

SCHOOL POLICY REGARDING TRANSPORT

Introduction

It is imperative that all schools implement a safety policy when arranging transport for learners or staff. Transport of learners may include:

- Travel to and from sporting and cultural events
- School excursions
- Daily transportation to and from school

1. Definitions

In this policy, any word or expression to which a meaning has been assigned in the Act, has the same meaning assigned to it, and unless the context otherwise indicates –

Bus – means a motor vehicle designed, or lawfully adapted, by a registered manufacturer in compliance with the Road Traffic Act, 1998 (Act 29 of 1998), to carry more than 35 persons, excluding the driver, subject to section 31 of the Road Traffic Act.

Charter Service – means a public transport service operated by road, involving the hire of a vehicle and a driver for a journey at a charge arranged beforehand with the operator, where:

- a) Neither the operator nor driver charges the passengers individual fares
- b) The person hiring the service has the right to decide the route, date and time of travel; and
- c) The passengers are conveyed to a common destination

Driver – means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle or who leads or drives any draught, pack or saddled animal, or herd or a flock of animals

Driving licence – means a driving licence referred to in the National Road Traffic Act, 1996 (Act 93 of 1996).

Educational activity – refers to any learning activity conducted off the school premises, organised and supervised by the educators of learners, approved by the school principal, and within the context of a school activity.

Educator – means any person (excluding a person who is appointed to exclusively perform extra-curricular duties) who teaches educates or trains the learners or who provides professional educational services, including professional therapy and educational psychological services, at a school.

Educator in charge – refers to the educator who has the responsibility of planning for and conducting the excursion and who has a primary responsibility for the care and safety of the learners.

Management – means a Management contemplated in section 16(1) of the South African Schools Act, 1996 (Act 84 of 1996).

Gross vehicle mass – means, in relation to a motor vehicle, the maximum mass of such a vehicle and its load specified by the manufacturer thereof, or, in the absence of such specification, as determined by the registering authority.

Identity document – means an identity document as defined in section 1 of the Identification Act, 1986 (Act 72 of 1986)

Indemnity form – refers to a written undertaking, completed and signed by a learner's parent, not to take civil action against a school, the department, and/or its employees.

Independent school – means a school registered or deemed to be registered in terms of section 46 of the South African School act, 1996 (Act 84 of 1996)

Learner – means any person receiving education or obliged to receive education in terms of the South African School Act, 1996 (Act 84 of 1996)

Member of staff – means a person employed at a school

Minibus – means a motor vehicle designed, or lawfully adapted by a registered manufacturer, in compliance with the Road Traffic Act, 1989 (Act 29 of 1989), to carry from 9 – 18 seated persons, excluding driver.

Minibus-taxi-type service – means an unscheduled public transport service operated on a specified route or routes, or, where applicable, within a particular area, by means of a motor car, minibus or midi bus, subject to section 31 of the Road Traffic Act, 1989 (Act 29 of 1989).

Motor car – means a motor vehicle, other than a motor cycle, motor tricycle or motor or motor quadricycle as those vehicles are defined in the Road Traffic Act, 1989 (Act 29 of 1989), designed or unlawfully adapted by a registered manufacturer to carry not more than 8 persons, excluding driver.



Operate on a public road – or any like expression in relation to a vehicle, means use or drive a vehicle or permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road.

Owner – in relation to a vehicle, means:

- a) A person who has the right to use and enjoyment of a vehicle in terms of the common law or a contractual agreement with the title holder of such a vehicle; or
- b) Any person referred to in (a) above for any period which such person has failed to return such a vehicle to the title holder in accordance with the contractual agreement referred to in (a) above.

Parent – means:

- a) The biological or adoptive parent or legal guardian of a learner
- b) The person legally entitled to custody of a learner; or
- c) The person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at school

Principal – means an educator appointed or acting as the head of the school.

Public road – means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof which the public or any section thereof has the right of access, and includes:

- a) The verge of any road, street or thoroughfare
- b) Any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- c) Any other object forming part of or connected with or belonging to such road, street, or thoroughfare

Public transport operator – means a person carrying on the business of operating a public transport service.

Public transport service – means a service for the carriage of passengers by road or rail, whether the service is subject to a contract or not, and where the service is provided for a fare or other consideration or reward, including any service that is:



- a) A scheduled service
- b) An unscheduled service, which includes a minibus-taxi-type service
- c) A charter service
- d) A long-distance service
- e) A metered taxi service
- f) A rail service
- g) A tourist service or
- h) A shuttle service

And, except where clearly inappropriate, the term 'public transport' must be interpreted accordingly.

School – means a public school or an independent school which enrolls learners in one or more grades from Grade R (Reception) to Grade 12.

School activity – means any official educational, cultural, recreational or social activity of the school on or off the school premises.

Scholar transport – means the dedicated transporting of scholars, learners and educators as contemplated in section 27 of the Road Traffic Act, 1996 (Act 93 of 1996) and does not include transporting of such persons as part of normal public transport.

Supervision – means the management and control of learners at school and during school activities.

Supervisor – refers to an adult who acts in a designated supervisory capacity, and may be a member of a teaching or non-teaching staff, a parent or other volunteer.

Supervisory team – means all adults who supervise an excursion.

Roadworthy certificate – means a certificate certifying the roadworthiness of a motor vehicle in accordance with the requirements of the Road Traffic Act, 1989 (Act 29 of 1989).

2. Constitutional and legislative framework

The following constitutional and legislative frameworks underpin this policy:

- a) The constitution of the Republic of South Africa, 1996.
- b) The South African Schools Act, 1996 (Act 84 of 1996)
- c) The Regulations on safety Measures on Public Schools, Government Gazette No 29376, dated 10 November 2006.
- d) The National Road Traffic Act, 1996 (Act 93 of 1996).
- e) The Road Traffic Act, 1989 (Act 29 of 1989).



- f) The National Land Transport Act, 2009 (Act 5 of 2009).
- g) The National Land Transport Transition Act, 2000 (Act 22 of 2000)
- h) The National Road Traffic Regulations, 2000.
- i) The Administrative Adjudication of Road Traffic Offences Act, 1998 (Act 46 of 1998).
- j) The Administrative Adjudication of Road Traffic Regulations, 2008.

3. School owned transport

A school that owns vehicles for transporting learners must ensure that:

- a) Such vehicles have insurance and roadworthy certificates
- b) Drivers of such vehicles are in possession of a valid driver's licence and professional driving permit.
- c) Vehicles are well maintained and comprehensive log books are kept.
- d) Sufficient passenger liability insurance is procured.
- e) The principal, supervising educator or member of the SGB must intervene if there is any doubt about the roadworthiness of the vehicle or the competence of the driver of the vehicle.
- f) The principal, supervising educator or member of the school Management must liaise with the driver of the vehicle in connection with reporting any incident to the police, and must report the accident himself/herself, within 48 hours, if the driver or the owner of the vehicle fails to do so. Drivers of school owned vehicles should comply with a Code of Conduct provided by the school if they utilise school buses.

4. Code of Conduct should include the following points

- Ensure the safety and behaviour of students while they are entering, travelling in and alighting from the bus, and report continued or serious misbehaviour to the principal. Drivers must not, under any circumstances, put students off the bus as a disciplinary measure or use any form of corporal punishment.
- Observe the requirement of the Road Traffic Act 1996 (Act 93 of 1996)
- Use discretion in an emergency, but on no account leave children unsupervised in such a situation



- Before each trip, check tyres, coolant level, engine oil levels, brakes, hooter and steering. Ensure that all lights are operating, and that lenses, reflectors, mirrors, and front rear windows are clean
- When carrying students, ensure that the light are switched on (low beam)
- Constantly monitor gauges and warning systems and stop the bus on any indication of fault. Report immediately
- Ensure that doors are closed when the bus in motion
- Ensure that keys are not left in the ignition when the bus is not being driven, and that the bus is locked when unattended
- Ensure that the parking brake is engaged when the bus is stationary
- Fuel the bus
- Avoid reversing a bus unless a responsible person is available to provide guidance
- Ensure that children sit in assigned seats if this procedure has been authorised by the principal
- Not convey any person other than approved students and passengers
- Not allow parcels or equipment other than held luggage, to be carried onto the bus
- Adhere strictly to the bus timetable
- Arrange delivery of the bus for service and repair work as required, issue and sign order prior to the work being performed
- Complete entries in the Bus Log book from daily



- Maintain the bus in a clean condition, inside and out
- Ensure that fire extinguishers are regular checked and maintain in an effective working order
- Ensure that first aid kits are maintained in a clean condition and stocked in accordance with the list provided in the kit
- Report all vehicular accidents immediately
- Not drive bare foot, wearing thongs or derivatives, or high heeled shoes
- Not use ear plugs, ear muffs or ear phones while driving a bus
- At all times while driving a bus be able to satisfy a zero-blood alcohol reading as required by legislation (any breach could result in dismissal)
- Not take any drug likely to impair performance as a bus driver
- Not smoke in buses
- Not to drop children off at no other than their normal bus stop without specific approval in advance from the principal

5. Public transport services

5.1. When using buses owned by a transport company or private owner, the school must ensure that the transport company or the owner of the vehicle(s) provide(s) the school with certified copies of:

- a) The roadworthy certificates for each vehicle
 - b) Its passenger liability insurance policy; and
 - c) The valid driver's licence(s) and professional driving permit(s) of the driver(s)
- If the excursion is for more than one day, the transport company or the owner of the vehicle(s) must provide (a) substitute driver(s) and a transport support system en route. Each vehicle must also have a fire extinguisher.



5.2. The principal, supervising educator or member of the school Management board must intervene if there is any doubt about the roadworthiness of the vehicle(s) or the competence of the driver(s) of the vehicle. They should conduct a cursory inspection of the bus to determine its roadworthiness to transport learners safely.

The following should be noted during an inspection:

- a) The condition of the tyres of the bus
- b) The conditions of the windows
- c) The operation of the entrance and exit doors
- d) The conditions of the seating in the bus
- e) The appearance of the bus
- f) Whether the windscreen wipers, head-, tail- and brake lights and handbrake are in working order. (Ask for a demonstration before leaving).
- g) Whether the brakes of the bus are in sound working order. (A brief demonstration can be arranged on or immediately outside the school premises).

5.3. The principal, supervising educator or member of the school Management/board must liaise with the driver or owner of a bus if an accident must be reported to the police, and must report the accident himself/herself within 48 hours if the driver or the owner fails to do so.

5.4. Transport companies or owners must, in addition to the above, comply with the requirements for scholar transport set out in the Regulations for the Administrative Adjudication of Road Traffic Regulations, 2008, Chapter 6, and any other notice which may, from time to time, be published in terms of such regulations.

6. Safety and School Excursions

The school must make every effort to ensure the safety of learners during the excursion, including, but not limited to, the following:



- a) The school must take out short-term insurance against accidents, injuries, general medical expenses, hospitalisation, and theft. In the event of an injury suffered by a learner, the school must be willing to assist the parent concerned in claiming from the insurer on behalf of the learner, and against the Road Accident Fund, where applicable.
- b) The school must ensure that the learners are always under the supervision of an accompanying educator, considering the gender composition of the learner group.
- c) The educator: learner ratio is at least 1 educator or parent or other adult for every 20 primary school learners, or at least 1 educator, parent or adult for every 30 high learners.
- d) Supervisors other than educators are screened to work with learners.

7. Reporting Process

1. Immediately after returning from a school activity, the supervising educator must submit a detailed excursion report to the principal within 5 working days so that if any action needs to be taken it can be done so immediately.
2. **The report must include the following, if applicable:**
 - Accident
 - Injury to a learner, educator, driver or any other person or
 - Any act of misconduct on the part of a learner, educator, driver or any other person
 - The nature of the accident, injury, or act of misconduct
 - The date, time, and place of the incident
 - Procedures which were followed in dealing with the incidents
3. The principal must take necessary disciplinary steps against persons who commit acts of misconduct during the excursion, as contained in the excursion report.



8. School insurance

8.1. An insurer of a school as contemplated in regulation 8(A)(2)(a) may not rely on section 60 of the South African Schools act of 1996 to avoid liability in terms of the Insurance policy.

8.2. If an insurer is liable in the event of injury suffered by a learner, the school must assist the parent in claiming from the insurer on behalf of the learner.

8.3. If the Road Accident Fund is liable in the event of injury suffered by a learner, the school must assist the parent in claiming from the fund on behalf of the learner.

8.4. A public school must assist a parent in any claim made in terms of Section 60 of the South African Schools Act 84 of 1996.

9. Special Note

Please note that under no circumstances should a member of staff transport a learner in a private vehicle.

10. Consent

Schools must obtain written consent from parents before any school transport is utilised.

This policy was adopted by the School Management on

This policy has been made available to school personnel and is readily accessible to parents and learners on request.

This policy will be reviewed and updated every year.

Signed _____
School Management

Date: _____

Signed _____
Principal

Date: _____

Signed _____
Educator Representative

Date: _____

