

Safer Transport Policy

Approved: 26th August 2015
Active from: 31st August 2015
Review: 31st August 2016

1. Purpose:

This policy outlines the council's approach to ensuring that transport provided for children (including those with Special Educational Needs), vulnerable adults and older people is as safe as possible. It provides a high level framework to support Oxfordshire County Council staff and people and organisations providing transport (providers) to ensure they meet their safeguarding duties. It also outlines what people using transport arranged through the council (passengers) and their relatives or representatives can expect from the council in relation to transport safeguarding and the quality of the service provided.

This policy is based on appropriate legislation and Government guidance, including:

- The Department of Education Home to school travel and transport statutory guidance
- Oxfordshire Safeguarding Children Board procedures
- Oxfordshire Safeguarding Adults Board procedures
- The council's safeguarding children procedures
- The council's Adults Safeguarding Policy and best practice guidance
- Disclosure and Barring Service Procedures

2. Context

The council has a duty to provide transport for children (including those with Special Educational Needs), vulnerable adults and older people who meet the appropriate criteria for access to statutory services and/or those that the council ensures are provided.

This includes transport to and from schools or educational placements, respite and day centres, events and activities under the council's statutory responsibilities.

This policy and the associated guidance outlines the safeguarding requirements and expectations all agencies involved must meet, including those contracted to provide transport services on behalf of the council.

It includes definitions of scope and a statement of principles for use by those providing transport to develop and ensure the effectiveness of their own safeguarding arrangements. It also describes, in broad terms, the outcomes for transport safeguarding, for both individuals and providers of transport.

Keeping people safe depends upon strong multi-agency and multi-disciplinary partnerships. As a member of the Oxfordshire Safeguarding Adults Board, the Oxfordshire Safeguarding Children Board and the Multi-Agency Safeguarding Hub (MASH), the council is committed to adopting a multi-agency approach to

safeguarding vulnerable adults and children from abuse and neglect, and improving their wellbeing. It expects all others involved in the provision of transport to follow the same ethos.

As a member of the Oxfordshire Safeguarding Children Board, the Oxfordshire Safeguarding Adults Board and the Multi-Agency Safeguarding Hub, the council will have designated safeguarding managers responsible for the management and oversight of individual complex cases and coordination where allegations are made or concerns raised about a person, whether an employee, volunteer or student, paid or unpaid.

The designated safeguarding managers will keep in regular contact with their counterparts in partner organisations. They also have a role in highlighting the extent to which their own organisation prevents abuse and neglect taking place.

The council has a Local Authority Designated Officer (LADO) who works within Children's Services to help co-ordinate information-sharing with other departments and agencies, including the licensing authorities and will also monitor and track any safeguarding investigation, with the aim to resolve it as quickly as possible.

3. Principles

The general principle of safeguarding can be defined as follows

Everybody has the right to be treated as an individual with dignity and respect, to live their lives free from abuse and fear of abuse and to have care and support in accordance with their needs. This right is underpinned by the duty on public agencies under the Human Rights Act 1998 to intervene proportionately to protect the rights of citizens.

The duty of local authorities to safeguard children:

Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have a number of statutory functions under the 1989 and 2004 Children Acts, which make this clear. This includes specific duties in relation to children in need and children suffering, or likely to suffer, significant harm, regardless of where they are found, under sections 17 and 47 of the Children Act 1989.

Whilst local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

Safeguarding and promoting the welfare of children is defined as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

Local agencies, including the police and health services, also have a duty under section 11 of the Children Act 2004 to ensure that they consider the need to safeguard and promote the welfare of children when carrying out their functions. ***Working Together to Safeguard Children, 2015.***

The duty of local authorities to safeguard adults:

The Care Act 2015 requires that each local authority must:

- make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom;
- set up a Safeguarding Adults Board (SAB)
- arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review (SAR) where the adult has 'substantial difficulty' in being involved in the process and where there is no other suitable person to represent and support them
- co-operate with each of its relevant partners (as set out in Section 6 of the Care Act) in order to protect the adult. In their turn each relevant partner must also co-operate with the local authority

The aims of adult safeguarding are to:

- stop abuse or neglect wherever possible;
- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs;
- safeguard adults in a way that supports them in making choices and having control about how they want to live;
- promote an approach that concentrates on improving life for the adults concerned;
- raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect;
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult; and address what has caused the abuse or neglect.

The council believes that all children, young people and vulnerable adults have an equal right to protection from abuse, regardless of their age, race, religion, ability, gender, language, background or sexual identity and consider the welfare of the child/ young person / vulnerable adult is paramount.

Everyone has a right to be transported safely and when this is arranged by the council in response to identified right or need, it is committed to ensuring an efficient and effective service where all those involved understand these expectations.

This requires effective communication and monitoring of all aspects of the council's transport provision, including close cooperation with the appropriate licensing authorities.

4. Responsibilities

Oxfordshire County Council

Safeguarding

1. The council expects all providers involved in the provision of transport to have a safeguarding policy as well as appropriate procedures and guidelines as set out in their contracts and framework agreement.
2. The council will make sure there is appropriate safeguarding training available for organisations and individuals providing transport, including their drivers and escorts. This will include guidance about appropriate behaviour and interaction with passengers.
3. It will make clear the appropriate procedure by which providers, drivers, schools, parents and people who use and run services can raise safeguarding concerns.
4. The council will ensure that all safeguarding concerns are reported via the appropriate escalation process.
5. The council shares information with other relevant agencies in line with the Oxfordshire Safeguarding Information Sharing Protocol and the Oxfordshire Safeguarding Adults Policy. Where the concern involves an identified child a referral must be made to the Multi-Agency Safeguarding Hub (MASH), no later than 24 hours after receiving the concern. The MASH takes the necessary steps in informing the child's parents/carers in conjunction with the school.
6. Any concern that relates to the actions of a driver, escort or any person in a position of trust that affects the safety or welfare of a child will be referred to the Designated Officer (LADO) and where appropriate Thames Valley Police as a matter of urgency, and no later than 24 hours after receiving the concern. The MASH is available to provide advice as needed.
7. Where a concern relates to an adult this must be referred to the Social and Healthcare Team who will progress the referral.
8. The council will arrange for transport providers to be given appropriate information about any special needs or requirements of passengers.

9. The council will ensure that transport providers have documented procedures in place to comply with the Data Protection Act. It will monitor this via the Quality Monitoring process and take action where non-compliance is identified.
10. The council will refer all cases where an allegation has been substantiated, or in any case where a driver or badge has been permanently revoked, to the appropriate licencing authority. In the case of coach providers this will include the Driver and Vehicle Standards Agency (DVSA). Where an allegation is being investigated the council will consider if it is appropriate to refer to licencing authorities or the DVSA on a case by case basis.
11. In the case of taxi services the council will work with Taxi Licensing Authorities through the Joint Operating Framework to ensure that there is appropriate training, information sharing, policy alignment and enforcement.
12. The council will provide an annual report to the Oxfordshire Safeguarding Adults Board and Oxfordshire Safeguarding Children Board, reporting on complaints, general safeguarding concerns and other issues of a safeguarding nature for which the boards have an interest, this will include any concerns around transport. For the Safeguarding Children Board the council and other agencies will also report on compliance with section 11 of the Children Act 2004, as outlined in the 'Working Together' guidance [here](#).

Health and Safety

13. The council will ensure that transport providers have appropriate Health and Safety policies in place and that these are being followed.
14. It will make sure that transport providers have procedures in place for drivers and escorts to follow in the event of an accident or incident involving their vehicle or the passengers. This will include the reporting and recording of any such incidents.
15. The council will ensure that transport providers have appropriate contingency arrangements in place in the event of breakdowns, staff unavailability and similar emergencies. This will include the process for notifying the council and passengers in the event of such an incident.
16. The council reserves the right at any time to inspect any vehicle or back-up vehicle used and its maintenance records.
17. Where possible the council will contact passengers, parents/family members, carers and where appropriate Social Workers, when a transport provider informs them that there is a problem with the transport or a delay in the estimated time of arrival.

Identification/Disclosure and Barring Service (DBS)

18. The council will provide access to trained staff who will undertake identification, right to work in the UK and DBS checks.

19. Where information is released as a result of the DBS process, no driver or escort will be allowed to work on a council transport contract until a satisfactory risk assessment has been completed. This will require the driver or escort to be interviewed and explain the information released on the DBS. The council reserves the right to decide whether the information released through the DBS process will prevent an individual from driving or escorting on a council transport contract.
20. On completion of the above checks and the appropriate safeguarding training, and subject to any satisfactory risk assessments, where required, the council will issue identification badge to all drivers and escorts. These will be renewed every three years.

Complaints

21. The council will ensure that contracted transport providers have an appropriate procedure in place to deal with complaints.
22. It will ensure that any complaints follow the council's corporate complaints process and or are referred to the Social Care Comments and Complaints Service when the complaint is in relation to Children's Social Care or Adult Social Care services.
23. It will respond to complaints and allegations and undertake investigations where required.
24. It will keep an accurate and up to date record of all complaints and allegations against all companies, including against drivers and escorts. It will use these to take action where appropriate.
25. The council will consider whether the failure of the provider to comply with expectations relating to safeguarding and complaints will result in a contract being revoked or in the case of a new service a contract not being awarded.
26. If the complaint or allegation relates to safeguarding, it may also be necessary to involve Thames Valley Police in the process.

Quality Monitoring

27. The council will have an appropriate Quality Monitoring Framework in place and ensure that this links to safeguarding.
28. The council has an expectation that providers take ownership of their own quality monitoring in the first instance and the council will maintain overall oversight and verification.
29. The council will work with providers ensure they comply with and understand the quality monitoring process.

30. Every provider or service establishment will be checked at least once a year by the council's Quality Monitoring team for transport.
31. Providers will receive advance notice of this annual check and be given a self-assessment form before it is undertaken.
32. The provider will be shown the annual check report once it is completed, and will be given the opportunity to comment on its findings.
33. Where issues are identified during this check the council will work with the provider to address these.
34. Where those issues are deemed as serious failings on the part of the provider, the council reserves the right to take immediate action, which may include the suspension of services or contracts. It will liaise with the relevant Licensing Authorities in relation to the concerns and action taken.
35. As well as annual checks the council will undertake random spot-checks.

Transport Providers

The following are general responsibilities that apply to all providers. Specific responsibilities will be contained in each transport provider's contract.

Safeguarding

36. The service provider must comply with the council's safeguarding policies and procedures to include the Oxfordshire Safeguarding Adults Board and Oxfordshire Safeguarding Children Board policies and procedures.
37. It must ensure that all drivers and escorts have completed the appropriate safeguarding training at the required frequency.
38. It must ensure that it has appropriate safeguarding procedures in place and these are followed at all times in the event that people, including drivers, school staff, parents, carers and passengers raise safeguarding concerns and that these are shared with the council and other appropriate agencies.
39. All safeguarding concerns must be reported to the council's Transport Hub (01865 323500) within 24 hours of receiving the concern.
40. When a driver or escort is delayed picking up a child or vulnerable adult, the transport provider should contact the council as a matter of urgency and inform them of the reasons for the delay.
41. The transport provider must ensure that it uses information provided by the council in relation to special needs or requirements (including medication requirements) of passengers and raises any questions / concerns at the earliest opportunity.

42. The provider must ensure that it complies with the Data Protection Act. It should have documented procedures in place for handling confidential and sensitive information, including a process for dealing with non-compliance. It must ensure that all staff understand their responsibilities and sign confidentiality agreements which outline these. The council will treat non-compliance of the Data Protection Act seriously and appropriate action will be taken.

Health and Safety

43. The transport provider must have appropriate Health and Safety procedures in place and be able to evidence that these are being followed.

44. It must ensure that drivers hold a current driving licence and insurance.

45. The provider must ensure that drivers and escorts have read and understood the council's Driver Code of Conduct.

46. Providers are responsible for ensuring that all vehicles used are compliant with current legislation, are road-worthy and have a current MOT certificate.

47. The provider will present vehicles for inspection at a place and time designated by the council.

48. It must ensure that drivers and escorts are aware of the procedure they must follow in the event of an accident or incident involving their vehicle or passengers and that they take action where they are not followed.

49. The provider must ensure that it has appropriate contingency arrangements in place in the event of breakdowns, staff unavailability and similar emergencies.

50. In the event of a vehicle being involved in an accident/incident when working for the council, the provider must inform the council immediately, irrespective of the severity of the accident/incident. A written report of the accident/incident must be submitted to the council within 24 hours.

51. The decision whether to operate shall rest with the provider, based upon local weather and driving conditions.

Identification/Disclosure and Barring Service (DBS)

52. All transport providers must only ever use or deploy the services of drivers and escorts who have been through a safe recruitment process, which must include the appropriate DBS disclosure and right to work in the UK checks. Providers are responsible for ensuring that all staff have undertaken these.

53. Providers must ensure that drivers and escorts carry their council approved identification badge at all times.

Complaints

54. The provider must have an appropriate procedure in place to deal with complaints.
55. It must investigate all complaints and alert others as appropriate.
56. Providers must keep an accurate and up to date record of all complaints and allegations against their company(ies), including against drivers and escorts.
57. All providers must have disciplinary procedures and sanctions in place for drivers and escorts in the event of a proven complaint.
58. It will ensure that all complaints are communicated to the council.
59. All transport providers must cooperate with the council's complaints procedures when required.

Quality monitoring

60. Providers must take responsibility for maintaining the quality of the service they provide.
61. Providers will be expected to comply with all quality monitoring procedures and visits by the council.
62. Where issues are identified via the council's quality monitoring, providers will be expected to undertake these actions within agreed timescales.
63. The provider must supply to the council on demand the name of the driver and/or the registration number of any vehicle used.
64. The provider's representative will be expected to attend meetings with the council as required at reasonable notice by the council to discuss the provision of the services.
65. It will be expected to share the council's objectives to continually improve and take advantage of improvement opportunities and new technologies.
66. The provider shall, on request, provide evidence that adequate facilities and qualified personnel are available (whether in-house or third party) to undertake all mandatory vehicle inspections, rectify defects and maintain their vehicles.
67. It must maintain comprehensive and accurate records of work carried out in the provision of services and shall retain such records for a minimum of six (6) years from the date of termination or expiry of the relevant contract.

68. The provider must have a written procedure and programme to inspect all drivers' original DVLA issued driving licences (not photocopies) to determine that they are valid and correct.
69. The provider must keep copies of all PCV/PSV Drivers' Certificates of Professional Competence (CPC) together with a record of the expiry date.

Drivers and escorts

Safeguarding

70. All drivers and escorts are required to respect the privacy and confidentiality of the people in their care.
71. All drivers and escorts must undertake the council's safeguarding training.
72. Drivers and escorts must report any safeguarding concerns to their managers as soon as they become aware of them.
73. All drivers will have read, understood and follow the Driver Code of Conduct issued by the council. Failure to follow this guidance may result in the removal of the driver's or escort's right to work on the council's contracts.

Health and Safety

74. In any circumstance where a driver or escort is delayed they should contact the council's Transport Hub via their own management as a matter of urgency to inform them of the reasons for the delay and provide an estimated time of arrival.
75. All drivers and escorts will ensure that all vehicles used on council transport contracts are road-worthy and have a current MOT certificate where required.
76. Drivers and escorts will ensure that where fitted, passengers wear seatbelts and that booster and child seats are used as appropriate.
77. In the event of a vehicle being involved in an accident/incident the driver/escort must inform their managers immediately.

Identification/Disclosure and Barring Service (DBS)

78. All drivers and escorts are required to undergo an enhanced DBS Service check through the council every 3 years, or have an enhanced disclosure registered on the DBS update service and provide relevant access to the council when requested.
79. Drivers and escorts will be expected to comply with the council's DBS process, including taking part in interviews where information is released through the DBS process. The council reserves the right to decide whether the information released through the DBS process will prevent an individual from driving or escorting on a council transport contract.

80. All drivers and escorts who have been resident outside of the United Kingdom for more than 3 months within the last 5 years will be required to provide a satisfactory police check from the country or countries in which they were resident in the last 5 years.
81. All drivers and escorts will provide appropriate original identification documents including evidence of the right to work in the UK (where this is appropriate) to the council as part of undertaking the DBS and badging process.
82. Drivers and escorts must be able to produce a valid and current council identification badge at the request of any passenger or others involved such as a parent, carer, school staff, or agency representative. Badges must be carried at all times.
83. Badges are not transferrable, and cannot be used by any other driver or escort.
84. The council reserves the right to require that an identification badge be returned and drivers or escorts must not work on a council transport contract until the identification badge is returned to the driver/escort.

Complaints

85. Drivers and escorts must ensure they understand their organisation's complaints procedures and report any complaints that are raised with them.

Quality Monitoring

86. Drivers and escorts must take responsibility for maintaining the quality of service they provide.
87. Drivers and escorts will be expected to comply with all quality monitoring procedures and visits by the council.

Schools/Day Centres/Agencies

Safeguarding

88. Schools, agencies and day centres are required to refer any safeguarding concern to the council as soon as it is brought to their attention.

Health and safety

89. Schools are required to address any unacceptable behaviour of students whilst on transport in line with the school's behaviour policy.

Identification

90. Schools and other agencies must check that drivers and escorts on any transport into their site have current and valid council badges. Schools and agencies should be encouraged to ask to see a driver's or escort's council badge wherever possible.

Passengers

Health and safety

91. Passengers will be expected to abide by the council's code of conduct for transport users.
92. Passengers should be ready at the pickup point in reasonable time.
93. Passengers should be aware of the need to keep themselves safe, for example queuing sensibly, away from the edge of the road, wearing seatbelts where this is required.

Identification

94. Where applicable passengers with a pass must carry it at all times to gain access to the transport.
95. Passengers should not lend, or allow any other party to use their bus pass.

Parents and carers of children who use transport services

Health and safety

96. Parents/carers and children have a right to expect that the transport provided to the child is appropriate for his/her needs, based on the information that they and or other professionals have provided to the Transport Hub.
97. Parents/carers are responsible for their child's behaviour at all times while on any council transport provision. Transport may be withdrawn if a child's behaviour is deemed unacceptable.
98. Parents and carers will inform the Transport Hub in the event of illness or hospital appointment. In an emergency situation, if for any reason a parent or carer needs to cancel transport out of hours, parents and carers are asked to contact the transport provider directly.
99. Parents and carers can contact the council's Transport Hub at any time for more information, if they are concerned about the transport provision or to make a complaint.

Monitoring and Review

100. The policy will be reviewed annually. This will take into account learning from complaints, compliments and concerns, including from people who use the council's services.

Raising a safeguarding concern

If you have a safeguarding concern you can raise it using the following contact details.

The Social and Healthcare Team - 0845 0507 666 and then

Option 2 for safeguarding concerns relating to children - (The Multi-Agency Safeguarding Hub (MASH) will be alerted if appropriate)

Option 4 for safeguarding concerns relating to Adults

Emergency Duty Team (0800 833 408) - to report a concern out of hours

Involving other teams

The Social and healthcare team will ensure other relevant teams are informed including:

- **The Local Authority Designated Officer (LADO)** (01865 815956) - The LADO should be informed when safeguarding allegations or concerns relate to drivers, escorts, staff, volunteers or any adult in a position of trust with a child
- **The Adult Safeguarding Team** (01865 328232) - Where the concern relates to a vulnerable adult.
- **Transport Hub** (01865 323500) - The hub must be informed when a safeguarding concern relates to council provided transport