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Seat Belts on School Transport (Scotland) Act 2017 Guidance



We would like to thank Claire Ingram aged 9 from Houston Primary School for creating our branding logo.

Introduction

1. This guidance has been prepared by officials of the Scottish Government in consultation with bodies representative of school authorities, young people, parenting and education groups, the bus industry, and Road Safety Scotland as required by Section 5, subsection (3) of the Seat Belts on School Transport (Scotland) Act 2017 (“the Act”).
2. This guidance should be read in conjunction with the Act and its Explanatory Notes.
3. The purpose of the Act is to improve road safety for school children by imposing a duty upon school authorities to ensure that each motor vehicle which the authority provides or arranges to be provided for a dedicated school transport service has a seat belt fitted to each passenger seat, i.e. one seat belt per pupil.
4. The law as to when persons must wear seat belts is currently contained in the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 (S.I. 1993/176) and is outside the Scottish Parliament’s legislative competence. However, this guidance and awareness-raising materials accompanying the above duty are intended to help promote good habits in relation to seat belt wearing.

Scope of the Duty

Meaning of “dedicated school transport service”

5. The duty referred to above applies to motor vehicles provided or arranged for a dedicated school transport service. For the purposes of the Act two kinds of transport service are dedicated school transport services, namely a “home-to-school transport service” and a “school trip transport service”.
6. A “home-to-school transport service”, refers to transport services which carry pupils to and/or from their homes and any educational establishment where they receive school education (as defined in the Education (Scotland) Act 1980) provided by a school authority. There are situations where pupils begin or end the school day at an institution at which they are not registered – for instance to take certain classes which are not offered at their own school – and this would be covered by this definition.
7. A “school trip transport service”, refers to transport services arranged by school authorities which carry pupils to and/or from any place where they receive education or training in general (whether that is provided at a school or at another place, such as during a visit to a museum or castle). This is a broad definition intended to cover the wide range of excursions which are arranged by school authorities. It would include trips where the vehicle leaves and returns to the school on the same day, as well as excursions which last over a period of days or weeks. It would also include journeys between different educational establishments.

8. A transport service which is capable of carrying both members of the general public as well as school children, such as registered local bus services, even if in practice the service carries mainly school children, would be excluded from the ambit of the Act. School-day only services, which some local authorities use to meet their existing duties under the Education (Scotland) Act 1980, by giving pupils season tickets or paying for individual journeys, will also be excluded for the same reason. The bus, under any of the aforementioned transport service forms, is currently the safest way to get to school¹. The Scottish Government recognises the benefit for local authorities in being able to tailor their provision to meet needs on the ground and it has never been the intention to restrict councils' flexibility and autonomy on the use of public buses where appropriate. For instance, where a good level of public bus provision exists it may not make sense for this to be duplicated by a council-contracted vehicle.

Meaning of “school authority” and “school education”

9. The definition of “school authority” is a tripartite one, comprising education authorities (i.e. local authorities constituted under section 2 of the Local Government etc. (Scotland) Act 1994), the managers of grant-aided schools and the proprietors of independent schools – thus all three kinds of school in Scotland are covered by the Act.

10. The term “school education” includes early learning and childcare as well as primary and secondary education: therefore, dedicated school transport services for pupils in local authority nursery classes or at nursery schools are covered by the Act, if that transport service is provided or arranged by a school authority and falls within section 1 of the Act.

Part 1: The Fitting of Seat Belts

12. The duty in the Act to ensure that seat belts are fitted on dedicated school transport services includes both vehicles that a school authority owns and directly provides for such a service and also vehicles which are indirectly provided via contractual arrangements with a third party transport operator. In order to fulfil the duty a school authority which does not currently use vehicles with seat belts for such provision has the option of choosing to “retrofit” vehicles itself – or alternatively, to use, or contract for the use of, vehicles which already have seat belts fitted.

13. The type and design of seat belt that must be fitted in different classes of vehicles is a matter of UK law. The Act simply applies the existing UK law in that regard, by defining “seat belt” as a belt of any kind which complies with the requirements of regulations made under section 40 of the Road Traffic Act 1972 and section 41 of the Road Traffic Act 1988 governing the construction, equipment and maintenance of motor vehicles. Regulation 47 of the Road Vehicles (Construction and

¹ [Department for Transport statistics, RAS30030, Reported child casualties in accidents occurring between 7:30 and 8:59am or between 3:00 and 4:59pm on a school day, by road user type, severity, gender and age, Great Britain, 2015](#)

Use) Regulations 1986 (S.I. 1986/1078) (“the 1986 Regulations”) sets out the range of options for the kind of seat belt which must be fitted in particular classes of vehicle. There are four main kinds that appear in Regulation 47: 3-point belts, lap belts, child restraints and disabled person’s belts. In addition, inertia reel belts are specified as a type of 3-point belt, and retractable lap belts as a type of lap belt. The 1986 Regulations also prescribe detailed technical requirements for the construction, installation and maintenance of seat belts.

14. As the type and design of seat belt that must be fitted in different classes of vehicles is a matter of UK law, the Scottish Government does not have the power to specify the type of seat belt that should be used. Lap belts are used on most buses and meet all the relevant legal requirements. They can be retracted and be easy to put on with one hand. However, a 3-point all age seat belt is generally recommended. Reasons to support this recommendation include that:

- The 3-point all age seat belt restrains the upper and lower parts of the torso, is anchored at not less than 3 points, and includes a lap belt. In addition, the position of the shoulder strap can be adjusted to suit the size of the passenger.
- This particular type of seat belt is rated highly for its effectiveness and ease of use. The seat belt tongue clips into the buckle, an action which can be performed with one hand. A retractor device is included as part of the seat belt system to ensure that any unnecessary slack is taken up automatically.

15. Some pupils travelling on dedicated school transport may need specialist provision, such as smaller children needing a height-adjustable seatbelt, adjustable straps, lap belts, or adaptations which are required because a young person has Additional Support Needs. The Scottish Government recognises that school authorities, particularly local authorities, are better placed to conduct needs assessments in line with their existing obligations regarding education provision more generally and to make provision or enter into contractual arrangements to allow for this.

16. School authorities have the right to inspect such documentation, that proves that the bus operator(s) is (are) providing a dedicated school transport service with a bus fitted correctly with seatbelts, at any time during the contract period. This documentation can be in the form of a Driver and Vehicle Standards Agency (DVSA) Certificate of Initial Fitness (COIF) (which will confirm initial installation/retrofitting of seat belts on the bus to the correct standard), a bus & coach certificate delivered by the Vehicle Certification Agency (VCA) and, where applicable, a valid MOT certificate to ensure that the seat belts fitted continue to meet safety standard requirements thereafter.

17. In addition to the scheduled vehicle inspection cycle, DVSA officers and the police have powers to undertake unannounced roadside vehicle inspections on buses and coaches. Local authorities also have the option to employ or appoint their own vehicle inspectors who can monitor buses or coaches used for their dedicated school transport contracts. Additionally, school authorities can make vehicle standards or maintenance a condition of contract and include punitive measures for breaches of this. Dedicated school transport vehicles will regularly be seen by parents, teachers,

drivers and the pupils themselves and any reports of poor vehicle maintenance should be taken extremely seriously.

18. The following section gives an example that can be fully, partially or not at all followed by School authorities when specifying their school transport contracts.

19. Example of best practice regarding seat belt specifications

Perth & Kinross Council - TRANSPORT CONTRACTS OPERATED BY PUBLIC SERVICE VEHICLES

Conditions of Contract for the Transport of Passengers - October 2017
General Specification for the Transport of Passengers - October 2017

PROVISION OF SEAT BELTS

With regard to Local School Bus Service, Education Transport, Additional Support Needs Transport and Community Care Transport Contracts only:

6.1.1 Where the vehicle to be used by the Contractor is adapted to carry 9 to 16 passengers, the vehicle shall be fitted with height adjustable inertia reel 3-point lap and diagonal seat belts, or full harnesses, for each seat position. The seat belts and their installation shall meet the relevant standards set by the DfT/DVSA. The Contractor, if requested by the Council, shall supply proof of the relevant seat belt test certification.

6.1.2 Where a bus with 17 or more passenger seats is to be used by the Contractor, each seat shall be fitted with either inertia reel 3-point lap and diagonal seat belts or retractable lap belts for each seat position. Lap belts may only be fitted in forward facing non-exposed seats where an appropriate energy absorbing seat or surface is present in front. The seat belts and their installation shall meet the relevant standards set by the DfT/DVSA. The Contractor, if requested by the Council, shall supply proof of the relevant seat belt test certification.

6.1.3 If a coach is to be used by the Contractor, each seat shall be fitted with at least a lap belt. Lap belts may only be fitted in forward facing non-exposed seats where an appropriate energy absorbing seat or surface is present in front. The seat belts and their installation shall meet the relevant standards set by the DfT/VOSA. The Contractor, if requested by the Council, shall supply proof of the relevant seat belt test certification.

6.2 With regard to Local Bus Service Contracts only, if the Contract Schedule specifies the provision of seat belts, or if the vehicle to be used on the Contract has seat belts even though they were not specified, the seat belts and their installation shall comply with relevant standards set by the DfT/DVSA.

6.3 Contractors and their work staff shall ensure that they comply in full with any seat belt wearing requirements for passengers as stipulated by the DfT/Scottish Government, including any legislation giving effect to EU Directive 2003/20. To ensure that passengers are aware about the requirements to wear seatbelts, the Contractor shall prominently display signs and/or pictograms, produced in accordance with the relevant legislation, throughout the vehicle.

6.4 With regard to Local School Bus Service, Education Transport, Additional Support Needs Transport and Community Care Transport Contracts only, where the contracted vehicle is adapted to carry 9 to 16 passengers, Contractors shall ensure that passengers always wear the seat belts provided, irrespective of the age of the passenger, unless the Council have specified that an alternative restraint system should be used. Booster cushions or child seats should only be used by passengers if specified by the Council.

Part 2: The Wearing of Seat Belts

20. Local authorities have general duties of care for pupils using school transport under both statute – the Education (Scotland) Act 1980 and the Schools (Safety and Supervision of Pupils) (Scotland) Regulations 1990 – and common law and there are a range of legal duties on a driver of any vehicle.

21. The Act does not affect the law on the *wearing* of seat belts on dedicated school transport which remains a matter of law reserved to the UK Government. Children under the age of 14 are currently not legally responsible for the wearing of a seat belt where one is provided. However, the Act represents an opportunity to promote successful approaches in making pupils wear a seat belt where one is available.

Promotion of seat belt wearing

22. It is important that young people understand the importance of wearing seat belts when travelling on the bus. Road Safety Officers, Road Safety Scotland, Scottish Fire and Rescue Service, Police Scotland, schools and local authorities are among the partners that can reinforce the importance of seat belt wearing. A Young Scot survey² undertaken early in 2018 found that half of young Scots think that the wearing of seat belts on school buses and coaches can help improve the atmosphere and reduce incidents of misbehaviour. Half of the respondents thought that the best messaging to encourage seat belt use in young people was outlining the discipline or punishment for not wearing a seat belt. This result was closely followed by suggestions related to detailed information on the topic and showing examples of the consequences of not wearing a seat belt. Given this, the main message to convey to pupils is to wear a seat belt wherever there is one. This will potentially prevent them from being injured and reported to their school.

23. Road Safety Scotland's approach to road safety is one of lifelong learning and a suite of free online resources have been developed for specific age groups from 3-18 years, with a view to developing responsible road use among young people. All the resources link to Curriculum for Excellence and the resources offer different learning styles to engage teachers and learners, and make the learning appropriate, relevant and challenging at every level. The importance of wearing seatbelts is covered within these resources and reference to the new guidance will be included where appropriate.

24. The Scottish Government recommends that children are shown how to wear a seat belt properly. School authorities will have the liberty to decide how and when to implement this recommendation, if they wish to do so. Seat belts must be adjusted in such a way as to ensure the maximum safety of passengers, where possible. To ensure maximum safety passengers must ensure that:

- seat belts sit as close to the body as possible, without any slack or twisting in the straps;
- the shoulder belt, if any provided, goes across the shoulder and not the neck;

² <https://www.youngscot.net/seat-belt-scotland-school-bus/>

- the lap belt goes as low as possible from hip bone to hip bone - not across the stomach; and
- a seat belt is never put around two people.

25. The Scottish Government recognises that pupils under 135cm may not be able to position a 3-point seat belt correctly, particularly if the seat belt is a non-height adjustable seatbelt, to provide maximum and safe restraint in an accident. Whilst in cars a booster seat would be used to position a pupil to allow a 3-point belt to sit correctly across their body, the use of booster seats on school buses may not be a practicable option or may result in other safety risks. Given this it may be safer for a small child **not** to wear a 3-point seat belt at all, rather than to try and use one incorrectly.

26. Although not a legal requirement on most of the motor vehicles which a school authority provides or arranges to be provided for a dedicated school transport service, it is good practice if pupils are notified that they must wear seat belts through any of the following means:

- an official announcement by the bus driver, escort(s) or pupil leader;
- an audio visual presentation (made when pupils join the bus or within a reasonable time of doing so); or
- a pictorial sign or text prominently displayed at each passenger seat equipped with a seat belt. An example of pictorial sign is provided in annex A.

27. School authorities may follow any of the following examples of good practice in relation to training pupils in the importance of wearing seat belts (for example through partnerships between families (including the young person), bus operators, and schools):

- in-class seat belt safety sessions to pupils, using DVDs and role play to reinforce important messages;
- trained staff to visit schools and carry out seat belt and safety training on board school buses, and to train pupils with special educational needs in the use and wearing of seat belts; and
- partnership with parents to impress upon their children the importance and necessity of wearing seat belts - this could be achieved by schools raising the issue at parents' evenings, engaging with parents - one example of this being through Parents Councils, sending information leaflets to parents or including an article on seat belts and responsibility in school newsletters.

Monitoring and assessing seat belt use

28. There are a variety of ways in which the wearing of seat belts by children and young people could be monitored, examples of these (where available) might include:

- the police. Some school authorities could work with the police to undertake spot checks of school buses to ensure that seat belts are being worn;
- sixth form pupils/prefects;
- specially designated escorts (e.g. passenger assistants);
- Inspectors (from an enforcement authority);
- Community based projects (which can employ parents and peers to encourage young pupils/young people to wear seat belts); or
- adding monitoring of seat belt use as a dedicated school transport service contract requirement.

29. Behaviour on dedicated school transport and best approaches to helping pupils can vary significantly from council-to-council, school-to-school or route-to-route. Therefore, there can be significant advantages in flexibility on how to deal with it and tailor approaches, so the Scottish Government does not consider that a national code of conduct would be the most appropriate way forward. School authorities should have flexibility about how best to monitor seat belt use.

Medical conditions

30. In some cases, there may be individuals whose doctors have decided that they should be exempt from wearing a seat belt on medical grounds. Disabled people may, for example, be exempted from wearing a seat belt on medical grounds.

31. In such cases, doctors will issue a 'Certificate of Exemption from Compulsory Seat Belt Wearing', which individuals must keep on their person and show to the police if challenged. All such certificates must specify a period of validity which can be as long or as short as medically justified.

32. There may be circumstances where it is necessary for seat belts to be specially adjusted to meet the physical or medical requirements of passengers.

PART 3: Annual Seat Belts Statement

33. The Act imposes a self-reporting duty on school authorities, who must prepare an annual statement relating both to the steps they have taken to comply with the duty relating to ensuring that seat belts are fitted and also to the actions which they have been taking to promote and assess the wearing of seat belts by pupils travelling on their dedicated school transport services. This could include the particular policies and procedures which authorities have in place to educate pupils about the wearing of belts and to measure their use.

34. In practice, this can be done on a website or in some kind of hard copy document, such as an annual report (in the case of a grant-aided or independent school) or a report which is scrutinised by a council committee (in the case of a local authority school), so long as it is in the public domain. This will have to detail measures which have been taken to comply with the legal duty imposed by the Act. A likely template is provided at Annex B.

ANNEX A

COMMUNITY DESIGN FOR THE PICTOGRAM PROMINENTLY DISPLAYED AT EVERY SEATING POSITION FITTED WITH A SAFETY BELT IN M2 AND M3 VEHICLES COVERED BY DIRECTIVE 91/671/EEC



ANNEX B

ANNUAL STATEMENT FOR ACADEMIC YEAR 20XX- 20XX IN RELATION TO IMPLEMENTATION OF SEAT BELTS ON SCHOOL TRANSPORT (SCOTLAND) ACT 2017

Name of the School authority:

Date of publication of this statement (should be as soon as reasonably practical after the end of the above academic year):

The Act imposes a self-reporting duty on school authorities, who must prepare an annual statement relating both to their compliance with the duty relating to seat belts imposed by section 1 of this Act and also to the actions which they have been taking to promote and assess the wearing of seat belts by pupils travelling on their dedicated school transport services (for instance, the particular policies and procedures which authorities have in place to educate pupils about the wearing of belts and to measure their use).

	Actions	Outcomes
Compliance with the Fitting of Seat Belts	<ul style="list-style-type: none"> - e.g. Our transport contracts operated by public service vehicles now specify requirement for one seat belt per pupil - e.g. Documentation inspected on xxxxx (date), proving that xxxxx (name of the bus operator(s)) is (are) providing a dedicated school transport service with a bus fitted correctly with seat belt 	<ul style="list-style-type: none"> - e.g. Our school bus fleet for Primary children is now fully fitted with seat belts
Promotion of the Wearing of Seat Belts	<ul style="list-style-type: none"> - e.g. official announcement by the bus driver is now made before departure - e.g. audio visual presentation is made when pupils join the bus or within a reasonable time of doing so - e.g. pictorial sign or text prominently is displayed at each passenger seat equipped with a seat belt - e.g. in-class seat belt safety sessions to pupils undertaken once a year, using DVDs and role play to reinforce important messages - e.g. information leaflets sent to parents encouraging them to impress upon their children the importance and necessity of wearing seat belts 	<ul style="list-style-type: none"> - e.g. outcomes from promotion have been incorporated within outcomes from assessment of seat belt use below
Assessing Seat Belt Use	<ul style="list-style-type: none"> - e.g. regular spot checks of school buses made by the police - e.g. Use of sixth form pupils/prefects - e.g. Use of Community based projects employing parents and peers to encourage young pupils/young people to wear seat belts - e.g. Monitoring of seat belt use now specified as a dedicated school transport service contract requirement 	<ul style="list-style-type: none"> - e.g. decreased number of pupils reported to school authorities for not wearing seat belt - e.g. increased proportion of secondary pupils wearing seat belts



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ISBN: 978-1-911582-42-7

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Published by Transport Scotland, April 2018

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