

GAUTENG PROVINCE

Department: Education

REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF EDUCATION

SCHOLAR TRANSPORT POLICY

Policy Administrator	Directorate : Poverty Alleviation, School Nutrition & Scholar Transport
Date of Approval	
Internal Policy Register No.	To be allocated by SPDM&E once approved

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1. DEFINITIONS OF CONCEPTS

“Bus” means a motor vehicle designed or lawfully adapted, by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No: 29 of 1989) to carry more than 35 persons, excluding the driver, subjected to section 32.

“Department” means the Gauteng Department of Education.

“Head of Department” means the Accounting Officer of the Gauteng Department of Education or his/her delegate.

“Minibus” means a motor vehicles designed or lawfully adapted by a register manufacturer in compliance with the National Road Traffic Act, 1996 (Act no. 93 of 1996), to carry from nineteen (19) to thirty-five (35) seated persons, excluding the driver.

“Operating license” means such a license required by section 59 and granted and issued in accordance with this Act or the previous Act.

“Operator” means a person carrying on the business of operating a public transport service.

“Permit” means a public road carrier permit or similar authority issued in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977) or another law predating the previous Act and recognized as valid by the previous Act, and which is in force and has not yet been converted to an operating license on the date of commencement of this Act.

“Public school” means a public school as defined n Section 1 of the SASA Act, 1996 (Act No. 84 of 1996).

“Roadworthy certificate” means a certificate certifying the roadworthiness of a motor vehicle in accordance with requirements of the National Road Traffic Act.

“Safety standards” means norms referring to protective measures as promulgated by the National Road Traffic Act

“School bus” means a mini-bus or bus, owned by or contracted to, or on behalf of, a school, and used principally for the conveyance of scholars and other persons associated with such school in terms of a valid and appropriate Operating license.

“School day” means a day in a school term on which tuition is scheduled to take place at a school, to pupils enrolled at such a school.

“School holiday” means a period between two consecutive school terms during which tuition is suspended.

“School term” means any one of the periods into which a particular school year is divided for tuition purposes and fixed as such by the head of education at a particular school.

“School” means a pre-primary, primary or secondary school as defined under SASA

“Timetable” means a published document informing learners of headways, that is interval between departures of the passing of vehicles, or times when and places where learner transport services are available, indicating at least origin and destination points and significant intermediate pick up points along the route.

“Trip” means a journey to and from school.

“Unauthorized passenger” means any person not permitted to be in a learner transport vehicle.

2. ACRONYMS

Acronym	In full
COF	Certificate of Fitness
GDE	Gauteng Department of Education
HO	Head Office
PDP	Public Driving Permit
SASA	South Africa Schools Act
SMT	School Management Team
STP	Scholar Transport Policy

3. BACKGROUND

The Gauteng Province is characterised by rich and poor communities whereby in certain instances the latter lacks facilities such as schools, clinics, sport fields, etc.

These poor communities reside in old townships where planning was done in the context of the apartheid philosophy, commercial farms, informal settlements, and newly formalised residence where certain amenities are not as yet in place.

The sparseness of the settlements and the scarcity of the learning facilities expose poor learners to adverse conditions detrimental to a conducive learning environment. These conditions include, but are not limited to weather, crime, exhaustion, etc.

As people are now moving to the centres of the cities, schools are becoming over crowded which forces learners to travel distances to get to nearest schools

4. PROBLEM STATEMENT

In the process of delivering curriculum it has been established that some learners are deprived access to education in public ordinary schools due to the distances they have to travel to and from school on a daily basis.

5. POLICY STATEMENT

The Gauteng Department of Education Scholar Transport Policy seeks to ensure and protect the rights of learners to access education as entrenched in the Constitution of the Republic of South Africa through a reliable and safe scholar transport system. The Department does not have a fleet and/or buses in order to transport learners to their respective learning institutions. It however outsource this function to capable service providers.

6. PURPOSE OF THE POLICY

The purpose of the Scholar Transport Policy (STP) is to set out guidelines for the provision of scholar transportation services for learners and ensure that learners are punctual and arrive safe at school for effective learning and teaching to take place uninterrupted.

7. OBJECTIVES OF THE POLICY

The objectives of the STP are to:-

- Ensure that learners access public schools with ease.
- Enhance the learning and teaching of learners.
- Minimize the walking distance for learners to schools.
- Ensure that the safety of learners and service standards are met within the learner transport scheme.
- Provide sustainable and affordable mobility.
- Provide job opportunities for transport operators.
- Ensure the procurement and formalization of scholar transport services in a transparent and accountable manner.
- Ensure a good working relationship amongst the stakeholders.

8. LEGISLATIVE FRAMEWORK

This STP is impacted by the following pieces of legislation:-

- The Constitution of South Africa, 1996 (Act No. 108 of 1996) which provides the right of access to education by all scholars;
- The draft policy is guided by the White Paper on National Transport Policy.
- National Land Transport Transition Act, 2000 (Act No: 22 of 2000).
- The National Road Traffic Act, 1996 (Act No: 93 of 1996).
- Other relevant legislations are Public Transport Action Plan and National Land Transport Strategic Framework.
- The South African Schools Act (Act No: 84 of 1996).
- Public Finance Management Act (Act No: 1 of 1999)
- Preferential Procurement Policy Framework Act (Act No: 5 of 2000)

9. SCOPE OF APPLICATION

The STP applies to all needy learners, no choice of theirs, walking a distance of five kilometers (5km) or more kilometers to the nearest public ordinary school per single trip will be provided with learner transport.

In cases where other compelling matters prevail, fully motivated requests must be provided for consideration.

Though it is expected that Grade R sites will be established nearest to where the learners stay, where they do not exist, learners will be transported to those schools which a distances from where they stay.

Learners who, by choice, leave schools nearest to their place/s of residence shall not be covered by the programme.

10. NEEDS ASSESSMENT

It is the principal's responsibility to ensure that quality teaching and learning take place in classroom every school day. The principal through the help of the SMT and educators must identify learners who would not arrive in school in time more especially due to the distances they travel from home to school.

In the event that the distance they travel per trip is more than 5km on daily basis, a request must be made to the district office for provision of the scholar transport. Before making the application to the Head Office (HO) via the district office, it should be established that there is no school nearer the residence of the learners. Should it be established that it is the choice of the learner or parent to leave nearby school(s), no application must be made.

When a new school closer to the residence of learners that caters for the needs of those learners who have been travelling long distances, the scholar transport will cease to carry the learners to the former school. Parents and relevant stakeholders shall be informed accordingly.

11. TRANSPORT PLANNING

Transport planning is fundamental in the delivery of scholar transport and is underpinned by the following:-

- The Service Provider shall be required to transport learners as per specifications and Service Level Agreements.
- Loading/ off- loading zones must be in places where learners are not endangered or become obstacles to other road users.
- The operator shall provide transport on all school days as required
- The driver shall sign a time book each time he/she collects and deliver learners.
- The SMT of the benefiting schools shall determine the time-table for the learner transportation in consultation with other school(s) if more than one school participates in a route.
- GDE shall facilitate and acknowledge the contract between itself and the Service Providers.
- The SMT shall ensure that the contracted vehicles travel the distance as contracted and inform the relevant authorities accordingly should any changes arise.
- The SMT shall report to the relevant authorities any changes in learner numbers and pick- up points.

12. CONDUCT

The conduct of learners, bus operators/drivers and parents is utmost in the delivery of scholar transport as bad behavior will have a negative impact of the users of the scholar transport. Any bad behavior demonstrated by any of these parties will be dealt with accordingly.

- There should be mutual respect amongst learners, group leaders, bus operators and marshals.
- Learners should be punctual at both pick-up points and this applies to pick-point in the morning and at school in the afternoon.
- No learners shall be sitting on windows or on arm/head rests while the bus is in motion

- Learners should respect property and do not vandalise the buses.
- Bus operators should provide waste bin to encourage learners not to litter in the bus or throw objects out of the windows
- Learners should carry identification cards for easy of identification and for record purposes
- Learners should stick to the pick-up and drop-off points
- No driver shall touch, fondle, smack, kick, insult learners or conduct himself or herself in an unbecoming manner. This type of behavior is forbidden even if it conducted by any learner against another, driver or any authorized user of the scholar transport.
- Smoking, carrying and use of drugs and alcohol and dangerous weapons are totally not allowed in the bus. This applies to learners, drivers and any authorized person(s) when the bus is in transit
- No learners shall board or alight the bus when it is motion.
- No driver will request or allow any learner to operate the bus in motion or stationary
- Parents are not allowed to use the scholar transport even if they are going to the same school for whatever reason.
- It is the responsibility of the parent to ensure that the learner is punctual and is at the pick-up point every morning
- No parent shall force the driver to take any learner not authorized to be in the scholar transport
- No bus operator will pick up learners not authorized to be using the scholar transport.
- No driver will drop a learner not at the regular drop-off
- Bus operators will stick to the authorized pick-up points and routes

Where the bus operator, learners, traffic authorities, education officials identify any form of misconduct in the bus or at pick-up and drop-off points that must be brought to the attention of principal, parents, GDE authority and scholar transport owners for the purpose of correction or disciplinary action.

13. SAFETY AND SECURITY OF LEARNERS

The safety and security of learners being transported through the scholar transport operation depend mainly on the conduct of the driver, condition of the bus and to a certain extent on the condition of the road. The following should be observed:-

- Registration certificate of the vehicle transporting learners should comply with the current legislative requirements regarding public transportation
- Learners shall be always be transported in a bus that has a valid Certificate of Fitness (COF)
- Many accidents are caused by vehicles which are not supposed to be on the road in the first place. All the buses must always have Road Worthiness Certificates which must be validated by authorized traffic authorities
- Traffic authorities will be requested periodically to assist in the validation of the roadworthiness of the scholar transport
- Passenger's liability of R50 000 or more per passenger per incident.
- Copies of the certified permit/ operating license similar to the vehicle registration
- Certified copy of the driver's license and Public Driving Permit (PDP)
- Permit/ operating license valid for the vehicle.
- The bus operator will ensure that learners are safely transported between pick-up points and schools.
- The pick-up points must be accessed by learners with ease and learners must be dropped at school in particular where it will be accessed easily with minimum or no traffic flow
- At all times the service provider must ensure that passenger liability is valid and renewed, and thereafter submits to the Department.
- No learners will be transported in unauthorized transport mode such as motor vans, trucks or any form of bus that is not authorized as per tender prescripts.
- The bus operators that all necessary documents such as Passenger Liability, Operating License, and Professional Drivers Permit etc. are safely kept and produced whenever requested by either traffic management authorities or GDE officials

14. RISK AND LIABILITY MANAGEMENT

Learner transport is regulated in terms of the following general transport legislation and regulations:

- All vehicles contracted to transport learners must comply with the National Road Traffic Act, 1996(Act of 1996) and the National Land Transport No. 05 of 2009.
- Learner transport vehicles must have school bus stickers at the back and front for easy identification.
- In the event that any learner transport vehicle is suspected not to be in good conditions, the vehicle shall be inspected by traffic official(s).
- All vehicles contracted for learner transport should be of heavy passenger category and must undergo the roadworthiness test on annual basis for COF
- Temporary replacement of vehicle(s) due to breakdowns must be a vehicle of the same category as the one contracted. Replacement on the operating license should also be effected to ensure compliance.
- The service provider will be responsible for the safety of learners during breakdowns and to ensure that they reach their destinations.
- The service provider shall at all times ensure the driver and vehicle fitness.
- The service provider shall ensure that documents to be kept in vehicle are valid and always available for inspections.
- The service provider shall ensure that his/her vehicle is tested at the beginning of every quarter, and provide proof to the Department. Should the Department wish to conduct further tests, the service provider will have to comply.

- The service provider shall ensure that invoices for payments are completed correctly, required documents properly attached and submitted at the prescribed time.
- No unauthorized person shall be transported on the vehicle when driver/operator goes for trips from specified pick up points to and from schools.
- The operator /driver shall service the school according to given time tables.
- The service provider will be held liable for any violation of the contract or SLA, including liability in the event there is reckless driving by the bus driver leading to an accident.

15. CONTRACT MANAGEMENT GUIDELINES

- The GDE officials will monitor compliance with regard to contract specification or service level agreement (SLA) through announced or unannounced inspections.
- Both parties should monitor compliance.
- If there is a breakdown or accident, the replacement should be in good condition and also according to specification with minimal disruption to the trip of the learners. If the company /service provider fails to replace the bus/es the owner shall be liable for the costs of replacement.
- Furthermore in case of an accident the bus operator will ensure that emergency services and traffic management services are called immediately. The school principal is also informed immediately who in turn informs the District Director promptly.
- The Department will only pay for services rendered.
- If the trip is incomplete, the Department will not pay.

16. SUPERVISION

As much as certain forms of undesirable conduct have been spelt out, it is necessary that supervision of both learners and bus operators should be conducted.

Parents will be requested to take turns on supervising the conduct of the bus users. It will also be encouraged that group leaders should be appointed and trained on how to oversee the affairs in the bus. It is not just about issues of misconduct but it is also to encourage creativity and innovation within the scholar transport operation

17. MANAGEMENT, MONITORING AND EVALUATION

- Approval for routes and any deviations from the norm such as requested for provision of scholar transport for distance less than 5km, decision on transporting learners to other schools if there are challenges with nearby schools, use of buses outside the normal contracts, etc will be done by the Head of Department
- Monthly claims must be reach the Provincial office on or before the 7th of the next month.
- Submitted monthly claims shall have been checked and certified correct by responsible managers beforehand (starting from the principal to the district office and finally to the Provincial Office for execution).
- Submission of claims is not a choice but an obligation.
- Monitoring of learner transport shall be done on a continuous basis.
- Traffic officers shall at any given time monitor learner transport and take strong action on non-compliance to violation of transport and traffic requirements
- Monitoring shall remain responsibility of GDE officials. Other stakeholders like principals, educators, SGB's of schools participating in learner transport and community members shall assist the Department by being whistle blowers when certain conditions are violated.
- GDE will be responsible for programme monitoring and evaluation at all districts.

18. PRIVATE SCHOLAR TRANSPORT

Any late arrival of learners in school whether, through private or public scholar transport service, is disruptive to learning and teaching and to the overall performance of learners. This is strictly forbidden. Parents of such learners shall ensure that their learners are punctual at school. Should the late arrival occur parents of implicated learners shall be informed to correct the situation.

Comfort and safety are paramount to the effective learning of learners. No learners should be transported in unsafe, unhealthy and uncomfortable vehicles. Overloading of learners in whatever type of vehicle undermines the comfort and safety just mentioned.

Transportation of learners by open or closed motor vans, lorries, unfit and unroadworthy vehicles is not allowed. Traffic management authorities and GDE officials from time to time will pounce on private scholar vehicles to check compliance with transport regulations and act accordingly.

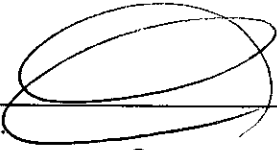
All matters of misconduct mentioned under the sections on Conduct, and Safety and Security of Learners above are also applicable to private scholar transport. In whatever circumstances the parents of the learners take responsibility for the safety of the learners.

Head Office will encourage principals, SMTs and SGBs to engage private providers on punctuality and conditions of the vehicles and behaviour of learners.

Department will continuously engage traffic and other law enforcement agents to enforce compliance with traffic and general laws within the private service provider component.

19. POLICY REVIEW

Amendment/Review of Policy Document will be done annually or where need arises.

Approved by GDE: HOD	Signature. 
Date of Approval	2011 10 05

