



**Western Cape
Government**

Education

WESTERN CAPE EDUCATION DEPARTMENT POLICY ON LEARNER TRANSPORT SCHEMES

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Appendices

WCED 061- Application for Admission of a Learner to a Learner Transport Scheme
LTS. 1 - Roadworthy Checklist

1. Definitions

In this policy, any word or expression to which a meaning has been assigned in the Act bears that 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, 1989 (Act 29 of 1989), to carry more than 35 persons, excluding the driver, subject to section 31 of the Road Traffic Act;

'dead kilometres' means the distance in kilometres that the contractor travels to the first pick-up point and the distance from the last drop-off point to its station;

'learner transport' means transportation of learners to and from ordinary public schools, arranged and funded by the Western Cape Education Department;

'midibus' means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), for the conveyance of more than 16 and less than 35 persons, including the driver;

'minibus' means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), for the conveyance of more than nine but not more than 16 persons, including the driver;

'public transport' means transport used by the general public and provided via road or rail or water, including trains, buses, taxis, boats and ferries, and for which a fare is charged;

'revenue kilometres' means actual kilometres travelled on an approved route according to an approved timetable while carrying learners;

'rural area' means a geographical area situated in the Western Cape outside of the urban area, which is five kilometres or further from the nearest appropriate school, and where no public transport is available;

'**school bus**' means a bus, owned by a school or contracted on behalf of a school, and used for the conveyance of learners and other persons associated with such school in terms of a valid and appropriate operating licence; and

'**the Act**' means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

2. Introduction and purpose

The Western Cape Education Department recognises that many learners, especially those residing in remote and rural geographic areas, are excluded from attending schools and receiving basic education owing to, *inter alia*, the long distances that they would have to travel to and from the nearest suitable public school and/or the lack of and high cost of public transport. Risk of exposure to road accidents and crime also serve as inhibiting factors that prevent access to basic education.

This policy on learner transport schemes, determined in terms of section 3(1) of the Western Cape Provincial Schools Education Act, 1997 (Act 12 of 1997), acknowledges the on-going problems that learners face on their way to and from school daily, and regulates, as a temporary measure, the qualification for, provision of and allocation of learner transport schemes to ordinary public schools in the Western Cape.

3. Legal framework

National Road Traffic Act, 1996 (Act 93 of 1996);
Road Traffic Act, 1989 (Act 29 of 1989); and
Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

4. Scope and application

This policy applies to learners in ordinary public schools in rural areas of the Western Cape which are five kilometres or further from the nearest appropriate

school and where no public transport is available. The Head of Department may, under exceptional circumstances, authorise the provision of a learner transport scheme where he or she deems fit, subject to the merits of each case.

5. Stakeholders and role-players

The stakeholders and role-players in the provision of learner transport schemes are the principals, learners, governing bodies, parents, education district offices, Head Office, transport contractors and road traffic officials.

6. Context

6.1 Learner transport schemes are aimed at the following:

6.1.1 Providing transport to learners living far away from schools.

6.1.2 Ensuring that all learners are able to access education, despite a long distance to the nearest suitable public school, and/or the lack of and high cost of public transport.

6.1.3 Establishing procedures in the province to provide safe, reliable, cost-effective, sustainable and fully integrated learner transport operations which will meet the educational needs of the learner, support social development and enhance economic growth.

6.1.4 The introduction of transport routes as a temporary solution in situations where education facilities cannot be supplied immediately.

7. Procedural requirements and allocation

7.1 The following are the procedural requirements for the allocation of learner transport schemes:

7.1.1 Learner transport schemes, as far as is reasonably practical, will be provided to registered learners with a valid Central Education Management Information

System (CEMIS) number and who are enrolled in ordinary public schools situated in rural areas in the Western Cape.

- 7.1.2 The principal and the chairperson of the governing body must identify the need for a learner transport scheme and apply, in writing, to the education district office for the attention of the Head: Institutional Management and Governance Co-ordination and Advice, indicating the number of learners, the names of learners, their ages and grades, home addresses and Central Education Management Information System (CEMIS) numbers.
- 7.1.3 A WCED 061 form must be completed for each learner and signed by the principal, as well as the parent, authorising the learner to make use of the learner transport scheme.
- 7.1.4 On receipt of the application the Head: Institutional Management and Governance Co-ordination and Advice must assess the need and make recommendations, via the District Director, to the Chief Director: Districts, who will refer the request to the Learner Transport Scheme Officer at the Western Cape Education Department Head Office.
- 7.1.5 The Learner Transport Scheme Officer at the education district office must draw up the route maps and specifications including –
 - (a) detailed route descriptions;
 - (b) vehicle types;
 - (c) timetables;
 - (d) trip cost;
 - (e) trip length;
 - (f) travel times; and
 - (g) stops and ranking information.
- 7.1.6 The Learner Transport Scheme Officer at Head Office must provide the Western Cape Education Department's Bus Committee with the relevant information as required in sub-paragraph 7.1.5.

7.1.7 The Bus Committee must consider the applications for a learner transport scheme and submit a recommendation to the Head of Department, for a decision.

8. Requirements for allocation

8.1 The following are the requirements for the allocation of learner transport schemes:

8.1.1 Learner transport, as far as is reasonably practical, will be provided to all registered learners in ordinary public schools in the Western Cape, provided that –

- (a) they reside in a geographical area that qualifies for learner transport;
- (b) they reside five kilometres or further away from an ordinary public school;
- (c) there are ten and more learners to commence a scheme;
- (d) they do not pass a suitable ordinary public school;
- (e) there is no public transport at their disposal;
- (f) they do not receive any transport or hostel bursaries; and
- (g) such learner transport is approved by the Head of Department.

8.2 Learner transport will be provided, as far as is reasonably practical, to Grade R learners enrolled in an ordinary public school in rural areas in the Western Cape, or who attend ordinary public schools in areas where there are existing learner transport schemes operating, subject to paragraph 6.1 and sub-paragraph 7.1.

9. Operation and service level agreement

9.1 Operation and service level agreements provide for the following:

9.1.1 Learner transport will be provided by contractors –

- (a) only if they have signed a valid Service Level Agreement with the Western Cape Education Department or governing body (in cases where a route has been devolved to a governing body);

- (b) only on school days as decided by the Western Cape Education Department and no claims will be paid to any contractor for services outside these days; and
- (c) only on approved route descriptions and no changes to approved route descriptions may be made without the prior written approval of the Head of Department.

9.1.2 The buses can be substituted only for valid reasons with the written approval of the principal and confirmation by the district director, even in instances of temporary substitution. The replacement vehicle shall be subject to a roadworthy test, at a designated Vehicle Testing Centre, at a date and time stipulated by the Western Cape Education Department.

9.1.3 Except for routes with a total single distance of 12 kilometres or less, learners shall be transported together as one group and the contractor may under no circumstances first transport part of the group and then use the same bus for transporting the rest of the group or part of the rest of the group.

9.1.4 Learners are picked up and dropped off at the approved pick-up or drop-off points in accordance with the school's learner transport schedule. Principals must not allow contractors to pick up or drop off learners during the school's hours of tuition.

9.1.5 The authorised number of learners to be transported forms the basis for monthly payments to the contractor. However, the number of learners may increase or decrease from time to time.

9.1.6 The contractor must contact the principal before the commencement date in order to obtain the daily schedule for that particular learner transport scheme, as well as the names of all the authorised learners. The contractor will not be paid for transporting more learners than the number approved in the Service Level Agreement, and the contractor must, therefore, ensure that only the approved numbers of learners recorded in the agreement are transported.

- 9.1.7 The schedule must make provision for, inter alia, the times at which learners are –
- (a) picked up at various pick-up points in the mornings;
 - (b) dropped off at school in the mornings;
 - (c) picked up at school in the afternoons; and
 - (d) dropped off at various drop-off points in the afternoons.

9.1.8 The complete details of the schedule must be scrutinized and approved in writing by the principal or principals concerned and may be amended through a written agreement between the principal or principals and the contractor, on condition that the prescribed instruction time of the school and learners are not reduced.

10. Safety of learners and obligations of contractors

10.1 Contractors must adhere to the following safety obligations:

10.1.1 Contractors must provide an efficient, safe and reliable means of transport in line with the requirements of the Service Level Agreement and in the best interest of the learners, the school and the Western Cape Education Department.

10.1.2 Every learner on the bus must have an appropriate seat and no learner must be allowed to stand when transported to and from school.

10.1.3 All approved contractors must at all times comply with the National Road Traffic Act, 1996 (Act 93 of 1996) and relevant regulations.

10.1.4 Contractors must ensure at all times that each driver is in possession of an appropriate, valid driver's licence and Public Driver's Permit.

10.1.5 The principal or his or her delegate must conduct a visual inspection to ascertain the roadworthiness on all vehicles transporting learners, at least once a month, using the official Western Cape Education Department's roadworthy checklist, attached as LTS. 1.

10.1.6 An un-roadworthy vehicle must be reported immediately by the principal via the official reporting lines to the district director, who must immediately report on the condition of the vehicle to the directorate responsible for contract management of the Western Cape Education Department, and the traffic authorities.

10.1.7 Contractors must have sufficient insurance cover for claims that may lead to liability resulting from the operation of a learner transport scheme and must be insured for the duration of the contract.

10.2 Sub-contracting is allowed only after formal approval by the Head of Department.

11. Funding

11.1 The Provincial Minister allocates funds for learner transport schemes out of monies appropriated for this purpose by the Legislature –

11.1.1 Learner transport scheme contracts must specify the method of payment for services rendered. The method of payment must be agreed upon when the contract is awarded and prior to the commencement of services. Escalation clauses are included in the contracts.

11.1.2 Payments to contractors are made on the basis of total revenue kilometres travelled. Dead kilometres are for the cost of the contractor.

11.1.3 Revenue kilometres must be used as the basis for the payment of learner transport scheme contractors.

11.1.4 Payment takes place only once the prescribed forms and invoice from the contractor have been submitted.

11.1.5 Payment must be made in terms of the provisions of the Public Finance Management Act, 1999 (Act 1 of 1999) and as prescribed by the Western Cape Education Department from time to time.

11.1.6 The amount paid to contractors is based on the tariff, number of learners, distance and the number of school days. Only the actual number of learners transported must be used in the calculation of the amount payable to contractors.

11.1.7 Only the Head of Department may approve the transportation of additional learners to those set out in the service level agreement.

11.1.8 The formula for calculating payment is as follows:

Number of learners (original or additional) x Distance x Tariff x Number of school days (actual school days learners were transported) = Total payment.

Examples:

ONE SCHOOL ON A LEARNER TRANSPORT SCHEME

Formula: Learners x Distance x Tariff x Days transported = Total

Calculation: 50 x 60 km x R0.50 x 22 = R 33 000.00

MORE THAN ONE SCHOOL ON A SINGLE LEARNER

TRANSPORT SCHEME

School A 15 x 60 km x R0.25 x 22 = R 4 950.00

School B 20 x 50 km x R0.25 x 22 = R 5 500.00

Total: 35 = R 10 450.00

11.1.9 Principals and education district offices must keep a record of the number of learners using the learner transport services daily and monthly. This information forms an integral part of the monthly claim for payment and must be kept for audit purposes for a period of five years.

12. Termination of a learner transport scheme

- 12.1 When a learner transport scheme is no longer required, it must be phased out.
- 12.2 Notice must be given at least one school term in advance, advising the contractor, the school and learners of the intended phasing out of the learner transport scheme.

13. Complaints

- 13.1 Any learner, parent of the learner or interested party may lodge a complaint relating to a breach of, or non-compliance with this policy, in particular, paragraphs 8 and/or 9 (Operation and service level agreement and/or Safety of learners and obligations of contractors).
- 13.2 Such a complaint must be lodged in writing, within seven days to the principal, who must refer it to the district director.
- 13.3 The Head of Department must, depending on the nature of the complaint, respond in writing within 14 days of receipt of the complaint.

14. Appeals

Any learner or parent of a learner whose application for learner transport is refused by the Head of Department in terms of paragraph 6 (procedural requirements and allocation), may appeal to the Provincial Minister against the decision of the Head of Department within 14 days of receiving the notice.

15. Review

This policy must be reviewed when the need arises or in the case of changed circumstances, such as pronouncements by legislation and or regulations and budgetary constraints.