

PRO FORMA CODE OF CONDUCT FOR DRIVERS AND ADULT SUPERVISORS

The Service Provider must prepare a Code of Conduct for its Drivers and Adult Supervisors that sets out the manner in which they are to act in respect of Learners and in rendering the Services and must, at a minimum, address the issues raised herein.

1. Purpose

- 1.1 The purpose of this pro forma Code of Conduct is to provide guiding principles to Service Provider on how their Drivers and Adult supervisors should act towards Learners in the rendering of Services.
- 1.2 The Code of Conduct must deal with acceptable and unacceptable conduct by Drivers and Adult supervisors and list the sanctions, actions and/or remedial action to be taken by the Contractor against Drivers and Adult supervisors if they should violate the Code of Conduct.

2. Definitions

- 2.1 “**Adult Supervisor**” means a competent and responsible person of 18 (eighteen) years or older who remains on a Vehicle during the conveyance of pre-primary and primary school Learners and who is able to adequately take responsibility of Learners and ensure the safety of such Learners;
- 2.2 “**Applicable Law**” means South African law and any of the following, from time to time, to the extent that it applies to a Party, or the Services –
 - 2.2.1 Any South African statute, regulation, policy, by-law, directive, notice or subordinate legislation;
 - 2.2.2 the common law;
 - 2.2.3 any binding court order, judgment or decree;
 - 2.2.4 any applicable South African industry code, policy or standard enforceable by-law; or
 - 2.2.5 any applicable direction, policy or order that is given by a South African regulator having the force of law;
- 2.3 “**Driver**” means a qualified person employed by the Service Provider to operate a

vehicle used for the transportation of Learners;

- 2.4 **“Driver’s License”** means a license issued to an individual to legally drive a vehicle as more fully set out in the National Road Traffic Act;
- 2.5 **“Learner”** means those Learners authorised by the WCED to make use of the Services on the Routes and are listed on the Register of Authorised Learners;
- 2.6 **“NRTA”** means the National Road Traffic Act 93 of 1996;
- 2.7 **“Principal”** means an educator appointed or acting as the head of a School to which the Contractor provides services;
- 2.8 **“Professional Driving Permit”** means a permit issued to certain classes of drivers as more fully set out in the NRTA and its regulations;
- 2.9 **“Route”** means the Learner transport route stretching from the first pick-up point to the last drop off point on such Route and as more fully set out in the Bid Documents and in the Preamble to this Agreement;
- 2.10 **“Register of Authorised Learners”** means the register kept by a school Principal in which the details of Authorised Learners qualifying for and using the Learner Transport Scheme are indicated;
- 2.11 **“Services”** means the transportation of Learners along a Route by specified Vehicles at specified times and frequencies and stopping at specified locations in accordance with the Specifications, Special Conditions of Contract, SLA and the Service Level Schedule;
- 2.12 **“Service Provider”** means the Bidder whose Bid has been accepted by the WCED for the provision of learner transport services in terms of the provisions of the Contract (before acceptance of the Bidder’s bid by the WCED, all references to Service Provider will include Bidder and vice versa);
- 2.13 **“WCED”** means the Western Cape Education Department which includes the Head Office, District Office, Principal and public ordinary schools;

3. **Responsibilities of the Drivers**

- 3.1 Drivers must operate the vehicles safely and must pick-up and drop-off Learners at authorised points only.
- 3.2 All Drivers must be licensed according to the class of vehicle they are driving and must be in possession of a valid Driver’s License and Professional Drivers Permit for

passenger transport in term of the NRTA and any other Applicable Law.

3.3 Drivers must comply with the rules of the road and all Applicable Law at all times.

3.4 Drivers are required to wear a safety belt at all times when operating vehicles.

3.5 Drivers must not leave the vehicle unattended while Learners are in the vehicle. This does not apply when a Driver leaves the vehicle to assist a Learner in entering and exiting the vehicle.

4. Responsibilities of Adult supervisors

4.1 The Service Provider is required to have an Adult supervisor on the vehicle(s) at all times where primary or pre-primary Learners are being transported and such person shall be under the employ of the Service Provider. The Adult Supervisor must:

4.1.1 Ensure that Learners remain seated while the vehicle is in transit;

4.1.2 Ensure that Learners do not hang out of windows;

4.1.3 Ensure that Learners do not fight with each other;

4.1.4 Ensure that Learners do not vandalise the vehicle (e.g. writing on or damaging seats);

4.1.5 Ensure that Learners safely embark and disembark the vehicle;

4.1.6 Provide assistance to Learners where required;

4.1.7 During emergencies, where necessary, ensure that Learners have access to emergency exits;

4.1.8 Ensure that Learners do not disturb the Driver;

4.1.9 Prevent the bullying of Learners on vehicles;

4.1.10 Ensure that Learners do not smoke or use alcohol or any type of drugs on the vehicle.

5. Prohibited practices

5.1 Drivers and Adult supervisor shall not:

5.1.1 Abuse a Learner in any manner;

- 5.1.2 Assault or threaten to assault any Learner;
- 5.1.3 Act in a manner towards a Learner that could amount to the commission of a crime;
- 5.1.4 Offer cigarettes, drugs, alcohol or any incentive to any Learner;
- 5.1.5 Smoke while transporting Learners or when Learners are in the vehicle;
- 5.1.6 Use alcohol or any drugs (which excludes medication prescribed by a medical practitioner, provided that such medication will not impair the ability of the Driver to safely operate the vehicle) prior to or while transporting Learners;
- 5.1.7 Conduct himself/herself in any way that may compromise the safety of the Learners;
- 5.1.8 Conduct himself/herself in any way that may embarrass and tarnish the institutional integrity of the WCED;
- 5.1.9 Endanger the lives of himself/herself and of the Learners by disregarding the road safety rules and regulations or any other act of negligence;
- 5.1.10 Discriminate against Learners or any other persons on the basis of race, gender, disability, sexual orientation, pregnancy, marital status ethnic and social origin, colour, religion, culture, HIV status or other grounds prohibited by the Constitution of the Republic of South Africa, 1996;
- 5.1.11 Make inappropriate advances of any nature (including sexual advances) towards Learners.

5.2 In no circumstance may a Driver or Adult Supervisor eject a Learner from a vehicle without authorisation by the Principal. The ultimate responsibility and authority to suspend or expel any Learner from transportation services shall rest with the WCED.

5.3 No fee, gratuity or otherwise may be collected from Learners for the transport service rendered.

6. **Reporting of incidents**

6.1 Where Learners misbehave, Drivers and Adult supervisors are expected to verbally reprimand Learners without using expletives and where the Learners refuse to cooperate, the incident must be reported to the Principal at the next scheduled drop-off at the school.

7. **Dress code**

7.1 The Drivers and Adult supervisors must be neatly and appropriately dressed during the execution of the transport services. Clothing must be clean and without tears or rips.

7.2 Inappropriate dress would include, but is not limited to, clothing with offensive slogans or images that are inappropriate for Learners, see-through or mesh clothing, tight or revealing clothing.

8. **Responsibilities of the Service Provider**

8.1 The Service Provider must prepare a Code of Conduct, in the form contained herein, for its Drivers and Adult supervisors and ensure that they are aware of the contents thereof and comply with the terms and conditions thereof.

8.2 A copy of the Code of Conduct must be made available to the Principal of the school serviced by the Route on the commencement date of the Service.

9. **Corrective action by the WCED**

9.1 The WCED will issue the Service Provider with a penalty in terms of the Special Conditions of Contract for each transgression of the pro forma Code of Conduct by the Drivers and Adult supervisors.

9.2 The WCED may at any time require a Service Provider to remove a Driver or Adult Supervisor if the WCED reasonably believes that the continued performance by the Driver or Adult Supervisor constitutes a risk to the safety or well-being of the Learners, employees of the Service Provider or any other person.