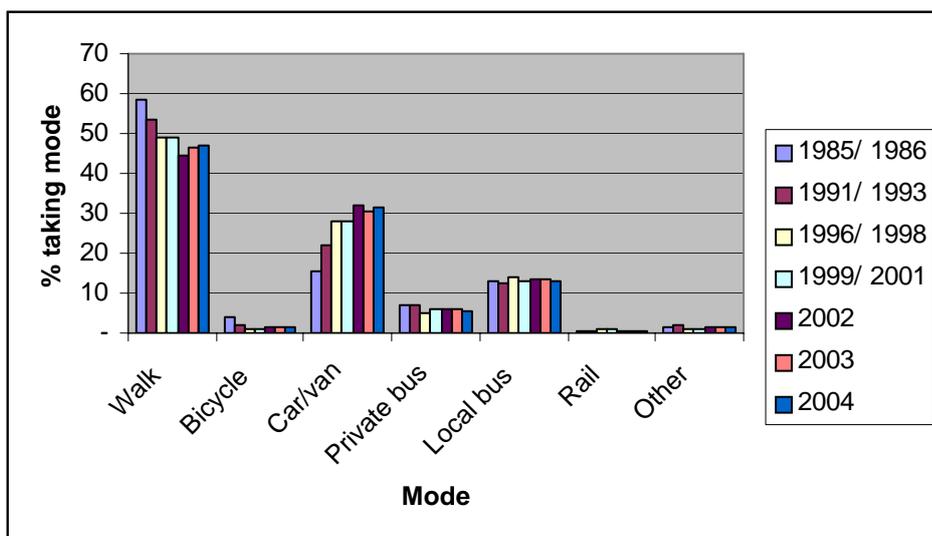


Figure 2.3 Trips to and from school per person per year (%), Children aged 5-16 years old 1985/86 – 2002, GB National Travel Survey.



Concerns surrounding the growth in the number of journeys to/from school made by car and the reduction in walking has resulted in policies and approaches being developed that seek to counter changes in the nature of home to school transport (DfT, 2003a; 2003b). Schools are now actively encouraged to develop School Travel Plans which seek to promote and adopt measures that can encourage walking, cycling and a greater use of public transport. These measures can typically include infrastructure work, adoption of safe routes to school, walking buses, secure bike sheds and lockers. In Northern Ireland this approach is being piloted across six schools with the intention to roll out a safer routes to school programme to more schools (NICCY, 2005).

2.3 School Transport Provision

In Northern Ireland, the DRD, DOE, Translink and DE(NI) and the ELBs are responsible for the regulation and provision of home to school transport. Despite a general decline in the pupil population, during the school year 2004/2005 the number of school children in Northern Ireland was 316,570⁶, and of those, 31% were in receipt of free home to school transport. Free school transport is administered by the ELBs by a variety of methods including: the issuing of free bus passes/tickets for public transport, ELB buses, contract hire of minibuses and taxis, and the payment of allowances for car travel. Evidence from the 2004/2005 DE school census for Northern Ireland indicates a mixture of provision for school transport. Data shows that for those pupils who are eligible for free school transport, most use public services provided by Translink (54%) with 29% using ELB vehicles, while private hire of public transport and taxis accounts for 5% of free school transport services (Table 2.4) (DE, 2005). Translink provides daily home to school transport for around 65,000 pupils (NI Assembly, Committee for the Environment, 2001). In comparison lower proportions of children are in receipt of transport assistance in England and Wales than in Northern Ireland. The DfES/Confed survey shows that around 700,000 pupils in England, including around 75,000 attending special schools, receive free home to school transport every day. This corresponds to about 10% of all pupils. In Wales, around 100,000 pupils, approximately 20% of the pupil population, receive free home to school transport (DfES/Confed, 2004).

In Northern Ireland home to school transport assistance is offered on a restricted basis. Since 1997 free home to school transport is provided to the 'nearest suitable school' rather than school of choice (DE, 1996). It remains to be seen with introduction of more parental choice under the post-primary review whether this may change. To determine which pupils should receive assistance the ELBs use the mechanism of statutory walking distances. A pupil living beyond this distance will receive home to school transport assistance. As a mechanism for allocating limited resources it is widely used across the UK by local authorities to determine eligibility for free school transport. In Northern Ireland, as defined in the Education and Libraries (NI) Order 1986, these statutory walking distances are 2 miles for a pupil under 11 years old and 3 miles for older school children. Children with Statements of Special Educational Need are not subject to these arrangements and receive free home to school transport. This differs from the rest of the UK where under the Education Act 1996 the statutory walking distance is 3 miles for pupils 8 and over and 2 miles for pupils aged under 8, in both cases measured by the nearest available route. The 1996 Act, for England and Wales, also allows LEAs to adopt walking distances lower than the statutory ones, if they so wish. Many authorities operate reduced distances, some to 1.5 miles for primary pupils and 2 miles for secondary pupils. In Scotland many local authorities operate schemes where the statutory walking distance is as low as 1 mile. In Wales several unitary authorities have reduced the distance to 1.5 miles for primary schools and 2 miles for secondary pupils (DE, 2002). A survey of home to school transport showed that 22 LEAs in England (approximately 15%) had policies providing for lower walking distances for primary aged pupils (DfES/CONFED, 2004). This research also found that in England 120 LEAs (around 80%) provide free transport to denominational schools, although many ask for proof that pupils' parents adhere to the relevant faith and/or limit the provision by setting limits to the distance travelled (for example, transport provided

⁶ Source: DE Northern Ireland School Census 2004/2005 for pupils at post-primary, primary and special schools

for a distance of up to 5 miles) or travel time (transport provided up to a radius of 75 minutes from the school). In Wales 13 LEAs (approximately 60%) provide free transport for at least some pupils who attend denominational schools, with two more providing transport on a discretionary basis (DfES/CONFED, 2004)⁷. In Northern Ireland the picture is more complicated due to the larger number of school management arrangements and the sectarian divide which have placed additional demands on the system in terms of meeting the requirement of 'nearest suitable school'.

More recently concerns have been raised about the use of statutory walking distances (House of Commons, 2004), although in Northern Ireland the public inquiry in 2000-01 into school transport did not address this issue. NICCY have recently received complaints relating to children travelling large distances of up to 20 miles and transport assistance being refused because there was a closer school. In these cases the closer schools did not have the desired religious mix or were not non-denominational (NICCY, 2005). Research for NICCY has pointed out that: 'Children attending Irish-medium and integrated schools have particular difficulties with access to suitable transport. The wider spread of schools means that children often have further to travel and, there is a concern that, as newcomers, these sectors lose out to more established schools in transport planning' (Kilkelly et al, 2004; NICCY, 2005). In Northern Ireland it has been suggested that the three mile rule can restrict assistance to children for whom the school attended is the nearest suitable school in one of a number of categories – maintained, controlled, Irish Medium, integrated, denominational and non-denominational grammar (Kilkelly et al, 2004).

⁷ In England and Wales there is no statutory duty requiring LEAs to provide transport to denominational schools, where these are not the 'nearest suitable school' for pupils. Many denominational schools were sited by agreement between dioceses and LEAs, on the basis that pupils would continue to receive free transport. Current DfES guidance states that LEAs will not disturb well-established arrangements for denominational transport, particularly where they are associated with local agreements or understandings about the location of denominational schools (DfES,2004).

Table 2.4 Home to school transport provision, Northern Ireland (pupils), 2004-2005 (DE, 2005)

Mode	Primary	Post-Primary	Integrated		Special			Irish-Medium		Total
	(Excluding special children)	(Excluding FE & special children)	Primary	Post-Primary	Children attending Primary Schools	Children attending Post-Primary Schools	Children attending Special Schools	Primary	Post-Primary	
1. Board Vehicles	13272	11212	106	274	114	43	2827	32	0	27880
2. Private Hire of Public Transport	571	189	182	239	0	0	151	47	0	1379
3a Ulsterbus	1574	43499	137	3875	2	96	12	5	76	49276
b Citybus	47	1810	314	648	0	0	0	20	68	2907
c Northern Ireland Railways	2	642	1	167	0	2	0	0	0	814
d Lough Swilly	1	136	0	0	0	0	0	0	0	137
3abc Public Transport Overall	1624	46087	452	4690	2	98	12	25	144	53134
4. Taxi Service	792	582	86	108	795	613	1001	53	3	4033
5. Parent's Car	1075	457	289	87	102	37	96	36	1	2180
6. Privately Operated Coach/Minibus	3163	2825	430	976	112	143	1223	98	0	8970
7. Strangford/Rathlin Ferry	0	93	0	1	0	0	1	0	0	95
8. Daily Allowances	0	60	44	1	0	0	0	15	0	120
TOTAL	20497	61505	1589	6376	1125	934	5311	306	148	97791

In other parts of the UK, problems with statutory walking distances have also been found, many LEAs feel that their discretionary powers are constrained. The Local Government Association (2003) has argued that the operation of statutory walking distances inhibits efficiency and does not allow local authorities to target resources where they are needed. For example, pupils living three miles from their nearest school might live in an area well served by affordable, good quality, and reliable public transport; whilst pupils in another area, and living 2.9 miles from their nearest school may have poor or even no public transport options available - in effect forcing them into private cars. However, the impact of current legislation is that the former group have to be provided with free home to school transport, whilst the latter are unlikely to get any assistance from the local authority (House of Commons, 2004).

Under the 1996 Education and Libraries (NI) Order (Schedule 13)⁸, parents have a defence to the charge of failing to secure their child's regular attendance at school. This defence rests on proof that their child lives outside the statutory walking distance from school, and that no suitable arrangements have been made for one of the following: a) the child's transport to and from school; b) boarding accommodation; or (c) enabling the child to be registered at a nearer school. The existence of dangerous routes to school does not offer a defence. In Great Britain the Courts have ruled that a route is available if a child, accompanied as necessary, can walk along it with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child is unaccompanied⁹. The Courts have held that LEAs do not have a duty to provide free transport for pupils whose parents have chosen to send them to a school other than the nearest suitable one, even if it is beyond statutory walking distance. LEAs may help in such cases if they wish, but it is for each authority to decide whether or not to do so (DfES, 2004). A longer route can be measured if the shorter route is deemed too hazardous but this process can lead to disputes over whether the shorter route is hazardous¹⁰. The House of Commons Transport Committee has commented:

“The statutory distances of over three miles for children over eight, and two miles for children under that age, do not distinguish between urban and rural areas and take no account of the nature of the route. As one witness pointed out, ‘A walk of a mile across a park, as I do in the morning, is one thing; a walk of a mile along an A road without a footway is quite a different thing’. Moreover, they were set when car ownership and the level of traffic was far lower than today.” (House of Commons Transport Committee, 2004, p6)

In Northern Ireland ELBs have some discretion in deciding who receives transport assistance, with assistance for children who live within the statutory walking distances being limited, unless they are statemented. Under the 1986 ELB (NI) Order transport assistance can be provided within the walking limit if it is deemed necessary. These circumstances may include where bearing the full cost of transport to school could be difficult for parents in low income families. Recent research suggests that there needs to be clarification of the role of ELBs and DHSSPS with regard to provision for children in need (Kilkelly et al, 2004; NICCY, 2005). This

⁸ Section 444(4) of the 1996 Education Act for England, Wales and Scotland

⁹ George V Devon County Council found that 'it was reasonably practicable for a nine year old to be accompanied to school along an unlit rural road with no footpath, used tractors, milk tankers and cattle trucks' (House of Commons, 2004, p6)

¹⁰ In Denmark legislation requires that every child has a safe route. If there is no such route free transport must be provided.

research also found that Educational Welfare Officers expressed concern about children in low income families being able to afford bus fares, and because in some cases it would be 'unrealistic because of sectarian areas to expect the child to walk to school' (Kilkelly et al, 2004, p132). The House of Commons Transport Committee (2004) noted that even though there was general agreement amongst those giving evidence to the Committee that walking distances were no longer appropriate, there was concern that the upper limits should remain and that the abolition of walking distances may discourage walking.

Policy on charges for concessionary seats (spare seats available to pupils living within statutory walking distances) also varies across the UK. In Great Britain, the Transport Act 1985 permits local authorities outside London (with the exception of those in Scotland), to allow pupils not eligible for free school transport to occupy spare seats on school buses, either free or at a subsidised rate (DfES, 2004). DE (2002) reported that the vast majority of Welsh, Unitary and Shire authorities do levy a charge. In London, child rate fares are provided by Transport for London. Local authorities outside London can also establish similar schemes. In Northern Ireland none of the ELBs have introduced concessionary charges due to the administrative costs associated with overseeing this process and because they do not hold operator licences (DE, 2002). There are also differences in the provision of post 16 transport arrangements, with 48% of the LEAs (including the 5 Northern Ireland Boards) reporting that they provide concessionary seats free of charge. In England and Wales, Section 509AA of the Education Act 1996 (inserted by Education Act 2002) places a duty on LEAs and their partners to plan and publish annual transport policy statements locally for pupils over the age of 16. They are required to follow clear criteria about the transport support they will offer to further education (FE) students aged 16-19, to ensure that no student is prevented from accessing or participating in FE due to lack of transport services or support. The legislation was brought into force in England on 20 January 2003, for implementation of transport policies from the beginning of the 2003/04 academic year. The legislation was commenced in Wales on 1 September 2003 for implementation in the 2004/05 academic year (DfES, 2004).

2.4 Cost

The provision of school transport must be viewed within the wider context of management issues associated with the school estate in Northern Ireland. Within the current funding crisis, school transport is a potential target for cuts, as are school meals, school crossing patrols and Special Education Needs budgets (NICCY, 2005). Other on-going pressures on the management of the school estate for DE include: the backlog of capital works on school property, statutory duty (under the Belfast agreement) to encourage and manage Irish Medium and Integrated schools which in turn creates commitments for these schools, increased expenditure on school security measures in light of increased attacks on staff and vandalism, and accelerated costs arising from the policy and legislative environment (e.g. Disability Discrimination Legislation) (DE, 2002). As a result of these pressures the DE in Northern Ireland is seeking ways in which the costs of home to school transport can be contained¹¹.

¹¹ DE have commissioned a review of home to school transport to address the increasing costs associated with this service.

In Northern Ireland around 5% of the annual education budget is spent on home to school transport, £57 million in 2002/2003, in 2004/2005 this figure had risen to £62.5 million. During 2005/2006 the Revised Resource Allocation Plans provided by the ELBs show that they expect to spend around £65 million on home to school transport (Hansard, 2005a). Over the period 2000/2001 to 2004/2005 the cost of providing school transport for primary school children has risen from £2.3 million to £3.2 million (Hansard, 2005b). The average unit cost varies by mode of transport used and is significantly higher for taxi services compared to other modes (Table 2.5).

Table 2.5 Northern Ireland Average Unit Cost (£) per pupil by mode of transport and school type 2004/2005¹² (based on data supplied by DE)

Mode of Transport	Primary	Post-Primary ¹³	GMI Primary	GMI Post-primary	IM Primary	IM post-primary	Special	Mean cost per pupil by mode
Board Vehicle	552	479	708	679	219	0	1518	594
Private hire of public transport	195	0	46	0	0	0	35	39
Ulsterbus	549	501	876	463	2724	692	161	852
Citybus	571	477	490	468	500	443	0	421
NIR	333	429	0	382	0	0	1000	306
Lough Swilly/Bus Eireann	2961	554	0	0	0	0	0	502
Taxi service	1965	1876	924	2344	2487	6342	1989	2561
Parent's car	497	466	338	595	1690	0	1147	676
Privately operated Coach/Minibus	1112	689	1139	800	1369	0	1464	939
Strangford/Rathlin Ferry	0	147	0	0	0	0	0	21
Mean cost per pupil by school type	874	562	452	573	899	748	731	

In 2002, compared to other parts of the UK, Northern Ireland spent a larger proportion of their education budget on school transport despite the average cost per pupil being the lowest in the UK (DE, 2002; Sean Thorthwaite Consultants, 1998) (Table 2.6). A larger proportion of children are in receipt of transport assistance, 33% compared to 16% in the UK as a whole (DE, 2002) and the population is more sparsely distributed. The average cost is lower, however, for a number of reasons. A larger number of children use the public transport system and ELB vehicles, while in GB greater use is made of contract transport¹⁴. LEAs in GB have experienced high levels of inflation in the cost of all types of bus provision for home to school transport. Secondly, fewer special needs children are transported (6.5% in NI compared to 10% in rest of the UK in 2002).

¹² Costs based on expenditure on home to school transport and pupil numbers for the financial year 2004/2005.

¹³ Includes both controlled post primary and voluntary grammar schools.

¹⁴ The variation in costs need to be treated with degree of caution as they reflect different operating conditions. Home to school transport costs are influenced by factors such as the nature and level of local concessionary fare schemes, the balance of pupils with SEN attending mainstream and special schools, the safety of walking routes to school, population and school sparsity, inclusion policy, support for pupils attending selective schools, and the number and location of denominational schools.

Table 2.6 Average Unit Cost of Home to School Transport (DE, 2002)

Region	Average Unit Cost £
Northern Ireland	381
Met Areas/London Boroughs	721
Scotland	515
Shires	542
Unitaries	599
Wales	392
All Authorities	517

The recent rises in the costs of home to school transport has been attributed to a number of factors. These factors include the rising cost of public transportation provided by Translink due to increased operating costs associated with increases in labour costs and high levels of vandalism. Increases in the cost of fuel and the higher than average fleet age are also factors that have contributed to the costs increases. Translink has, however, been criticised for raising prices above inflation for school travel passes that are paid for by the ELBs, this has typically been between 4-5% over the period 1999/2000 to 2003/2004. As a result some ELBs have been prompted to look at running their own services. However, Translink have argued that a level of discount continues to be enjoyed by the ELBs¹⁵. The ELBs and some commentators view this payment as a cross-subsidy between public transport and education, Translink on the other hand argue that there may well be a significant cross-subsidy in favour of school transport (i.e. within Ulsterbus revenues from profitable routes). Whichever view is taken this cross-subsidy persists because the home to school transport service makes an important contribution to the commercial operation of the bus network in Northern Ireland. It is widely recognised that the Ulsterbus network, which is a fully integrated model both between different operations and depots/districts, with a high level of inter-working on shared routes means that there are some efficiencies and a reduction in costs. Without the integrated Ulsterbus network in the rural areas operating costs could be higher. Indeed where services are available to the public they qualify for the Fuel Duty Rebate from Government.

In Northern Ireland the number of children with Special Education Needs has increased. This section of the pupil population (which in 2004/2005 accounted for 7.5% of the school population (representing 7370 pupils) is entitled to free transport provision, and are transported on a combination of ELB vehicles, taxis and private hire minibuses and coaches, although a small number of children with statements of special needs are issued with bus passes for Translink services if it is felt that this is suitable (DE, 2005). Also larger numbers of pupils are travelling to integrated schools. The scheduling of different services due to schools having different finishing

¹⁵ A 'flat' head rate per pass is negotiated with ELBs, for entitled children, and is based on a costing exercise (carried out every 3-5 years) of the total value of fares for all the individual journeys involved, apportioned at a standard rate per pupil. The price used is the cheapest adult journey which is normally the 40 journey/monthly ticket. For school pupils under 16, the cheapest adult fare is halved. An additional discount is then applied to the head rate (in 2004 the discount was 5%). For pupils not entitled to an ELB pass parents can purchase season tickets. The cost for these tickets is based on the 40 journey commuter ticket (price halved for pupils aged under 16) divided by 20 to give a daily fare. This is then multiplied by the number of school days for which the pass is valid. Ulsterbus receive more revenue from the non-entitled pupil pass because the company is paid concessionary fare recovery by DRD under the current scheme.

times and holiday arrangements also contributes to rising costs¹⁶. In addition the ELB fleet is ageing which has substantial costs associated with a vehicle replacement strategy. In Northern Ireland there is a perceived disadvantage by DE in the use of Board vehicles due to the replacement backlog as a result of lack of capital funds (DE, 2002).

In GB, the cost of all types of bus provision has risen faster than inflation. Evidence from recent surveys of local authority bus contracts by the Association of Transport Officers (ATCO, 2003) has indicated that in 2003 school bus contracts increased by 12% and public bus contracts by 15%. A number of factors have been attributed to this rise by operators, local authorities and LEAs such as: fuel costs; driver wages; insurance costs; new vehicle standards covering emissions; accessibility regulations stemming from the Disability Discrimination Act; and competition legislation which they claim inhibits collaboration and innovation; the Transport Act places limits on maximum contract length which they say inhibits operators from purchasing new and/or dedicated vehicles; and, poor pupil behaviour reducing the number of operators prepared to tender for school transport contracts (DfES, 2004). Conversely the amount spent, in England, by LEAs on home to school transport has also increased above the rate of inflation. The total spend on home to school transport is around £0.5bn and rising¹⁷. In 2001/02 nearly half this amount (£254 million) was spent on pupils travelling to special schools. A recent survey by DfES/CONFED (2004) has shown a wide variation in the transport costs of LEAs ranging from £375 to £1000 per pupil in mainstream schools. LEA expenditure per capita on school bus services is inversely related to population density, because of the greater need to provide school transport in rural areas. Rural LEAs also tend to provide a higher proportion of school transport through contracted bus services, because there are fewer public bus services (Table 2.7).

Table 2.7 Cost per pupil English LEAs, 2000/2001 by LEA type (Dfes/Confed, 2004)¹⁸

LEA Type	Cost per pupil mainstream school (£)	Cost per pupil special school (£)
PTE	490	2445
County	615	3053
London	1185	2749
Unitary	671	2367

2.5 Safety and Home to School Transport

Safety issues and home to school transport are an area of concern in Northern Ireland. These safety concerns are not only confined to seating arrangements and seat belt provision but also to overcrowding, bullying and supervision. Currently regulations allow three children aged under 14 to share two seats where seatbelts

¹⁶ In parliamentary questions on 8th November 2005 the Minister for Education Angela Smith stated that information on primary school pupils finishing school at 2pm who are eligible for transport assistance were not available in the format requested by Mr. Donaldson (Hansard, 2005, Column 434W).

¹⁷ Figure taken from Regulatory Impact Assessment for the School Transport Bill based on financial data taken from LEAs' Section 52 Outturn Statements submitted to the DfES from 1999-00 onwards and the ODPM's RO1.

¹⁸ Figures derived from Dfes/Confed survey based on a sample number of local authorities in each LEA category.

are not fitted. The public inquiry and subsequent report of the Northern Ireland Assembly's Environment Committee (NI Assembly, Committee for Environment, 2001), which made 28 recommendations, highlighted a number of safety issues. These included the '3 for 2 rule', children standing on buses and limited availability of seatbelts. Key recommendations contained in the Environment Committee Report included the: abolition of the '3 for 2 rule'; introduction of no standing on school buses thereby providing seats for all children entitled to transport; progressive introduction of seatbelts on all school buses; and to improve signage and introduce flashing lights on school buses so as to warn drivers that children are embarking or disembarking (Northern Ireland Assembly Committee for the Environment, 2001). It has subsequently been estimated that the expenditure required to implement the 28 recommendations in full would cost between £140 million and £185 million per annum in capital expenditure alone. In 2003, the DoE published a report on the development of a framework for cost-benefit analysis of the recommendations made by the Environment Committee (DoE, 2003). This report noted that action had been taken in relation to the progressive introduction of seatbelts and flashing lights on some buses with all new ELB buses having seat belts fitted as standard. Concerns were also raised in this report that accident rate data (accidents per student passenger mile travelled, accidents per student passenger journey or accidents per bus mile) were needed to ensure a robust comparison of school bus accidents and that currently any studies have only been undertaken at a 'broad and insufficient level'. It has also been noted that:

"it is possible that Northern Ireland may perform even better in global/regional comparisons given the remoteness of rural communities, particularly if they are comparing areas of similar size, geography and remoteness. This will be a critical point in the.... cost benefit analysis as the accident rate determines the quantification of safety benefits and disbenefits" (DoE, 2003).

2.5.1 3 for 2 seating provision and standing on buses

There are legal limits to bus occupancy. The Public Service Vehicle Licence stipulates the maximum number of passengers a vehicle can carry, any passengers in excess of this number would be in breach of the regulations except where the 3 for 2 seating concession is applied. This concession allows operators where buses are not fitted with seatbelts to carry additional seated passengers if they are aged 14 years and under. For example, Translink on their stage carriage services and contracted services operate to a limit of 75 which on a 53 seater bus allows a maximum of 22 passengers to stand but under the 3 for 2 concession this can be increased to 101. 3 for 2 is allowed on ELB and private operator's buses under contract to the ELBs.

The public inquiry on school transport recommended that the 3 for 2 capacity concession operated by the ELBs and Translink should be abolished and that this would require ELBs to stipulate in their contracts one for one seating and a Regulatory Impact Assessment to evaluate costs and benefits of the abolition (NI Assembly, Committee for the Environment, 2001). The DoE is currently undertaking the Regulatory Impact Assessment and the findings have yet to be published. The NI Assembly report (2001) noted that at the time that the DoE had stated that buses remained a 'relatively safe form of transport' and felt that it would be difficult to demonstrate that significant road safety benefits would accrue from changes in the

regulations. However, data provided by the RUC at the time of the inquiry, found in the 5 years prior to 2000 that 413 children had been injured whilst travelling to or from school¹⁹. The Committee in response commented:

“The Committee has serious concerns with the high numbers of children injured in what DoE consider is a relatively safe form of transport” (NI Assembly, Committee for Environment, 2001, para 2.2.3)

Discussions with stakeholders (steering group and Translink) by Booz Allen and Hamilton on behalf of the DoE, in 2003, revealed a number of concerns surrounding the abolition of standing on buses and the 3 for 2 rule, which are seen as being strongly inter-related. Both of these measures are seen as a capacity buffer which allows extra students to be accommodated on busy days and unexpected increases in demand. This report also felt that there was a strong basis for arguing that only one of the rules should be abolished, in light of budget constraints, to increase bus capacity because bus drivers are unlikely to allow 3 for 2 seating and standing simultaneously to the full theoretical capacity (DoE, 2003, p15). The report also highlights the need for operational flexibility as a key requirement of bus operation. Translink, in commenting on the recommendations for 3 for 2 seating provision and standing on buses have stated:

“The ‘3 for 2’ rule is a Europe-wide regulation which permits 3 scholars to be legally carried on a bus for every 2 seats provided. Generally, Translink does not use ‘3 for 2’ when planning services but applies the approved passenger capacity (seated and standing). However the ‘3 for 2’ rule does provide a ‘safety valve’, in that at the start of term or on occasions where there are additional children at the roadside they can be legally carried rather than be left behind, with other attendant safety risks. Standing capacities on buses are governed by UK regulations. Translink abides by these, and accordingly the standing capacity is taken into account in planning services. Before the start of each school year Translink’s local managers work with Education and Library Boards (ELBs) and schools to plan schools services. Adjustments are continually made in an effort to manage scholars travel arrangements as effectively as possible” (Translink, 2005)

During the inquiry, a number of groups expressed concern at the ‘3 for 2’ rule²⁰. Translink, in their submission to the Inquiry indicated to the committee that:

“allegations of overcrowding were invariably unfounded when measured against the legal limit for the vehicle. Indeed Translink advised the Committee that it is not its policy to make use of 3 for 2 provision within the regulations to any significant degree, stating that it operated a voluntary planned limit of 75 pupils. Nevertheless the bus drivers were aware of the rule and this gives them the margin they require on day to day basis to pick up a number of children travelling to school, otherwise they may have to left at the road side or at bus stations” (NI Assembly, Committee for Environment, 2001, para 2.4.3)

The displacement of pupils from buses as a result of the proposed abolition of the 3 for 2 seating rule and standing, and the reduction in bus capacity may mean that children will be exposed to higher risks of injuries or fatalities on their journey home or to school. Translink are also concerned that school bus revenues are insufficient

¹⁹ RUC data submitted to the Inquiry covered the period 1995-1999 inclusively.

²⁰ GCCNI, Ulster Teachers Union

to cover the cost of providing extra capacity. As DoE (2003) comment 'Translink is only incentivised to provide sufficient capacity to meet effective demand as opposed to theoretical demand'. Multi criteria analysis of the public inquiry recommendations linked to the NATA appraisal framework was presented in this assessment and presents a number of the arguments used to assess the effect of the abolition of '3 for 2' and standing (see Table 2.8).

Translink's main concern with the recommendations contained in the inquiry report were predicated on an assumption that there was a dedicated fleet of school buses, whereas in reality several fleets are used to operate school services. As a result, the costs of implementing the recommendations would apply to all the fleets. Translink have also estimated that if '1 for 1' seating were introduced an additional 340 vehicles would be required if '3 for 2' and standing were both abolished, and seat belts required. The removal of '3 for 2' would require an additional 20 vehicles – a smaller number of vehicles as it is the company's internal policy to minimise the use of the 3 for 2 concession. Translink have also emphasised that '3 for 2 seating is only used for about 5% of the time on about 3% of the network (on short routes). It has also been argued that 3 for 2 seating cannot be implemented due to the amount of baggage carried on buses by pupils (DoE, 2003). Evidence presented to the NI Assembly Environment Committee suggested that 'significant use of '3 for 2' is occurring on a regular basis on Translink vehicles'.

The NI Assembly Committee also raised a number of important issues about the operation of '3 for 2' surrounding the ability of drivers to check for numbers, the difficulty of fitting large numbers of children on a bus, the amount of distraction this could cause the driver and the contribution that overcrowding makes to misbehaviour on buses. More recently, DoE commissioned a study of bus occupancy (for May and September) across each of the ELB areas on Translink, ELB and private operator services (DoEa, 2005; DOE, 2005b). The May survey indicated that overall 3% of Translink services, 5% of ELB and 17% of private operator services were using 3 for 2. Instances of standing were also reported on Translink (33%, n=135 buses with instances of standing) and private operator buses (12%, n=7 buses with instances of standing). No instances of standing were found on ELB services²¹. A further survey conducted in September at the start of the academic year found that there was an increase in the operation of 3 for 2 which represented 8% of services overall (Translink 7% (n=28 buses); ELBs 8% (n=7 buses) and private operator 11% (n=7 buses)). The majority of standing instances were also found to occur on Translink services at this time of year, that is 44% of buses (n=177 buses) compared to 2% of ELB buses and 8% of private hire buses.

²¹ In the report DoE cite criticism of the approach taken in this study. The Principal of Down High School in Downpatrick indicated that because the occupancy surveys were undertaken in May the survey would not reflect conditions in September. The Northern Ireland Independent Coach Operators Association (NIICOA) expressed concern over the schools chosen especially in the SELB area as there were other schools more susceptible to overcrowding (DoE, 2005, p15).

Table 2.8 Multi-criteria analysis of the Public Inquiry Recommendations (taken from BAH, 2003), for 3 for 2 seating provision and standing on buses

Recommendation	Impact
<p>3 for 2 seating provision Abolition of 3 for 2 capacity concession operated by ELB and Translink</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Additional vehicles operated will have impact on noise/air quality <input type="checkbox"/> Increased road congestion <input type="checkbox"/> Risks need to be calculated and valued as no proven safety impact of the recommendation exists <input type="checkbox"/> Further investigation of evidence on dangers of 3 for 2 <input type="checkbox"/> Increased number of car trips/walking for concessionary passengers and increased risk of injury to displaced students <input type="checkbox"/> Major capital and operating expenditure <input type="checkbox"/> Bus operators depend on 3 for 2 seating to take up excess demand <input type="checkbox"/> Travel time savings lost for parents and students <input type="checkbox"/> Possible loss of revenue for Translink <input type="checkbox"/> Reduction in access for concessionary passengers (up to 2000 on Board buses) <input type="checkbox"/> Potential reduction in Translink services to meet extra costs <input type="checkbox"/> Rural student worse off if seats not available – reduction in accessibility to school <input type="checkbox"/> Recommendation is not consistent with government policy on accessible transport <input type="checkbox"/> Interaction between DRD and DE required <input type="checkbox"/> DoE Legislative changes
<p>School children standing on buses</p> <ul style="list-style-type: none"> <input type="checkbox"/> ELB specify that every child who is entitled to transport is provided with a seat (including contract transport and pass holders on stage carriage services) <ul style="list-style-type: none"> o Applies to organised school trip o In case of non-entitled children operators should identify instances where school children stand for longer than the operators quality standard and take measures to prevent this <input type="checkbox"/> ELB should require Translink to ensure that their journey planning system provides every pass holder with a seat on a specified bus (even where this involves a stage carriage service) 	<ul style="list-style-type: none"> <input type="checkbox"/> Additional vehicles operated will have an adverse impact on noise/air quality <input type="checkbox"/> Increased road congestion <input type="checkbox"/> Risks need to be calculated and valued as no proven safety impact of the recommendation exists <input type="checkbox"/> Increased number of car trips/walking for concessionary passengers and increased risk of injury to displaced students <input type="checkbox"/> Benefits from reducing severity of injury if accident occurs <input type="checkbox"/> Major capital and operating expenditure <input type="checkbox"/> Bus operator depends on standing capacity to 'mop up' passengers <input type="checkbox"/> Cost of implementation high for Translink – will require extra Government funds <input type="checkbox"/> Reduction in access for concessionary passengers (up to 2000 on Board buses) <input type="checkbox"/> Potential reduction in Translink services to meet extra costs <input type="checkbox"/> Rural student worse off if seats not available – reduction in accessibility to school <input type="checkbox"/> Recommendation is not consistent with government policy on accessible transport

2.5.2 Seat belts

Following the NI Assembly Environment Committee Inquiry in 2001, the DoE (2003) indicated that action had been taken with regard to the progressive introduction of seatbelts on all new ELB vehicles. Translink on the other hand are legally permitted to transport pupils without seatbelts. Operators, however, view the costs of implementation and enforcement as being high in terms of labour productivity for drivers, journey time for students and parents, capital investment in terms of fitment of audio and video warnings, and compliance costs for example in terms of penalties for drivers and pupils.

The PSV (Bus) Construction and Use (C&U) regulations require that seatbelts are fitted on faster vehicles (up to 63mph) but seatbelts are not required on buses limited to 56 mph. Evidence on seat belts and injury reduction suggests that their effectiveness may be limited to certain types of accidents. However, more evidence on this is required in order to effectively present an adequate cost-benefit analysis (DoE, 2003). In addition any safety benefits arising from the implementation of a seat belt policy would require enforcement in terms of seat belt wearing.

2.5.3 Misbehaviour, Vandalism and Bullying

Evidence presented to the NI Assembly Committee for the Environment (2001) cited the issue of misbehaviour of pupils on buses and that consideration should be given to supervision on buses, but also noted that this raised the issue of who would be responsible for this and how it would be paid for. The abolition of 3 for 2 at the time was discussed as one of the possible solutions to this problem. The recommendation of the committee was that an investigation should be undertaken into factors that contribute towards bullying and misbehaviour and that an Action Plan should be developed to deal with the problem. Measures to be included in such a plan were envisaged as:

- allocation of regular drivers, where not already in place;
- installation and use of video cameras and recorders on vehicles;
- the provision of escorts/passenger assistants;
- use of senior pupils as monitors;
- allocation of a specific seat to each passenger, with a presumption of responsibility for any damage in that immediate area;
- scheduling to avoid inter-school contact, or to separate age groups (NI Assembly, Committee for the Environment, 2001).

Research conducted by QUB for NICCY (Kilkelly et al, 2004) identified the need for a strategy to protect children from bullying on buses. Currently ELBs do not have a statutory obligation to provide supervision on school buses and despite a recommendation by the NI Assembly Committee that Translink and ELBs should look at factors that lead to bullying and misbehaviour, nothing has been done at a national level to address this issue (NICCY, 2005).

Translink have developed a number of initiatives²² to address misbehaviour on buses and are involved in an inter-agency partnership to develop approaches to the management of anti-social behaviour and bullying on buses in the Ballymena area²³. The partnership has taken some steps to address the problem these include:

- Re-routing of Translink services. Translink buses now pick children directly up from school to take them home instead of collecting them at the Ballymena bus/rail station. This seeks to reduce the numbers of children from different schools congregating in the station area. Police are also working under-cover to prevent assaults on pupils at the end of the school day;

²² These initiatives include: Community Safety Programmes, Child Safety Bus, Bee Safe/Operation Streetwise, Service Rangers and a Schools Education Pack – Travel Safe for Key Stage 3.

²³ Partnership includes: Translink, NEELB, local schools, Childline, the PSNI and the Ballymena Community Safety Partnership.

- ❑ A poster campaign which advises young people to speak to parents or their peers, of any problem;
- ❑ Training of school bus drivers on safety and bullying issues; and an
- ❑ An awareness raising seminar on safety/bullying issues for senior pupils (NICCY, 2005)

2.5.4 American Style Yellow Buses

Yellow buses in the US, Canada and New Zealand are a dedicated form of door to door school transport. They are not a scheduled stage carriage service and are therefore not shared with the general public. All seats are fitted with seatbelts and the drivers and children become familiar with one another over time and this can reduce vandalism and misbehaviour on the buses. The NI Assembly Committee for the Environment (2001) noted that Yellow Buses could be considered as an alternative and that a study should be commissioned to examine the advantages and disadvantages of this approach. It is felt that a loss of income from Translink would affect the viability of the wider bus network. In England several local education authorities have piloted the introduction of Yellow Bus schemes where the intention was to provide a cost-effective alternative to school bus contracts offered by private sector operators and also to reduce car use for school journeys. Evaluation of the scheme suggests that a yellow bus system can result in decreased car usage and a reduction in vandalism and anti-social behaviour by pupils. Parents and pupils were found to be in favour of the scheme on grounds of safety and convenience. Pupils also stated they were in favour of the no standing policy and the seatbelts provided on the buses. More recently, results of the evaluation of the yellow bus scheme in Bristol raised serious questions about the impact on mode shift and resulted in discontinuation of the service. The evaluation found that a third of pupils using the service had previously walked or cycled to school; another third had transferred from a commercial service, and a third were formerly driven to school (Local Transport Today, 2005). In Northern Ireland, DRD has stated that it is not prepared to pilot the use of yellow buses because of the potential impact on commercial services operated by Translink.

2.6 Conclusion

This chapter has highlighted the many concerns that surround the provision of home to school transport and safer journeys to school in Northern Ireland (and more generally within the UK). In Northern Ireland, the majority of journeys to school are made by car while walking and bus use have declined. 31% of pupils receive transport assistance, a greater proportion than in England and Wales. Increased parental choice under the post-primary review will also place more pressure on this system and may even contribute to further increases in car use on the home to school journey. Attention has also been focused on the 3 for 2 rule, standing and overcrowding experienced on school buses and scheduled services run by Translink, despite rises in the price of the annual travel pass (paid for by the ELBs). This represents a significant cross-subsidy from education to transport (£26 million for bus services in 2004/2005), but is seen as essential to maintaining a bus network in many areas. The costs of home to school transport have also risen dramatically. In Northern Ireland £57 million was spent on home to school transport by 2004/2005 this had risen to £62.5 million. Although the average unit costs compare favourably

with other parts of the UK, the spend in Northern Ireland accounts for a greater proportion of the education budget. A concern about the impact of government budget cuts on ELB services has been well documented.

The current system of home to school transport provision, however, is not targeted and may fail those who need it most (e.g. low income families), but increased targeting of this resource is likely to increase car use amongst wealthier car owning families. Evidence suggests that there is a suppressed demand for school transport and that reductions in school bus transport result in an increase in car journeys. There are clearly concerns about the way in which transport assistance is provided and the operation of the statutory walking distances approach to determine whether transport assistance can be offered. For example, pupils living three miles from their nearest school might live in an area well served by affordable, good quality, and reliable public transport; whilst pupils in another area, and living 2.9 miles from their nearest school may have poor or even no public transport options available - in effect forcing them into private cars. However, the impact of current legislation is that the former group have to be provided with free home to school transport, whilst the latter are unlikely to get any transport assistance. Complaints received by NICCY also point to dissatisfaction with the system. These complaints relate to children travelling large distances of up to 20 miles and transport assistance being refused because there was a closer school. In these cases the closer schools did not have the desired religious mix or were not non-denominational. Research has also indicated that children attending Irish-medium and integrated schools have particular difficulties with access to suitable transport due to the wider spread of schools. LEAs in other parts of the UK have sought to reduce the statutory walking distances to overcome some of these problems. Nonetheless there are issues surrounding the adequacy of the statutory walking distance approach as a mechanism to allocate transport assistance.

The exemption of buses, for school travel, from safety regulations that apply to other modes of transport is also causing a great deal of controversy at the present time. This includes the 3 for 2 rule, the lack of seatbelts, standing on buses. Although DoE have indicated that a regulatory impact assessment on seatbelts and seating is currently being undertaken. In the case of seatbelts, operators, however, view the costs of implementation and enforcement as being high in terms of labour productivity for drivers, journey time for students and parents, capital investment in terms of fitment of audio and video warnings, and compliance costs for example in terms of penalties for drivers and pupils.