

Safeguarding and Contract Compliance

This document forms part of Lancashire County Council's Safeguarding Procedures and is included in its Local and School Bus DPS Agreement 2020 - 2029.

It offers advice and guidance for service providers and their employees in the discharge of their safeguarding responsibilities in accordance with the authority's contract compliance requirements. Adherence to these procedures will protect the children and vulnerable adults who use our services.

The requirements shown within the document cannot be varied and any failures or breaches of Safeguarding or Contract Compliance procedures can lead to serious disciplinary sanctions being applied to a service provider and their employee(s), up to and including summary dismissal from the contract, removal from the Dynamic Purchasing System (DPS) or, in respect of employees, permanent exclusion from the operation of the authority's contracted services.

Service providers must ensure that all employees providing the authority's contracted bus services are fully aware of the authority's Safeguarding and Contract Compliance requirements detailed in this document.



Issued August 2024

The Application of the Authority's Enhanced Disclosure & Barring Service (DBS) procedures

- Drivers of the authority's contracted school bus services must have obtained an Enhanced DBS Clearance approved by the authority. Where a DBS disclosure is ratified, the driver will be issued with a DBS Identification Badge.
- It is a requirement that drivers operating the authority's school bus services wear, on open display, the LCC DBS Identity Badge issued to them.
- Where a service provider uses an uncleared driver on a contracted school service, the authority will view such an offence as gross misconduct and will render themselves liable for disciplinary action, which can include summary dismissal from the contract as well as removal from the Local & School Bus DPS.
- Service providers are required to have control procedures in place to ensure that their drivers wear their LCC DBS Identity Badge during school contract operations. Service providers who allow their drivers to operate without displaying this badge will render themselves liable to disciplinary action.
- When an employee, who has an LCC DBS Identity Badge, leaves the employment of the service provider, they must inform the authority that the employee has left and where the employee has moved to (if this is known).
- Where the service provider recruits a new employee, with an LCC DBS Identity Badge, the service provider must also inform the authority. Service providers must not assume that an individual with a LCC DBS Identity Badge is cleared to drive LCC school bus contracts. To ensure that any person previously barred from the provision of the authority's contracted services is identified and where there is no contract requirement to provide a driver with an Enhanced DBS Disclosure, e.g. on service open to the general public, the service provider must still contact the authority to confirm the status of the applicant or employee. Please see the Contact Details on page 10.
- Where the service provider is aware that the employee, who has an LCC DBS Identity Badge, has received a caution or conviction, or is being investigated by the Police since the employee's DBS badge was issued, the service provider must inform the authority.
- If an employee issued with an LCC DBS Identity Badge decides to decline contracted work, the service provider is required to promptly notify the Authority and ensure the badge is returned.
- Service providers must ensure that every effort is made to provide DBS cleared drivers to operate the authority's contracted school bus services. The authority acknowledges that there may be an occasion where the service provider is unable to provide a DBS cleared driver for a school bus journey and no spare DBS cleared driver is available. In such a case, the service provider must use every effort to

mitigate the effect of the problem, for example, by providing a second driver or supervisor to accompany the uncleared driver or hiring another contractor with an LCC enhanced DBS cleared driver to cover the journey.

- In the extremely unlikely event that there are no employees available to accompany an uncleared driver, the service still must operate but the service provider must inform the authority immediately. The School Bus Services Team can be contacted from 0800. Any notification prior to 0800 should be made by email or voice mail. Please see the Contact Details on page 10.
- These two options should only be used in an absolute emergency. Service providers must ensure that their control and supervisory staff are fully aware of the circumstances in which an uncleared driver can be used. The circumstances and justification surrounding the use of un-cleared drivers will need to be demonstrated to the authority on each occasion.

Contractor DBS Administration

- The cost of all DBS applications must be met by the service provider or the applicant.
- Where an operator does not have any LCC school bus contracts the authority will allow a maximum of two drivers to be cleared. Otherwise, operators will be limited to apply for a maximum of 10 drivers per contract to be cleared.
- It is the responsibility of the service provider to ensure that they employ sufficient DBS cleared drivers to operate all their contracted school bus services. As part of this responsibility, service providers should ensure that drivers apply in sufficient time to ensure that applications for new and renewed DBS Identification Badges can be processed and issued before the commencement of a school contract or before their current DBS badge expires.
- Service providers should have a robust DBS administration system in place to ensure that the expiring DBS is reapplied for in sufficient time (we suggest allowing at least 16 weeks). In instances where an applicant has lived at multiple addresses throughout the UK this timescale may be extended.
- All DBS applications are made online. To make an application, service providers should email the LCC DBS team at busandtaxiidbadge@lancashire.gov.uk with their **employee's name, date of birth and employees's email address.**
- DBS Certificate's are sent direct to the applicant's home address and as per the Public & Integrated Transport Teams DBS Policy, DBS certificates which contain convictions or soft information, must present their certificate to the DBS Team for ratification. The applicant should contact the DBS Team to arrange an appointment to view the DBS Certificate. There is no requirement to present certificates which are returned clear of convictions and soft information.

- DBS Certificates which require ratification have 12 weeks from the date of issue in which to be presented to the DBS Team. After this period the DBS Certificate will be deemed to have expired and the applicant will need to reapply for another DBS Certificate. The applicant cannot be used on school contracts until the replacement DBS Certificate has been verified and the DBS ID badge has been issued.
- Please Note: employees that leave their employer and do not join another LCC framework or DPS operator within 3 months will render their badge invalid. These employees will need to apply again if they wish to drive unescorted LCC contracts.
- Please note: the North West Traffic Commissioner (OTC) has requested that all Local Authorities advise the OTC of any instances where service providers use non DBS cleared drivers on any contracted bus service requiring a DBS cleared driver.
- Service providers must ensure that managers, supervisors and any members of staff involved in contract operation fully understand the authority's requirements shown within:
Framework Agreement: Section 18 of the Service Agreement, paying particular attention to Clauses 18.9 to 18.9.5, also Schedule 2 of the Service Agreement 'Information Concerning Disclosure & Barring Service (DBS) Checks'
DPS: COTC Schedule 1 General Specification Section 5 Disclosure and Barring Service (DBS) Checks and Bus Services DPS COTC for Service Instructions section 15 Safeguarding.
- If you have any questions regarding Lancashire County Council's Safeguarding Procedures, including the provision of the drivers DBS Identification Badge, please do not hesitate to contact the authority.

Driver Certificate of Professional Competence

- Employers and managers must ensure that PCV drivers are aware that they must carry the Driver Qualification Card (DQC) with them when driving professionally. The driver will be required to show their DQC to LCC officials upon request.

Invoice Payment Procedures

The following points are in accordance with clause 11 of the Bus Services DPS Call Off Terms and Conditions for Service Instruction.

- Operator invoices are sent out by email. Emails will be sent out at the end of the payment period.
- Operator invoices must be submitted within 30 days of the end of a payment period. Operators invoices received more than 30 days after the end of the payment period shall be deemed to be in dispute.
- The authority shall pay within 30 days of receipt of an undisputed invoice from the service provider and service providers should not rely on payments being made within a shorter timescale.
- There is no facility to speed up the process or prioritise individual contract payments and any such requests will be refused.
- Service providers will receive a remittance email from Bus Service Finance Team once the invoice has been processed and authorised.
- LCC Accounts Payable will issue a separate remittance confirming actual payment date.

Child Seat Restraints: Home to School Transport

Further to the provision of Child Seat Restraints on certain LCC school bus contracts, the authority's instructions and requirements in respect of child seat restraint provision is set out below.

- Please ensure that your drivers, supervisors and managers are fully aware of these requirements.
- Current legislation makes it a legal requirement for drivers of passenger vehicles with up to 8 passenger seats plus the driver's seat to use appropriate child seat restraints (that is booster seats, booster cushions or all age seatbelts) for children under the age of 12 and under 135cm (4 feet 5 inches) in height.
- Please note that the 'taxi' exemption clause contained in the legislation does not apply to the authority's contracts.
- Furthermore, the authority takes the view that pupils in booster seats/cushions should not travel in a front seat, without prior agreement by the authority and only in exceptional circumstances.
- Parents are expected to keep booster seats/cushions overnight and pupils (or their parents/carers) will bring them to the vehicle each morning.
- The legislation makes it clear that drivers are ultimately responsible for the correct fitting of booster seats/cushions before a pupil's journey begins. Passenger Assistants (where provided) may carry out this task under the supervision of the driver. Upon arrival at school, drivers (and/or Passenger Assistants where provided) will remove booster seats/cushions from the vehicle and take into school for storage ready for the homeward journey. It is extremely important that you disseminate this information to the drivers providing contracts requiring the use of booster seats/cushions.

Manual Entrance Door Minibuses used on Contracted Services

- It is the driver's responsibility to ensure that all students are able to board or exit the vehicle in a safe manner. Students must not be allowed to open and close the entrance doors themselves. Service providers operating minibuses not equipped with power doors must ensure their driver leaves the driving seat and opens and closes the door for passengers on every occasion.

This rule must be observed without exception. Where a driver fails to follow this vitally important safety procedure, formal disciplinary action will be taken against the service provider and employee without exception.

Pick up and Drop off points

- In certain areas, students are dropped off and picked up at the roadside where there are no formal bus stops. It is the driver's responsibility to ensure that they are dropping off or picking up from a safe point. If you have any concerns, please contact the bus managers.

Breakdowns and late operations

- In the event of a breakdown or delay to a contracted school bus service which will result in the service operating 15 minutes or more behind schedule, the service provider must notify both the School Bus Services Team and school(s), advising of what has happened, where it has happened, what action is being taken and how long before the service is operational.
- Service providers must have a system in place to ensure that such an event is recorded as lost mileage on the operators' invoice.

Overloading Problems

- There may be instances where LCC school bus services encounter overloading problems. As a result, it is important to ensure that your drivers do not exceed the legal capacity of the contracted vehicle.
- If there is an overload problem (where there are more students than seats), please contact the School Bus Team as soon as possible, so that the problem can be investigated and addressed. Please be aware that where applicable, services are permitted to carry standees, unless routed via a motorway, whereby the carriage of standing passengers would be prohibited.

Anti-Social Behaviour

- Operators are advised to report instances of anti-social behaviour on contracted school services to the county council's Bus Managers and these incidents will be passed on to the respective schools to investigate. Please ensure you have in place an 'incident report form' which can be completed by the driver and can be emailed to the bus managers. If you would like an 'incident report form' please email Liz McClarty (contact details on page 10).

- Information packs and advice sheets are provided to schools to help them deal with any reported incidents.
- Should you wish to report an incident, please use the mailbox below, where your message will be picked up by one of the school transport team.
schoolbusmanagers@lancashire.gov.uk

Returning to School

- If you need to return to school for any reason you must ensure that you telephone the school in advance and get a member of staff to meet you and supervise the children.

Driver Guidance Ticket Issue & Pass Acceptance Procedures

Service providers must ensure that their drivers are both aware of and implement the following procedures:

- Check passenger's passes for VALIDITY every time they travel. The following should be examined:
 - a) Correct service number- passes should only be used on the service printed on the pass.
 - b) Correct student- fraudulent use is taken very seriously.
 - c) Pick up/drop off points- over riding is taken very seriously.
 - d) Expiry- annual passes are colour coded to make this easier; gold cards will remain gold and you will need to check the expiry date on the card.
- If a pass is out of date, is vandalized/damaged (to the extent that the key information is not legible to the driver) or is being used fraudulently by another student, drivers must confiscate the pass. Please inform the bus managers of any passes which you have confiscated (contacted details on page 10). Where a pass is confiscated, drivers should issue the passenger a LCC confiscated pass slip. This slip contains the LCC telephone number for parents to call to arrange a replacement pass. As soon as possible, the travel pass should be returned to the authority (return address on reverse of the pass). Confiscation slips may be obtained from the school transport team, please see page 10.
- A valid pass is a physical pass issued by the council. Photocopies or pictures of passes on the student's phone must not be accepted.
- Always issue tickets to fare payers as they board and pay their fare.

- Ask the passenger to take their ticket. Do not allow several tickets to hang from the ticket machine.
- Make sure that you have a working ticket machine or ticketing system when you begin your duty. If you are using an electronic ticket machine, you will need to ensure you have an emergency ticketing system as a back-up. When using a written ticket book or manual ticket machine, you must use a waybill.
- Return fares are available on school bus services. Please check the ticket on the return leg to make sure the date is correct and the ticket is valid. If the passenger has lost their ticket, please record their name and school as detailed below.
- Please be aware that NoWcards are issued to students with disabilities. Students with NoWcards should be accepted on school bus services for free travel both in the morning and the afternoon journeys.
- **What to do when children and young people are unable to present a VALID pass or ticket or they are not able to pay their fare.**
 - a) Firstly always ask to see a VALID pass/ticket.
 - b) If they cannot show a pass, ask them to pay the fare.
 - c) If they are not able to pay (do not take dinner money off children) record their name, school/college or form/tutor group or course and follow your company's procedures about issuing tickets. Drivers should record and report this information to their manager, who should then promptly report this to LCC. Please note in these instances when individuals repeatedly do not show a valid pass or pay a fare, this recorded information may help recover lost revenue.

Never refuse a child, young person, or vulnerable adult travel

Unless by doing so will overload your vehicle or unless the student has received a ban from using the school bus from their school.

Driver Training and Guidance

More detailed guidance covering all aspects of the driver's responsibilities is contained in the Drivers Handbook; produced specifically to assist drivers of the authority's contracted bus services. A PDF copy may be found online at:

<https://www.lancashire.gov.uk/business/tenders-and-procurement/tenders/lps-corp-provision-of-local-bus-services-and-school-bus-services-dynamic-purchasing-system/>

Contact Details

To advise the emergency use of a non-DBS cleared driver, please contact the Bus Managers.

NB: Do not use the uncleared driver without seeking authorisation from the respective Bus Managers.

For districts 6 (Preston), 7 (South Ribble), 8 (West Lancs), 9 (Chorley), 12 (Burnley) & 14 (Rossendale) please contact Andrew Glover on 01772 533527
If before 0800 please leave a voice message or email
Andrew.Glover@lancashire.gov.uk

For districts 1 (Lancaster), 2 (Wyre), 3 (Ribble Valley), 5 (Fylde), 11 (Hyndburn) & 13 (Pendle) please contact Faye Scholes on 01772 534565
If before 0800 please leave a voice message or email
Faye.scholes@lancashire.gov.uk

To advise the Authority's DBS Administration Team of a DBS cleared driver leaving or joining your company please contact:

Alexander Lasseter 01772
533530 Lee Dalton on 01772
534490 Or email
Busandtaxiidbadge@lancashire.gov.uk

To make general DBS queries

If you have any queries regarding contract operation in general and the requirement for DBS cleared drivers in particular, please do not hesitate to contact the Passenger Transport Team on the above numbers or email addresses.

Similarly, if you have queries regarding the administration of the authority's DBS application procedures, lost DBS Identification Badges, etc. please contact Alexander Lasseter or Lee Dalton the above numbers or email address.

To report an incident of anti-social behaviour

Please contact the school bus managers – schoolbusmanagers@lancashire.gov.uk
If you would like an incident report form, please email Liz McClarty
Liz.McClarty@Lancashire.gov.uk

If you have a revenue protection query

Please contact Liz McClarty Liz.McClarty@Lancashire.gov.uk