

**SCHEDULE 2 - SPECIFICATION**

**Specification  
relating to  
Dynamic Purchasing System  
for the provision of Passenger  
Transport Services**

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## INTRODUCTION

### 1. BACKGROUND

- 1.1 Local Authorities (Councils) in the South East require a range of transport services. These services need to be of a high standard and cost effective to provide best value for taxpayers.
- 1.2 This Specification has been developed to support the commissioning of passenger transport services (the “**Services**”).
- 1.3 The Council has procured a Dynamic Purchasing System (“**DPS**”) to identify the Supplier who meet the quality standards and service delivery requirements set out in this Specification to deliver the Services (“**DPS Suppliers**”). The DPS will be continually open to allow new suppliers to apply to join and become a DPS Supplier at any time. The DPS may also be accessed by Brighton and Hove City Council, Surrey County Council and West Sussex County Council. The Council and each other local authority able to access the DPS (“**Participating Authorities**”) will operate the DPS independently for their local authority area,
- 1.4 Throughout the remainder of this Specification, the term “**Supplier**” shall be used to describe any DPS Supplier delivering the Services. The term “Participating Authority” shall be used to refer to the relevant local authority. A full glossary of terms used in this Specification is set out in paragraph 25 of this Specification.
- 1.5 All passenger transport requirements will be commissioned by the Participating Authority via the DPS using the processes set out in the Supplier Agreement.
- 1.6 The Supplier must be appropriately licensed and meet the high range of needs of individuals transported by the Participating Authority today and any future requirements (“**Passengers**”). The Supplier will supply appropriate, responsible, Passenger-focused staff, especially for those Passengers with challenging needs. The Supplier will ensure staff conduct is managed in line with the participating authority codes of conduct and service standards at all times.
- 1.7 The Supplier will treat all Passengers as customers. The Supplier shall at all times be open and honest in their communication with the Council, both at operational and management levels.

### 2. THE TRANSPORT TEAMS

- 2.1 Each Participating Authority’s Transport Team commissions transport bookings on behalf of the Participating Authority’s departmental services. The Transport Team in East Sussex operates during the core hours of 0800hrs and 1700hrs Monday to Friday during term time (“**Core Hours**”), and most of the journeys are completed during these times. Other Participating Authorities may use different times but this will be made clear in any Mini Competitions held by that Participating Authority. References in this Specification to “Core Hours” shall be a reference to the core hours operated by the relevant Participating Authority (as advertised in the Mini-Competition for any Participating Authority

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other than the Council). The Transport Team also deals with bookings made outside of Core Hours, i.e. during weekends and evenings, where transport is often required at short notice in the event of an urgent requirement.

- 2.2 The Transport Team incorporates the existing Client Transport Services and all Adult Social Care (ASC) transportation provisions. The Transport Team is responsible for route optimisation, commissioning, performance management, compliance with safeguarding requirements and inspection of services to ensure Suppliers comply with the requirements of this Specification.
- 2.3 Using journey planning software, staff within the Transport Team coordinate transport to make the best use of resources and provide an efficient, economic and personalised service.

### **3. COUNCIL AUTHORISED IDENTIFICATION BADGE**

- 3.1 Participating Authorities may require that all Transport Personnel acquire and maintain an authorised identification card issued to Drivers following a vetting process (“Council Authorised Identification Badge”).
- 3.2 Currently the Council does **not** administer or enforce a Council Authorised Identification Badge; however, this is expected to be implemented during the lifetime of the DPS. The Council shall give no less than three (3) months written notice to the Supplier prior to introducing a Council Authorised Identification Badge.
- 3.3 Surrey County Council and West Sussex County Council currently enforce a Council Authorised Identification Badge system.
- 3.4 For the avoidance of doubt, each Participating Authority enforcing a Council Authorised Identification Badge scheme shall independently administer that Scheme.

### **4. SERVICES THAT MAY BE COMMISSIONED VIA THE DPS**

#### **4.1 Home to school transport for mainstream pupils**

The Transport Teams arrange Home to school transport for mainstream pupils using primarily public transport but also must arrange alternative methods of transport where no suitable public transport is available. This requires the transport teams to commission transport services for mainstream pupils using vehicles ranging from taxis through to large coaches.

#### **4.2 Home to school transport for Special Educational Needs (SEN) pupils**

The Transport Teams arrange transport for pupils with special educational needs to enable them to attend a range of special schools and colleges. These educational Establishments provide education for pupils with a wide range of special needs from physical disability, challenging behaviour, autism through to hearing and language impairment. The Transport Teams procure a range of vehicles to suit these often very complex needs. The Services commissioned may also include a Passenger Assistant for one or more of the Passengers .

#### **4.3 Adult Social Care Day Centre requirements**

The Transport Team manages transport for vulnerable adults attending Adult Social Care (ASC) day centres, which provide services for older people and adults with learning disabilities. Some Passengers can travel to day centres without assistance; however, for most journeys a Passenger Assistant is required to support mentally and physically disabled Passengers and those with limited mobility and or communication skills.

#### 4.4 Adult's and Children's Services Requirements

The Transport Team arranges trips on behalf of Adult and Children Services. These trips can be any day of the week including weekends and at any time of day. Some of the trips are one offs whilst others may run for several weeks. The trips also vary in journey length and whilst the majority are within East Sussex there is also a requirement to provide longer journeys. It may be possible to give a few days notice of the journey requirements but often a trip is required with less than 48 hours notice and possibly immediately. It is not unusual to have 1 or 2 Passengers in a vehicle, but on occasion more Passengers can be transported together. The Transport Team arranges transport for a range of vulnerable adults and children, including those with learning disabilities and physical disabilities. Due to the nature of this service there can be last minute alterations and cancellations made to these trips. A wide range of vehicles ranging from saloon car to wheelchair accessible minibuses are required to suit mobility needs.

#### 4.5 Adult and Children's Transport with Passenger Assistants

There may be on occasion a requirement for children outside of home to school transport and adults outside of day centres to be transported with a Passenger Assistant. In some cases, a Passenger Assistant will accompany the child or adult; however, where a Passenger Assistant has not been specified as provided then we would require the Supplier to provide a Passenger Assistant as part of the Requirement. Passenger Assistants may also need to have specific medical training (e.g. epilepsy) which will be reflected in the Requirement, only Suppliers who have Passenger Assistants able to meet these medical needs will be eligible to tender for such Service Agreements.

Whenever a Requirement includes a Passenger Assistant, the Participating Authority will fully describe the requirements of the Passenger Assistant and a price will be sought for the combined package.

#### 4.6 Additional Requirements

In addition, Participating Authorities may require transport for other users not covered in one of the paragraphs above. Where this is the case, the profile of users will be clearly set out in the Requirement issued with the mini competition documents.

## DESCRIPTION OF SERVICES

### 5. AIMS AND OBJECTIVES OF THE SERVICES

- 5.1 The aim of the Services covered by the DPS is primarily to provide transport to Passengers who are eligible in accordance with Council policy (namely: school

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children, Special Educational Needs school children, vulnerable adults, looked after children). Requirements may nevertheless include other users where advised by the Participating Authority.

5.2 Key objectives of the Services are:

- **Quality** – Passenger-centred service delivered in a safe, professional and effective manner by trained staff in clean, comfortable vehicles. Ensuring promptness of pick up and drop off is a high priority.
- **Flexibility and Responsiveness** – The Supplier must provide flexibility to respond to changing needs; for example, new locations, ad hoc requests, flexible times for pickup and drop off including evenings and weekends. There will also be a need for some specialist vehicle equipment and/or Transport Personnel training to ensure particular Passenger requirements are met.
- **Communication and Performance Information** – The Supplier is required to be open, honest and ensure regular communication on service issues. the Participating Authority also welcome discussions with Suppliers on flexible and innovative approaches to service delivery.
- **Value for Money** – The Services must be affordable and provide value for money.
- **Environmentally friendly** – The Supplier must take action to reduce the carbon footprint of journeys wherever possible.
- **Innovation and use of Information Technology** – The Supplier must be innovative in its approach, using best practice to respond to future needs, for example GPS vehicle tracking software.
- **Council values** – The Supplier must ensure that the Participating Authorities' published values and residents' rights are upheld.
- **Social Value** – The Participating Authorities have an ambition to deliver additional social value for all contracts with a value in excess of £100,000. Where a Supplier holds Service Agreements with a combined value in excess of £100,000 per annum they will be required to work with the Council as part of the delivery of goods, works or services to support its wider Social Value objectives and local community benefits. The Participating Authority will contact eligible Suppliers with further details and to agree the Social Value deliverables.

5.3 For each Requirement, the Participating Authority will supply the Supplier with the Route Schedule(s) (which are subject to frequent change), including such information as post codes, Passenger names, and special needs. The Supplier will supply a suitable Contract Vehicle for each route, to suit these sometimes complex needs. In some instances, the Participating Authority will request that a Passenger Assistant, with appropriate training for the relevant Passenger's needs, travels with the Passenger and is responsible for all Passengers whilst they are travelling to and from school.

5.4 The Supplier must be able to show initiative and flexibility in order to fulfil the transport needs of the Participating Authorities and the various Establishments

covered by this Specification (schools, day centres, etc.), in respect of both route scheduling and operational systems.

- 5.5 The Supplier will be the first point of contact for each Establishment in respect of any changes or issues that affect the transportation of Passengers to that Establishment under a Service Agreement awarded via the DPS. The Supplier will also maintain communication for any changes or issues that affect the Services with the relevant Participating Authority.

## OVERVIEW OF SERVICES

### 6. MINI- COMPETITIONS AND SERVICE CATEGORIES

- 6.1 Mini-Competitions and electronic auctions will be run via the DPS and will include Requirements for individual routes or bundles of routes and, on occasion, a geographic area or entire school. Mini-competitions or e-auctions will be run using the Technology (or any replacement notified by the Council from time to time).
- 6.2 The Services to be commissioned via the DPS are divided into nine (9) service categories based on the table below:

<b>Service Categories</b>
1-9 Taxi and MPV
1-9 Taxi and MPV – Wheelchair Accessible
1-9 Taxi and MPV – Passenger Assistant
10-16 Minibus
10-16 Minibus – Wheelchair Accessible
10-16 Minibus – Passenger Assistant
16+ Coach
16+ Coach – Wheelchair Accessible
16+ Coach – Passenger Assistant

## THE SUPPLIER'S RESPONSIBILITIES

### 7. GENERAL SUPPLIER OBLIGATIONS

The Supplier shall at all times comply with the following obligations:

- 7.1 To provide a staffed telephone link (not an answering machine and not a fax machine) between the hours of 07.30 and 17.30 on any day that the Services are provided under the relevant Service Agreement. This is to allow effective communication of issues in relation to the Service Agreement, particularly those of an urgent nature;
- 7.2 An out-of-hours number must be provided to ensure urgent communication, such as the need to book transport in the event of an emergency outside of Core Hours;
- 7.3 To ensure that, where applicable, the Transport Personnel meet the current and all future requirements of the Licensing Authority and The Road Safety Act 2006;

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- 7.4 Licenses are required to be obtained from the relevant authority for any vehicle with a Driver where commercial benefit is obtained. The licenses are:
- 7.4.1 An operator's licence,
  - 7.4.2 A vehicle licence,
  - 7.4.3 A driver's licence.
- 7.5 To comply with all relevant current and future legislation, national standards and evidence base set out within this Specification and required in the provision of the Services and in the performance of their obligations under the Supplier Agreement and any Service Agreement;
- 7.6 To ensure that any Transport Personnel involved in the provision of the Services have been hired according to the Pan Sussex Child Protection and Safeguarding Procedures and the Sussex Multi-Agency Policy & Procedures for Safeguarding Adults at Risk Procedures in place at any time (or such other safeguarding policies as have been identified by the relevant Participating Authority as part of the mini-competition for the relevant Service Agreement);
- 7.7 To check that all Transport Personnel have the entitlement to work in the UK;
- 7.8 To ensure that each of the Transport Personnel are aware of, and comply with, the requirements of the "Codes of Conduct for Transport Personnel transporting Children / Adults" (Appendix A or B as applicable), including any revisions or amendments made thereto or any replacement document issued by the Council from time to time. The Supplier shall provide all Transport Personnel with his/her own personal copy and the applicable Code of Conduct, such copy to be carried by the Transport Personnel on every journey performed under a Service Agreement awarded via the DPS;
- 7.9 To immediately remove any Driver or Passenger Assistant notified by an Authorised Officer of the Participating Authority as being either under investigation by, or unacceptable to, the Participating Authority. Any such Transport Personnel must not be used to provide any Services until authorised by an Authorised Officer of the Participating Authority;
- 7.10 To ensure that all Transport Personnel comply with all Road Traffic Act Regulations and any other laws applying to the operation of the Services;
- 7.11 To ensure that appropriate training is given to all Supplier Personnel and Transport Personnel, including an induction for any new members of staff. Such training shall include, but is not limited to:
- 7.11.1 Familiarising the Transport Personnel with the Supplier's company procedures and policies as well as the route covered by the Requirement;
  - 7.11.2 Familiarising any new Transport Personnel with the appropriate Code of Conduct;
  - 7.11.3 Regular updates / re-training for personnel at least every three (3) years;
  - 7.11.4 Appropriate safeguarding training for all Transport Personnel;
  - 7.11.5 First Aid at Work training (for Passenger Assistants);



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- 7.11.6 Ensuring all Transport Personnel are aware of all emergency procedures relating to the safe carriage of Passengers on the Contract Vehicle;
- 7.11.7 Ensuring all Transport Personnel are aware of all procedures relating to the safe use of any equipment necessary to the Service Agreement.
- 7.12 In addition, when required to do so, the Supplier must make the necessary arrangements to allow Transport Personnel to attend appropriate training sessions organised by the Participating Authority (with associated training costs borne by the Supplier), which will enable them to carry out their duties at the highest level with regard to the health, safety and welfare of their Passengers.
- 7.13 To undertake recorded introductions / familiarisations with all parents/carers wherever possible. This should be used to gather information regarding the Passengers' needs and possible techniques to ensure as comfortable a journey as possible, as well as to ensure that contact details are accurate and to pass on details of the transport including times and the names of the Transport Personnel. In some instances it may be necessary to arrange for the Transport Personnel to introduce themselves to the Passenger and their parent(s) / guardian(s) prior to undertaking any transportation, to ensure the most comfortable experience for the Passenger.
- 7.14 For requirements relating to school pupils, to remind Transport Personnel at the start of each school term of the procedures that ensure the health, safety and welfare of Passengers, particularly:
  - 7.14.1 the action to be taken in an emergency/break-down situation;
  - 7.14.2 the contractual obligation to prevent any child Passenger from operating the vehicle doors;
  - 7.14.3 the emergency procedures relating to the safe carriage of Passengers on the Contract Vehicle;
  - 7.14.4 ensuring that the Transport Personnel are familiar with the needs of all Passengers.
- 7.15 To provide for examination, within a reasonable time, any documentation requested by the Participating Authority relating to a Contract Vehicle or Driver, including any PSV Operator's Licence and/or the driver's licence or PSV licence of any Driver engaged in driving a Contract Vehicle ;
- 7.16 To allow access to Contract Vehicles by authorised officers of the Participating Authority on any part of the contracted route or at the Contract Vehicles' base or destination;
- 7.17 To inform the Participating Authority immediately (within two (2) hours) of any accident or incident (no matter how minor) in which the Contract Vehicle is involved when performing duties under a Service Agreement. A full written report must follow within forty eight (48) hours of the accident or incident to the Participating Authority, using the relevant report template (or any revised templates issued at a later date) (attached as Appendices C)
- 7.18 To ensure that Transport Personnel record any situations and/or issues that give cause for concern and report them to the Participating Authority and to the Establishment;

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- 7.19 To ensure that the Contract Vehicle (and/or the Driver) is equipped with mobile communication. Particular attention is drawn to the legislation concerning the use of mobile phones in motor vehicles which prohibits the use of mobile telephones without “hands-free” operation, with which the Supplier and any Driver must comply at all times when delivering the Services;
- 7.20 To ensure that Transport Personnel carry with them a list of telephone numbers of the contacts to be notified in the case of an emergency or break-down;
- 7.21 To strictly adhere to the times and relevant dates notified to the Supplier by the Participating Authority for the collection and setting down of the Passengers
- 7.22 To ensure that any delays or potential delays are communicated as soon as possible to the Establishment or parent/carer/guardian of all Passengers;
- 7.23 To inform the Participating Authority immediately if there is a likely delay of fifteen (15) minutes or more in reaching a destination;
- 7.24 To obtain details from each Establishment of the dates and times they will be open. There will be no entitlement to payment for any journeys made on other dates or at other times or for routes other than the one prescribed by the Requirement;
- 7.25 If the Requirement concerns transport to an educational Establishment, to regularly check on the Participating Authority’s website for any variations to school start and finish times, particularly at the beginning and end of each term; and the Supplier is required to provide the Services to accommodate any such changes to these times;
- 7.26 To have in place suitable arrangements to ensure that, in the event the designated Contract Vehicle breaks down, alternative transport will be arranged promptly, taking no more than sixty (60) minutes to arrive. The Supplier must inform the Participating Authority immediately of any such delay;
- 7.27 To provide within a reasonable time, when requested by the Participating Authority, written details of the daily mileages undertaken on any route specified in the Service Agreement;
- 7.28 To prohibit any Contract Vehicle (whilst conveying authorised Passengers under the Service Agreement) from carrying **any** person other than the authorised Passengers or staff, without the prior written consent of the Participating Authority.
- 7.29 To prohibit any Contract Vehicle, whilst being used in the performance of the Services, to be used for any other purpose whatsoever without prior consent from the Participating Authority.
- 7.30 To ensure that assistance dogs are transported where required;
- 7.31 To advise the Participating Authority immediately of any changes in the route (temporary or permanent), for example pick up timings, order of pick-ups or Passengers leaving.

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- 7.32 To ensure that business continuity is maintained for the Services at all times. To achieve this, the Supplier must develop, maintain and regularly review an appropriate business continuity plan, a copy of which is to be made available to participating authority upon appointment to the DPS and thereafter after any update is made;
- 7.33 The business continuity plan required under paragraph 1.34 shall address all foreseeable circumstances that would affect the daily operation of the Services. Examples of such circumstances include, but are not limited to:
- 7.33.1 Failures of equipment, services and staffing;
  - 7.33.2 A natural disaster such as severe weather conditions and any disruption caused;
  - 7.33.3 Disruption to the local and/or national power supply;
  - 7.33.4 Disruption to the transport infrastructure for whatever reason, including fuel shortages or major accidents;
  - 7.33.5 Any major enemy or terrorist attack on the country that creates a large number of casualties, or the threat of such an attack; and
  - 7.33.6 Any actual or potential industrial action, including strike action.
- 7.34 The Supplier shall make this information available to the Participating Authority, along with any details of actions to be taken, both immediately and escalating as time passes, until normal circumstances are restored;
- 7.35 1.36 To provide the Participating Authority with a copy of all the Supplier's written policies and any amendments that may be made to these policies. This shall include, but is not be limited to: Equality & Diversity Policy, Health & Safety Policy, Drugs & Alcohol Policy, Recruitment Policies and procedures.

## **8. SUPPLIER PERSONNEL**

The Supplier is responsible for managing the performance of all members of staff engaged in the delivery of the Services. Furthermore, the Supplier is required to:

- 8.1 ensure that all personnel who are to be placed in contact with children or Vulnerable Adults are:
- 8.1.1 competent and reliable;
  - 8.1.2 properly and appropriately licensed;
  - 8.1.3 Have a current enhanced Disclosure & Barring Service (DBS) check in accordance with the Protection of Children Act 1999, Safeguarding Vulnerable Groups Act 2006 and / or Part 5 of the Protection of Freedom Act 2012;
  - 8.1.4 In respect of Transport Personnel, in possession of the Participating Authority's Council Authorised Identification Badge before being allowed to provide any of the Services (where the Council Authorisation Scheme is enforced by the relevant Participating Authority).
- 8.2 ensure that any Transport Personnel who have not been checked and cleared by the Participating Authority will not be utilised to deliver any Services under any Service Agreement;
- 8.3 ensure that, following any government reviews of the Vetting and Barring Scheme, should a safeguarding authority or organisation be introduced, all

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personnel satisfy all checks or processes that may be introduced before they are utilised to deliver any Services under any Service Agreement;

- 8.4 ensure that, notwithstanding that owing to the nature of the Services, the Transport Personnel are exempt from the application of Section 4 (2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Exception Act 1974 (Exceptions) Order 1975, all personnel engaged in the provision of the Services nevertheless are required to and do provide information in accordance with this Act and Order, in relation to convictions which would otherwise be spent under the provisions of the said Act;
- 8.5 ensure that any Transport Personnel is fit and able to carry out their duties safely, without risk of harm to themselves or to Passengers;
- 8.6 be familiar with all legislative requirements regarding the safe operation of all the equipment provided for the comfort and safety of the Passengers, and to be responsible for compliance with those legislative requirements;
- 8.7 At all times, take all proper precautions to ensure the safety of the Passengers and observe and comply with the requirements of the Road Traffic Act 1988 or any amendments to, or replacement of, that Act that come into force relating to road traffic;
- 8.8 ban all Transport Personnel from smoking, vaping and / or smoking an electronic cigarette, whilst providing the Services. Smoking is strictly prohibited on all Contract Vehicles.
- 8.9 ensure all Transport Personnel are reasonably attired and prominently display the 'Council Authorised' Identification badge at all times whilst on duty.
- 8.10 ensure that Transport personnel take all reasonable steps to ensure the safety of Passengers aboard the Contract Vehicle whilst in transit and whilst boarding or alighting from the Contract Vehicle.
- 8.11 ensure that Transport personnel are able to give clear verbal instruction to all Passengers in English. In some cases it may be necessary to supply personnel who are able to speak another specified language should the need of the Passenger dictate; Where this is required, this will be clearly stated in the mini-competition for the relevant Requirement.
- 8.12 ensure that Transport personnel have an ability to communicate well with the Passengers. In the event of an emergency, this may be crucial.
- 8.13 ensure that relevant personnel attend training courses as requested and/or when organised, either by the Participating Authority or the Supplier;
- 8.14 ensure that Transport personnel wear high-visibility clothing whilst on duty outside the Contract Vehicle for their own safety;
- 8.15 ensure that Transport personnel are not related to any of the Passengers or any of the other personnel travelling in the Contract Vehicle whilst the Services are being provided unless agreed in writing by the participating authority.

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- 8.16 ensure that Transport personnel avoid collecting Passengers from the house. Parents / carers of the Passenger are expected to bring the Passenger to the Contract Vehicle or to the designated pick-up point.
- 8.17 ensure that Transport Personnel report any behavioural problems they encounter to the Supplier and the Participating Authority, so that the issues can be dealt with as appropriate;
- 8.18 ensure that Transport personnel understand and fulfil all safeguarding responsibilities, including reporting any concerns they have regarding the Passengers' wellbeing in accordance with the Participating Authority's safeguarding policies.
- 8.19 ensure that Transport Personnel do not administer medication under any circumstance unless authorised to do so by the Participating Authority;
- 8.20 ensure that Transport Personnel phone the appropriate emergency service - for an ambulance in medical emergencies, the Fire Service in case of any fire emergency and the Police as deemed necessary;
- 8.21 ensure that a responsible adult (parent/carer/guardian), in accordance with the applicable Code of Conduct, collects all SEN Passengers and Mainstream students unless otherwise authorised in writing by the Participating Authority
- 8.22 ensure that Transport personnel are aware of all emergency procedures relating to the safe carriage of Passengers on the Contract Vehicle

## **9. DRIVERS**

The Supplier shall be responsible for ensuring that all Drivers meet and / or comply with each of the following requirements:

- 9.1 the Driver shall have a minimum of three (3) years driving experience and be appropriately licensed.
- 9.2 the Drivers shall be responsible for ensuring all Passengers are satisfactorily secured by lap and diagonal seat belts on every journey.
- 9.3 if the Contract Vehicle is a motor car, the Driver shall not allow any Passenger under the age of eight (8) years to be conveyed in the front seats.
- 9.4 if the Contract Vehicle is equipped with eight (8) Passenger seats or less, the Driver shall be responsible for ensuring that child proof locks are in use for all Passengers under sixteen (16) years of age conveyed in the rear seats.
- 9.5 the operation of the vehicle doors shall, at all times, be under the Driver's control, or that of a nominated responsible adult.
- 9.6 the Driver shall be familiar with the route(s) they is allocated to.
- 9.7 the Driver shall only transport Passengers between the agreed destinations, as per the route agreed by the Participating Authority.
- 9.8 the Drivers shall immediately report to the operator office any incident or accident (no matter how minor) that occurs when Passengers are on board.

- 9.9 the Driver shall be properly trained to use, and will apply, any equipment required under the Service Agreement

If, for any reason, the Council considers (acting reasonably) that a person is unfit to undertake the duties of a Driver, then the Participating Authority shall have the right to ask for that person to be replaced by someone it considers more suitable and the Supplier shall comply with such request.

The Supplier shall remain responsible for any failure by a Driver to comply with the requirements in this Section.

## **10. PASSENGER ASSISTANTS**

If, for any reason, the Participating Authority considers that a person is unfit to undertake the duties of a Passenger Assistant, then the Participating Authority shall have the right to ask for that person to be replaced by someone it considers more suitable and the Supplier shall comply with such request.

The Supplier shall be responsible for ensuring that all Passenger Assistants meet and / or comply with each of the following requirements:

- 10.1 The Passenger Assistant shall maintain a “vehicle log book” in which specific details relating to the Passengers conveyed can be recorded and in which all incidents that occur on the journeys must be recorded. The information recorded in the “vehicle log book” will be treated as confidential and must not be relayed to any unauthorised individual.
- 10.2 The Passenger Assistant shall be First Aid trained to at least the standard of the “Appointed Person” First Aid Training Course;
- 10.3 If requested, the Passenger Assistant shall attend periodic Passenger Assistant training at a time and venue specified by the Participating Authority and / or the Supplier. For some Requirements, Passenger Assistants may need training in particular specialist procedures or techniques and the Supplier shall only use Passenger Assistants who have the requisite training.
- 10.4 The Passenger Assistants shall **not** administer medication, unless they have had specific training and are authorised to do so by the Participating Authority.
- 10.5 the Passenger Assistant shall report:
- 10.5.1 to a member of staff at the Establishment if Passengers fall ill whilst travelling to that destination;
  - 10.5.2 To the Passengers parent, carer or guardian if a Passenger falls ill whilst travelling home from the Establishment;
- 10.6 the Passenger Assistants shall contact the Passengers’ parent/carer/guardians if there is a delay in the schedule of more than fifteen (15) minutes from the establishment.
- 10.7 the Passenger Assistant shall contact the Establishment if there is a delay in the schedule of more than fifteen (15) minutes on a journey to the establishment.

The Supplier shall remain responsible for any failure by a Passenger Assistant to comply with the requirements in this Section.

## **11. CONTRACT VEHICLES**

**The Supplier is responsible for ensuring that all Contract Vehicles fully comply with the following requirements:**

- 11.1 at all times, the Contract Vehicle must have a current, valid MOT certificate and road tax and the Supplier must maintain appropriate insurance. The Participating Authority will make regular checks of MOT and insurance documents, and the Supplier shall provide all such information required by the Participating Authority for the purposes of these checks.
- 11.2 Contract Vehicles must, at all times, comply with the Department of Transport (as the same may be reconstituted or renamed from time to time) legislative requirements and be able to deliver the contract in full. Vehicles must be compliant with British Safety Standards or equivalent
- 11.3 Contract Vehicles must, at all times, be maintained in a proper and roadworthy condition and kept clean and comfortable. The Contract Vehicle should provide suitable adequate heating and ventilation or air-conditioning to allow comfortable transport for the number of Passengers being conveyed and must provide suitable protection against wet and inclement weather. Vehicles must comply with the number of seats required by the Service Agreement and Requirement.
- 11.4 Any Public Service Vehicle must, at all times, comply with the relevant Operators Licensing requirements and, in all other respects, with the requirements of Part II of the Public Passenger Vehicles Act 1981 or be operated under a Section 19 permit;
- 11.5 If a Licensed Taxi (Hackney Carriage) or a Licensed Private Hire car, the Contract Vehicle must, at all times, comply with the requirements of the Hackney Carriage Licence / Private Hire Licence issued under the Metropolitan Public Carriage Act 1869, the Local Government (Miscellaneous Provisions) Act 1976, The Private Hire Vehicles (London) Act 1998 or the Transport Act 1985 as appropriate (or any amendments to, or replacement of, those Acts that come into force) and /or any Regulations made from time to time. The Participating Authority will make regular checks of licence documents and the Supplier shall provide all such information as may be required by the Participating Authority for these checks.
- 11.6 All Contract Vehicles must display the appropriate licensing plate or disk. Private Hire vehicles with exemptions from displaying any plates are not suitable for the provision of the Services under the DPS.
- 11.7 All Contract Vehicles must be of suitable size and layout so that a Passenger Assistant must have clear and direct access to any Passenger allocated with the need for a Passenger Assistant. This access should not be blocked by folding seats, baggage/equipment or wheelchairs. Space should be available for the safe storage of wheelchairs and/or other equipment required to accompany the Passenger. This equipment must be conveyed in a safe and secure manner.

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- 11.8 The Supplier must ensure that where a child safety seat is required, it is properly fitted in accordance with the manufacturer's instructions and the Driver fulfils the responsibility for ensuring that the Passenger is properly secured in the child safety seat.
- 11.9 Contract Vehicles must not, under any circumstances, be equipped with, or convey Passengers in, inward side facing seats. Seats must be suitable for the Passenger to be transported and conform in all aspects to British Safety Standards.
- 11.10 if constructed or adapted to convey up to and including sixteen (16) Passengers, the Contract Vehicle be fitted with fully functional lap and diagonal seat belts on all Passenger seats. Transport personnel must ensure Passengers are fully secure prior to departure.
- 11.11 Contract Vehicles must have all seat belts installed, maintained and used in accordance with current legislation.
- 11.12 if a large bus constructed or adapted to convey seventeen (17) or more Passengers, the Contract Vehicle must be fitted with Driver operated automatic doors such that the door operation is under the control of the Driver at all times.
- 11.13 All Contract Vehicles must display appropriate signs carrying the EU approved "child logo" which will be issued, upon request, by the Participating Authority.
- 11.14 An Accident/Incident recording pack must be kept on board all Contract Vehicles to be used in respect of the Services and Transport personnel must be made aware that this pack must be used in the event of any incident or accident.
- 11.15 The Supplier must ensure that Contract Vehicles do **not** display any publicity material without the prior approval of the Participating Authority, nor any publicity or livery on behalf of any other company.
- 11.16 Contract Vehicles that are constructed or adapted to convey passengers in wheelchairs or buggies must be equipped with either tail-lift or ramp facilities that comply with British Safety Standards. In addition, all wheelchair lifting equipment must conform to the Lifting Operations and Lifting Equipment Regulations 1998 ("**LOLER**") and the Providing and Using Work Equipment Regulations 1998 ("**PUWER**") and have an annual weight test. Suppliers shall provide copies of the six (6) monthly certificates signed by a competent person as defined within the legislation upon request of the participating authority.
- 11.17 If constructed or adapted to convey Passengers in wheelchairs or buggies, Contract Vehicles must be equipped with suitable tracking to secure the wheelchair or buggy in a forward facing position. All Contract Vehicle floor tracking must be laid longitudinally and comply with all current legislation. The Supplier will be responsible for ensuring that this tracking is kept clean at all times.
- 11.18 If constructed or adapted to convey Passengers in wheelchairs or buggies, Contract Vehicles must provide sufficient wheelchair and passenger restraints to transport all wheelchair Passengers identified in the Requirement. The



Supplier must be aware of the type of wheelchair or buggy to be transported and is responsible for providing the correct type of wheelchair and passenger restraint, either identified in the manufacturer's specification or supplied by the Participating Authority. If the Supplier is in any doubt as to the Wheelchair Tie Down and Occupant Restraint System ("WTORS") to be used, the Supplier must contact the Participating Authority for clarification.

- 11.19 If the Contract Vehicle is a motor car, it must be fitted with childproof locks (or central locking override, switch controlled by the Driver) on rear passenger doors to prevent opening by Passengers when the Contract Vehicle is in motion. Such devices must be engaged when Passengers are on board

## 12. SAFEGUARDING

- 12.1 HM Government 'Working Together to Safeguard Children' (2006) requires all organisations to follow the procedures for protecting children from abuse. Therefore, the Supplier must follow the safeguarding procedures which are established by the Participating Authority. The Supplier is also expected to ensure that they have appropriate procedures in place for responding to situations where they believe a child has been abused, or is at risk of abuse. These procedures should also cover circumstances in which a member of staff is accused of, or suspected of, abuse.

- 12.2 The Supplier's responsibilities are to:

- 12.2.1 ensure all Transport personnel providing the Services have been recruited following the safer staffing guidelines including, but not limited to completion of an application form, a recorded face to face interview and receipt of references;
- 12.2.2 ensure that, where enforced by the Participating Authority, all Transport personnel engaged in the delivery of the Services have Council Authorised Identification clearance **before** transporting any Passengers under a Service Agreement.
- 12.2.3 ensure any Driver or Passenger Assistant who is not police or DBS checked, in accordance with the guidelines above, will not be engaged in the provision of any of the Services under any Service Agreement.
- 12.2.4 ensure that Driver and Passenger Assistant ID badges are available for inspection at all times;
- 12.2.5 ensure that the safeguarding responsibilities apply equally to any replacement or temporary Transport personnel utilised by the Supplier in the provision of the Services.
- 12.2.6 ensure that all personnel are aware of their responsibilities and role in the safeguarding of the Passengers being transported.
- 12.2.7 ensure that all Transport Personnel clearly understand the need to maintain appropriate boundaries in their dealings with young people and Vulnerable Adults.

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- 12.2.8 ensure that all Transport Personnel are aware that innocent comments and/or contact between young people/Vulnerable Adults can be misconstrued.
  - 12.2.9 ensure that Transport Personnel never have inappropriate or unnecessary physical contact with young people or Vulnerable Adults
  - 12.2.10 ensure that all Transport Personnel are aware of the potential dangers of being in a 1-1 situation with Passengers; this includes but is not limited to giving lifts to, or having other contact with, Passengers outside of normal transport arrangements;
  - 12.2.11 ensure that Transport Personnel do not engage in private or personal correspondence with young people or Vulnerable Adults by any means, including text messages, internet mediums including (but not limited to) online gaming, messaging services and social networking sites such as Facebook & Twitter etc. or personal email.
  - 12.2.12 convey to Transport Personnel that they must always be prepared to explain their actions and accept that “relationships” with Passengers will be open to comments and scrutiny
  - 12.2.13 ensure that all personnel are aware that they should report any safeguarding concerns they have, regarding the well being of any of the Passengers on transport, to the Council.
- 12.3 Safeguarding Passengers is of paramount importance to the Participating Authority. The Supplier shall be aware of best practice in this area and implement where necessary.

### **13. PERFORMANCE AND QUALITY MANAGEMENT**

- 13.1 Robust performance management is key to the achievement of the Participating Authority’s aims. To this end, the Supplier must have:
  - 13.1.1 a clearly defined organisational structure, including the day to day operational structure and the overarching management structure that steers the relationship between the council PA and the Supplier;
  - 13.1.2 in place processes and procedures for monitoring actual performance against the service requirements and standards set out in this Specification.
- 13.2 The Supplier’s organisational structure must clearly demonstrate the Supplier’s ability to adequately manage the Supplier’s performance under all Service Agreements. As a minimum, the Supplier should provide the following information to the Council PA (including updating any changes to such information):
  - 13.2.1 the named on-site or local Service Manager(s);

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- 13.2.2 the named Contract Manager, who will be responsible for attending the stipulated review meetings and for providing attendance at ad hoc meetings as requested.
- 13.3 During regular reviews of the Services, the Council PA will carefully consider whether the relationship is driven by trust and co-operation, rather than by the contract alone. Both parties are responsible for ensuring an open and honest relationship.
- 13.4 The Supplier must provide operational reports to the Participating Authority, as required, to include information such as: timeliness, using correct drop off points, etc.

#### **14. COMPLAINTS**

- 14.1 The Supplier shall have its own complaints procedure, details of which will be supplied to the Participating Authority. The Supplier's complaints policy will comply with the Participating Authority's complaints procedure (as the same may be amended and notified to the Supplier from time to time) whenever a complaint is made by any third party directly to the Participating Authority.
- 14.2 The Supplier must keep a record in a form as stated below, of any complaints received (whether received orally or in writing, and whether from members of the Participating Authority, Passengers or their parents, carers or guardians, members of the public or others) and of the action taken by the Supplier to remedy or fully investigate each such complaint. Such records shall be kept available for inspection by the Participating Authority at all reasonable times.
- 14.3 The Supplier's record of complaints must include:
- 14.3.1 the nature of the complaint;
  - 14.3.2 the name of the complainant;
  - 14.3.3 the date and time the complaint was received;
  - 14.3.4 the action taken to remedy the complaint;
  - 14.3.5 the names of the Suppliers employees involved in the complaint and the remedy.
- 14.4 The Supplier must deal with any complaints received from whatever source in a prompt, courteous and efficient manner.

### **THE PARTICIPATING AUTHORITY'S RESPONSIBILITIES**

#### **15. GENERAL**

- 15.1 The Participating Authority expects to work in partnership with the Supplier and to communicate with them in an honest and courteous manner, acting in a reasonable manner at all times.
- 15.2 Each Participating Authority shall:
- 15.2.1 Supply the Supplier with, or reimburse them for, the provision of any specialist equipment required (provided that the Participating Authority

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shall, at all times, retain ownership of such equipment unless otherwise specified for individual equipment);

- 15.2.2 Give the Supplier reasonable time, unless directed by the legislation, to comply with any new legislation or regulations, or policies and procedures introduced by the Participating Authority;
- 15.2.3 identify appropriate training courses, which the Supplier should organise and ensure Transport personnel attend if required;
- 15.2.4 Actively encourage the Supplier to raise the awareness amongst their Transport Personnel of the Services and to support and enhance the provision of the Services by their Personnel by offering additional training to them;

## **16. SERVICE INFORMATION**

- 16.1 The Participating Authority will supply The Supplier with accurate relevant information about the Passengers to be transported, including:
  - 16.1.1 Name, address & telephone number;
  - 16.1.2 Dates, times and destinations of travel;
  - 16.1.3 Details of any special requirements or special equipment required, that the Participating Authority is advised of;
  - 16.1.4 Details of behavioural issues or any other issues relevant to the Passenger, that the Participating Authority is advised of
  - 16.1.5 Details of any care plan agreed between parents/carers, Establishment and the responsible medical practitioner in cases where pupils have specific conditions, that the Participating Authority is advised of. This will specify the steps to be taken to support the normal care of the Passenger as well as the appropriate responses to emergency situations, and should be carried on the Contract Vehicle at all times
  - 16.1.6 Give details of the transport arrangements that have been made to the Passenger's parent(s), carer(s) or guardian(s).

## **17. SAFEGUARDING**

The Participating Authority will:

- 17.1 Administer the Council Authorised Identification Scheme to ensure all Transport personnel have enhanced level DBS checks, and issue appropriate identification when this process is complete. The Participating Authority will not be liable for any costs associated with the DBS checking process;
- 17.2 Issue the Participating Authority Authorised Identity Badge or notification of unsuitability within ten (10) Working Days of the receipt of an enhanced DBS disclosure. (Additional information may be requested by the Participating

- Authority about an individual's background in order to make a decision on suitability);
- 17.3 Abide by the Participating Authority's safeguarding policy and procedures following notification of any allegations or complaints;
  - 17.4 Instruct the Supplier to suspend the Driver / Passenger Assistant concerned from the delivery of any of the Services should an allegation be received, while the investigation takes place. In some instances the Participating Authority will withhold details of the allegation in order to investigate the matter through the appropriate channels;
  - 17.5 Notify the Supplier of the conclusion of any investigations, although the details of the investigation may be withheld where required in order to protect the personal data rights of affected individuals;
  - 17.6 Notify/forward on any safeguarding concerns raised by the Supplier on to the appropriate team within the Participating Authority.

## **CONTRACT MANAGEMENT**

### **18. PERFORMANCE AND QUALITY MANAGEMENT**

The Participating Authority will:

- 18.1 Facilitate regular review meetings and ensure open channels of communication between the Participating Authority and the Supplier;
- 18.2 Monitor and enforce the terms and service levels applicable to each Service Agreement;
- 18.3 Adopt the Contract Management Process and 'Performance Points Scheme' to assist in monitoring the Supplier's performance under the DPS arrangements.
- 18.4 Undertake formal reviews of performance, service delivery and the relationship between the Participating Authority and the Supplier
- 18.5 Investigate any complaints received about the operation of the service

### **19. FINANCIAL DEDUCTIONS**

- 19.1 It is the responsibility of the Supplier to inform the Participating Authority, at the earliest opportunity, of a foreseeable difficulty in providing any journey required under a Service Agreement. The Supplier shall inform the Participating Authority immediately of any unforeseen difficulty that means the Services (or any part of the Services) will not operate.
- 19.2 In the event of adverse weather conditions or industrial action the following payment rules shall apply:
  - 19.2.1 The full morning rate will be paid for any scheduled morning journey if a Contract Vehicle has set out but is then unable to complete the

journey because of adverse weather conditions or the receiving Establishment is closed.

- 19.2.2 No payment will be made for the return journey if it was known that the journey was not required.
- 19.2.3 For subsequent days or in the event of industrial action at an Establishment, when it is known that the journey is not required because the Establishment is closed, no payment will be made.
- 19.2.4 For school journeys, the Supplier is required to familiarise themselves with the school closures system which provides online information of the latest school closures and email/text alerts. In these exceptional circumstances, the Supplier must rely on this information to determine whether the journey is required.

## **20. PERFORMANCE MANAGEMENT AND RECORDING**

- 20.1 Authorised Transport Officers from each Participating Authority that has ordered Services via the DPS will manage and monitor the Supplier's performance using the Transport Performance Points Scheme set out in Tables 1 & 2 below. Failure to provide the Services in accordance with this Specification may result in financial deductions and / or the Supplier being suspended from bidding for new mini-competitions.
- 20.2 Each Participating Authority shall operate the Transport Performance Points Scheme independently so that any suspension from participating in Mini-Competitions shall only apply to the relevant Distribution Group.
- 20.3 The Participating Authority shall notify any performance issues arising under a Service Agreement, as well as any Performance Points, financial deductions to be applied to the Supplier via email. If the Supplier is to be suspended, the Participating Authority shall issue a suspension notice in accordance with the terms of the Supplier Agreement.
- 20.4 Information provided to the Participating Authority from a member of staff of an Establishment shall, for the purposes of the Transport Performance Points Scheme, be considered as information provided by an officers or agents of the Participating Authority, and so the Participating Authority will not have to investigate their complaints in order to note poor performance and/or issue negative Performance Points.
- 20.5 Complaints from parents/guardians/carers will be investigated by the Participating Authority. If the complaint about the Supplier is upheld following the Participating Authority's investigation, the complaint will be recorded as negative performance by the Supplier. All complaints will be recorded but may also be noted to be unsubstantiated or unfounded.
- 20.6 The Supplier is required to regularly feedback on their own performance regarding timeliness and use of the correct pick up / drop off locations. The Participating Authority requires Providers to be open and honest about their performance and if discrepancies are found between feedback from the Supplier and the Establishment, the onus will be on the Supplier to provide evidence to demonstrate that the Supplier has met the standards set out in this Specification. Where the Supplier has been open and honest about their performance and notified the Participating Authority of any issues, this will be

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taken into consideration as part of the decision about whether or not to apply any Performance Points and / or financial deductions.

- 20.7 The Participating Authority is keen to encourage positive feedback about the Services, and so a performance survey will be sent to all Establishments to allow positive comments to be gathered and measured, this will generally be annually but may be carried out at higher frequencies dependant on the need of the Participating Authority. A similar survey will be sent to a sample of the Supplier's passengers parents / guardians.

## **21. CONTRACT MANAGEMENT RELATIONSHIPS**

- 21.1 Each Supplier will be allocated a Contract Manager by the Participating Authority. Each Supplier must also nominate a specified contact within their organisation ("**Supplier's Manager**"). The Contract Manager and the Supplier's Manager ("**Managers**") will be responsible for the formal management of the Service Agreement, monitoring performance and risks, ensuring ongoing value for money and approving changes to the Route Schedule in accordance with the Service Agreement Terms.
- 21.2 The relationship between the Managers is a key relationship for each Service Agreement, and each shall ensure regular communication if there are performance issues or clarifications that need explanation.
- 21.3 The Participating Authority may instruct the Supplier to attend review meetings. Where so instructed, the review meeting must be attended by the Supplier's Manager. The purpose of the review meeting is to discuss any specific issues as well as negative or positive feedback received in respect of the Supplier. The Supplier may also be required to ensure that operational staff are in attendance at a review meeting so that knowledge of specific issues that are to be discussed is available. The necessary attendees will be notified by the Participating Authority to the Supplier in advance of the review meeting taking place.
- 21.4 Operational issues may be notified and resolved by a Council's Authorised Officer, and these issues and complaints will be recorded. The Contract Manager will monitor these reports and where necessary discuss these issues or complaints to ensure that they are being addressed and resolved within the Supplier's organisation.

## **22. AUDITS**

- 22.1 the Supplier may be audited by the Participating Authority at any time. Each Participating Authority shall be entitled to manage any issues identified through the audit using the performance points scheme.
- 22.2 The Participating Authority may also make recommendations through the audit that may be followed up in order to ensure compliance to improve service delivery.

## **23. TRANSPORT PERFORMANCE POINTS SCHEME**

- 23.1 The list of negative Performance Points is based on a 10 point scale where 10 is the most serious offence. The scheme will operate on a one (1) year rolling

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basis. Performance Points will be removed on the anniversary of the points being issued.

23.2 Where the supplier accrues forty (40) or more performance points the Participating Authority may require that a performance improvement plan is agreed and implemented. At this stage the Participating Authority may limit the supplier's ability to bid for new routes.

23.3 Where seventy-five (75) negative points have been accrued in a rolling year period, the Supplier will be required to attend a meeting to formally explain their performance. The Participating Authority may at this stage limit or remove the Supplier's ability to bid for new routes or permanently remove service agreements they currently operate. If a significant improvement is not witnessed following these sanctions the Supplier may be removed permanently from all Participating Authority service agreements.

23.4 Financial deductions will also be applied alongside the Transport Provider Performance Points scheme for specific failures (see tables below).

23.5 The Council shall be entitled to amend the list of offences subject to negative Performance Points upon one (1) months written notice to the Supplier. The current list of offences is as follows:

**TABLE 1: Failure by supplier**

<b>Code</b>	<b>Description of Offence</b>	<b>Points</b>	<b>Financial deduction (% of daily rate)</b>
Op1	Uncontactable by telephone between 07:30 and 17:00	3	25% of the daily rate of the route the call is regarding
Op2	Failure to notify the Council of Sub contracting	5	100% of the daily rate
Op3	Failure to keep accurate, current and secure records of bookings and disposal of work in line with GDPR.	5	
Op4	Failure to keep valid, accurate, current records of vehicle licensing & insurance, and driver licensing and clearance (DBS and participating authorities ID scheme)	7	
Op5	Failure to provide accurate invoices (incorrect date/format, inaccurate days/numbers of journeys, etc)	7	
Op6	Failure to ensure that an instruction from an Authorised Officer is carried out	1-10	
Op7	Failure to supply suitable cover vehicles and transport personnel in the allotted time in line with your	7	



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	business continuity plan		
Op8	Upheld complaints against the service provided by the Provider	1-10 (dependant on the nature of the complaint)	
Op9	Failure or refusal to carry out the service as instructed	8	
Op10	Failure to provide and evidence training required to meet the needs of the passengers travelling on your service agreements	10	
Op11	Consistent failure to ensure that a contract is completed with 15 minutes of the stated time on the contract	5	
Op12	Failure to ensure that consistent crews are used on a route.	5	
Op13	Failure to supply an incident report – verbally within 2 hours and an incident report form within 48 hours	10	50% of the daily rate
Op14	Failure to report concerns relating to the safe transport of passengers including but limited to safeguarding concerns		
Op15	Failure to notify of change of contract details (including non-attendance or leaving)	5	
<b>16 seat plus vehicles only</b>			
Op16	Failure to supply a vehicle sufficient for the passenger capacity in live with the Service Specification	10	
Op17	Failure to display route sign in the front windscreen	4	

**TABLE 2: Failure by Driver or Passenger Assistant**

The Supplier is responsible for the fulfilment of all obligations under the Service Agreement and remains liable for the actions of their staff. The Supplier will receive negative Performance Points if any of their Drivers or Passenger Assistants are found to have failed to meet the requirements of this Specification whilst delivering the Services. The Performance Points currently applicable are as follows:

<b>CODE</b>	<b>Transport Personnel Offence</b>	<b>POINTS APPLIED</b>
TP1	Failure to provide a vehicle that is in roadworthy condition or suitable for customer service. Including displaying the appropriate licensing information and maintaining the vehicles interior and exterior appearance	1-10 (depending on offence)
TP2	Failure to ensure that no passenger under 8 years old will travel in the front seats (Taxis and Minibuses only)	3
TP3	Failure to use, correctly apply or maintain any other equipment used in the Council contract	5
TP4	Failure to be clean and presentable whilst working, including body odour (Clothing must be clean, smart casual as a minimum) and secure footwear suitable for driving must be worn	1
TP5	Failure to reasonably assist passengers without good cause	1
TP6	Failure to notify change (within 1 days) of any condition which may affect the ability to drive	10
TP7	Failure to notify after a criminal offence has been committed	10
TP8	Failure to have a valid Council Authorised Identification on board the vehicle whilst working on Council contracts	5
TP9	Making a false statement or withholding information to obtain/maintain a Council Authorised Identification or contract	10
TP10	Driving in a manner contrary to the Road Traffic Act (or other legislation) whilst working on Council contracts	5
TP11	Using threatening or offensive language or behaviour	5
TP12	Failure to deliver the service agreement as specified (including but not limited to unauthorised passengers, late arrivals and serving addresses other than those specified)	5
TP13	Failure to abide by an instruction of an Authorised Officer	2
TP14	Failure to ensure that child passengers are handed over to an appropriate responsible adult	8

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TP15	Failure to drop off or collect passengers at the designated point at establishments	5
TP16	Smoking/vaping whilst on duty during a Council contract	3
TP17	Any other offence as deemed by the appropriate Authorised Officer	1-5 (dependant on offence)
TP18	Working outside of any conditions imposed on their Council Authorised Identification	5
TP19	Passenger Assistants sitting in the front of the vehicle during a Council contract when passengers are onboard	3
TP20	Leaving the vehicle unattended whilst passengers are on board	3
TP21	Failure to Abide by the relevant codes of conduct for transport personnel	1-5 (dependant on offence)

## GENERAL INFORMATION

### 24. USEFUL CONTACTS :

East Sussex County Council  
Transport Team:

Specialist	01273 335 067
Mainstream	01273 335 088
Adult Social Care	01273 335 090

Contact details for other Participating Authorities' shall be issued with the mini-competition documents.

### 25. GLOSSARY OF TERMS AND ABBREVIATIONS

<b>The Act</b>	means the Public Passenger Vehicles Act 1981 and/or any amendments to it, or replacement of it, and any Regulations made under it.
<b>The Council</b>	means East Sussex County Council;
<b>Council Authorised Identification</b>	means the authorised identification card issued to Drivers following a vetting process undertaken by the Participating Authority.
<b>Contract Vehicle</b>	means any vehicle used by the Supplier in the performance of the Services.
<b>Driver</b>	means a person employed or engaged by the Supplier to drive a Contract Vehicle;

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<b>Establishment</b>	means the school, academy or other educational institution, day centre or other establishment to and from which the Passenger is to be conveyed for the relevant Requirement
<b>Participating Authority</b>	means the local authority commissioning the Services and will be either East Sussex County Council, Brighton and Hove City Council, Surry County Council or West Sussex County Council;
<b>Passenger</b>	means the individual(s) to be transported as detailed in the Route Schedule;
<b>Passenger Assistant</b>	means an adult, with appropriate training (as may be detailed in the Requirement) who travels with the Passenger to ensure the Passenger's identified needs are met;
<b>Public Service Vehicle or PSV</b>	means a Public Service Vehicle within the meaning at Parts I and II of The Act.
<b>Requirement</b>	means the specific Services required by the Participating Authority under a Service Agreement, as set out in the Route Schedule.
<b>Route Schedule</b>	means a document detailing the route number, route details, timetable requirements and authorised passengers, issued by the Participating Authority to the Supplier.
<b>Service Agreement</b>	means the contract between the Supplier and the Participating Authority for the provision of the Services covered by the relevant Requirement.
<b>Supplier</b>	means the DPS Supplier delivering the Services;
<b>Supplier's Personnel</b>	means the Supplier's partners, directors, employees, agents and sub-contractors.
<b>Transport Personnel</b>	means the Supplier's Driver(s) and or Passenger Assistant(s) delivering the Services;
<b>Vulnerable Adult</b>	has the meaning set out in the Safeguarding Vulnerable Groups Act 2006.

## APPENDIX A

Code of Conduct for Transport personnel transporting Children



Operator Guide -  
Childrens.pdf

# Escort & Driver Guidance notes

This information is aimed at transport escorts or assistants on home to school or adult social care transport but is also intended to be helpful to drivers as well.

Vehicle escorts play a vital role in supporting service users travelling on vehicles contracted to the County Council and provide an important link between the child's home and school life.

## Your role as an escort or driver

### Escorting children to school

A school escort accompanies children with special educational needs to and from school on taxis, buses or coaches. The children may have physical disabilities, hearing or sight difficulties, learning difficulties or behaviour problems. They may also have a range of conditions such as autism, Asperger syndrome or epilepsy.

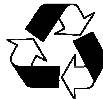
to the children described above, additionally, older adults may have additional requirements as a result of conditions such as Alzheimer's disease. Separate information will be supplied about these requirements.

### Escort responsibilities

As a school escort, you are responsible for the supervision and care of children whilst they are in the vehicle and until you can hand them over to a responsible person such as a teacher, parent or guardian. You should always travel in the back of the

### Escorting vulnerable adults

Vulnerable adults are aged from 19 upwards and may have similar additional needs



vehicle with the children you are escorting. If seating arrangements will not allow for this, contact the Specialist Transport Team for advice.

When you start a new school run the Transport Team will send a route manifest to your employer together with the names and addresses of the children you will escort, where you will pick them up and drop them off and any other information that you need to know, such as their medical condition

If you are notified that a new child is joining your school run you should contact the school to find out if there is anything else you need to know about the child.

While the children are with you on transport they are your responsibility (not the drivers) and you must never leave them on their own.

You should never leave the vehicle with children on board unless there is an emergency. It is the parents' responsibility to ensure that their children get on and off the vehicle.

Many schools have queuing systems for school transport which mean you should wait until the school staff are ready to take the children into school. It is, however, common practice at some schools for escorts to walk the children from their vehicle into the school. This arrangement is approved provided you are taking all the children off the vehicle and you can manage to take the children safely to the school entrance. If you have any concerns about this please contact the transport team for advice.

### The important points

- Escorts are responsible for the supervision and care of children whilst they are in the vehicle and until you can hand them over to a responsible person
- Always travel in the back of the vehicle with the children.
- Never leave the children on their own.

7. Discuss with the person in charge whether any steps need to be taken to protect the person who has told you about the abuse.
8. Never try to investigate suspected or alleged abuse, for example, by interviewing people – Social Services and police staff are the people trained to do this. You could cause more damage and spoil possible criminal proceedings.
9. As soon as possible (and certainly the same day) the person in charge should refer the matter to the local social services department helped by your notes. Follow their guidance about what to do next. They have a legal duty to start any necessary investigations, and they can advise you. Make time to discuss with your manager or a colleague how you are feeling.

“  
**Never  
think abuse  
is impossible**”

10. Never think abuse is impossible or that an accusation against someone you know well and trust is bound to be wrong.

Client Transport Services (Compliance)  
Tel: 01273 335077  
e mail: [compliance.cts@eastsussex.gov.uk](mailto:compliance.cts@eastsussex.gov.uk)

## Child Protection Awareness

All adults who come into contact with children and families in their everyday work have a duty to safeguard and promote the welfare of children. As a school escort, you are likely to come across some kind of child protection problem in the future.

### TEN KEY POINTS to follow if you suspect or are told of abuse

1. Always stop and listen straight away to someone who wants to tell you about incidents or suspicions of abuse.
2. Write brief notes immediately after speaking to a child, not while a child is talking to you. You need to pay full attention to what they are saying. Make sure you include the date, time, place and your signature on the notes.
3. Never promise that you will keep what is said confidential or secret. If you are told about abuse you have a responsibility to report it so that action can be taken. Reassure the child that you will tell only those who need to know.
4. Do not ask leading questions that may give your own ideas of what may have happened (e.g. did he/she do X to you?) – just ask 'What do you want to tell me? Of 'Is there anything else you want to say?'
5. Don't give the child the impression you don't believe them – remember you may well be the first person the child has spoken to about this. Whether you believe them or not isn't the issue – if you have a suspicion, report it.
6. Immediately tell the Child Protection Officer at the school and the Safeguarding Officer in Client Transport Services. Do not tell anyone else what you have been told.

## Your role as an escort or driver continued....

### Collection points

If a child meets or leaves transport at a pick up point (e.g. a bus stop) rather than their home address, it is still important that their parent or guardian is there with them. If a parent doesn't meet their child you must not put the child at risk by allowing them to make their way home unsupervised. Some children can make their own way to and from the pick up point if a written agreement has been received from their parent or guardian. The Specialist Transport Team can confirm if a child has permission to do this.

Children who are picked up and dropped off at their own homes must never be left alone unless the Specialist Transport Team has written agreement from the child's parent or guardian. Parents or guardians at home pick ups are still responsible for

bringing their child to the transport and collecting him from the vehicle.

### Waiting time

Parents are advised of the time of the home pick up and it is their responsibility to be there on time. You should only wait **5 minutes** if parents are not waiting with their child when you arrive at their responsibility to be there on time. You should only wait **5 minutes** if parents are not waiting with their child when you arrive at their home. You should never hand a child over to a different adult or sibling unless you have been informed of this change by the Specialist Transport Team.



### Emergencies

In an emergency where a child could be at risk you must stay with the child until you are sure that he or she is safe. Do not take any risks or put the child in danger as the results could be very serious

If a parent or guardian is absent at the child's regular drop off point:

- Continue the route with the child on the vehicle and drop off the other children escorted. The parent may be present by the time you return the child as the last drop off
- Contact the Specialist Transport Team for advice if the parent is still absent.
- Hand the child over to a responsible person authorised by the Specialist Transport Team, the parent, or the school.
- If unable to contact the Specialist Contract Team, contact the nearest social services office or the police for assistance.

If a parent asks you to pick up or drop a child off anywhere other than the designated point, **you must contact the Specialist Transport Team before doing so**, as any changes must be agreed and confirmed. Changes of address must also be authorised by the Specialist Transport Team before changes can be made to the child's journey.

- If you have to use physical restraint as a last resort, **it must not be deliberately painful** or dangerous to the child. Always try to hold the child's clothing rather than his or her body.
- If you have used physical restraint on a child **you must** inform the child's school who will make a written note of all incidents and inform Client Transport Services.

### Your legal position

The Criminal Law Act (1967) allows any person to use such force as is reasonable in the circumstances to prevent an offence being committed, such as:

- Stopping someone assaulting another person
- Stopping someone greatly damaging property

Under common law, you may also have a duty of care to apply a reasonable level of force towards and individual to avoid them injuring themselves. What is 'reasonable' must be a matter of personal judgment. If, however, a member of staff has clearly neglected that duty of care

and the use of force was unreasonable or excessive, he or she may be liable to disciplinary action, civil or criminal proceedings.

You must also never touch children in a manner which is gratuitous or would be considered sexual, threatening or intimidating, however; it is acceptable to hold a child's hand, or hold or support a vulnerable adult's arm when, for instance, crossing a road, or car park; it is also acceptable to 'steer' a child by placing your hand(s) on their shoulder(s). Clearly you will want to prevent a passenger from hurting themselves but do report any service user in your care who appears to need a lot of physical intervention from you as soon as possible.

It is important that you notify Client Transport Services if you have had to use restraint on a child during the journey. You will be asked for a brief report which will be kept on file. This is to justify your need to use restraint whilst working as a school escort, similarly, please also contact Client Transport Services for advice if you, or anyone else, has been injured.

## Managing Children's Behaviour

Children with learning disabilities may appear younger than their actual age but they are encouraged at school to learn appropriate behaviour for their age group

### Physical contact

To avoid misunderstandings, Client Transport Services recommends that escorts do not encourage physical contact such as hugs, cuddles and kisses with children. This may be difficult as some of the children are very affectionate. If you require help please contact the child's school office for advice as quickly as possible.

If you have problems with children displaying challenging behaviour, contact Client Transport Services (CTS) and the child's school for advice.

Never drop a child off at an unscheduled point on your journey because they have been behaving badly in your vehicle. If a child informs you that they do not need transport for the afternoon or the following morning always advise and confirm this with the school office.

### Physical restraint

You must never use physical restraint on a child unless they are going to hurt themselves or someone else, or they are greatly damaging property. Restraint is one of the many possible solutions to a crisis. You should use it only as a last resort. If you use restraint, it must be the minimum amount that will control the crisis. You must never use it as a punishment.

“  
**You must never smack a child in your care**  
”

### Alternatives to physical restraint

- Distract the child's attention or talk to the child.
- Give clear spoken instructions to stop dangerous or threatening behaviour

## Communicating with children who have special needs

To continue to improve the quality of the service we provide to children with special needs it is important to understand how to communicate with children with disabilities. Below is a simple set of guidelines for communicating with children both verbally and non-verbally.

### Appropriate Language and Behaviour

Always behave in a mature, respectful, safe, fair and considered manner to all staff pupils and vulnerable adults. This includes using appropriate language at all times, remember, the children in your care are likely to be very aware of your speech and actions even if they appear disinterested and you may find that comments you make in the vehicle will be repeated outside including any inappropriate language that you may use.

Be particularly careful therefore not to use any swear words or other course or inappropriate language and simply treat all concerned in a

professional manner. Also make sure to wear appropriate dress and, from the first journey, keep a calm atmosphere in the vehicle including keeping the volume of any music low.

### Communicating with a child who is blind

- Introduce yourself clearly, tell them when you are moving away, don't leave a child talking to an empty space.
- Offer them your arm to hold if you are guiding them, then walk at a steady pace and try not to push or pull them.
- If there are steps, tell them whether to go up or down.
- Remember that guide dogs (and other assistance dogs) are working dogs and should not be fed, patted, or distracted whilst they are working.

### Communicating with a child who has speech difficulties

- Concentrate on what is being said and, if you need more information, break down your questions into individual points.
- Be patient and don't try to guess what the child is trying to say.
- If you don't understand what they are saying don't pretend to.
- Try other forms of communication if necessary (e.g. write things down on a note pad)
- Remember slowness or impaired speech does not reflect a person's intelligence.

Communicating with a child who has a learning difficulty  
Be patient.

Be prepared to explain something more than once.  
Concentrate on using simple language and avoid jargon.  
Speak to the child as you would to anyone else.

### Communicating with a child who has a learning difficulty

- Be patient.
- Be prepared to explain something more than once.
- Concentrate on using simple language and avoid jargon
- Speak to the child as you would to anyone else.

### Communicating with a child who uses a wheelchair

- Don't talk down to the child – try to ensure that your eyes are at the same level as theirs.
- Do not lean on the wheelchair – it is annoying and is part of their personal space.
- Ask them if they wish to be pushed (especially older children) - don't just assume that they will.
- If a conversation involves the child make sure that it is being held where they can join in. For example, don't chat behind the chair.

### Communicating with a child who is deaf

- Look directly at the person. Do not turn your head or cover your mouth as this will prevent your lips being read.
- Avoid standing in front of a window, bright sunlight, or spotlight as this will cast a dark shadow again preventing reading of your lips.
- Try to keep sentences short and simple making it less likely for the deaf person to confuse words, or their meanings.
- Avoid shouting and try not to exaggerate your mouth pattern as this will distort the shape of your mouth making words difficult to understand.
- Check regularly that you have been understood.

### Communicating with a child who has a facial disfigurement

- Like any disability, disfigurement does not mean that the child is any different.
- Make eye contact as you would anyone else.

- Do not stare, smile if you would for someone else.
- Listen carefully and do not let the person's appearance distract you.

### If in doubt please ask!

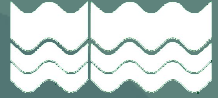
If you require further information or advice about how to communicate with children with special needs, what language to use, and how it relates to the service we provide **please contact us on 01273 335077.**

## APPENDIX B

Code of Conduct for Transport personnel transporting Adults



ASC Passenger  
Assistant Escort Guide



Passenger Assistant & Driver

# Guidance notes

## Safeguarding Adults at Risk Transporting Vulnerable Adults

Economy Transport & Environment  
Client Transport Services

February 2013

# Your role as a Passenger Assistant or driver

## **Transporting vulnerable adults**

This information is aimed at transport Passenger Assistants or assistants working on adult social care transport and is intended to be helpful to drivers as well.

## **Your role as a vehicle Passenger Assistant**

Vehicle Passenger Assistants play a vital role in supporting clients travelling on vehicles contracted to the County Council and provide an important link between the service user's home and outside life.

Your job is all about the safety of people on the move ensuring that passengers who might be vulnerable, or who need assistance, can travel safely, comfortably and with dignity. Your role, and the attitudes and skills you bring to it, can make a big difference to your passengers' daily lives and will be greatly appreciated.

## **Who is a vulnerable adult?**

A vulnerable adult is any person aged 18 years or over who is, or may be, unable to take care of him or herself or who is unable to protect themselves against significant harm or exploitation.

This may be because he or she has a mental health problem, a disability, a sensory impairment, is old and frail, or has some form of illness; older adults may have additional requirements as a result of conditions such as Alzheimer's disease.

Because of his or her vulnerability, the individual may be in receipt of a care service in their own home, in the community or be resident in a residential care home, nursing home or other institutional setting.

## **Special duty of care to vulnerable adults**

As a vehicle Passenger Assistant you have a special duty of care to your passengers if they are

people who are in some way vulnerable. Adults who require care and supervision when travelling come into this category.

Dignity and respect for clients using transport are the basis for your work with vulnerable adults and the national dignity in care campaign have compiled the following list of values and actions which high quality services that respect people's dignity should embody:

- Engage with family members and carers as care partners
  - Assist people to maintain confidence and a positive self-esteem
  - Act to alleviate people's loneliness and isolation
- 
- Have a zero tolerance of all forms of abuse
  - Support people with the same respect you would want for yourself or a member of your family
  - Treat each person as an individual by offering a personalised service
  - Enable people to maintain the maximum possible level of independence, choice and control
  - Listen and support people to express their needs and wants
  - Respect people's right to privacy
  - Ensure people feel able to complain without fear of retribution

# Organising the journey

People who work in the transport business are used to working under time pressure, however, your passengers deserve time too as they will each have their own individual needs, concerns, preferences and family relationships and it pays to get to know about these.

When a new passenger joins your route, the centre manager will have provided your company with risk assessment information about your passengers and you need to make sure that this is passed on to you.

Some of the information will be obvious such as the use of wheelchairs or similar bulky equipment but you also need to know whether your passengers have any additional needs, medicines, or other equipment that needs to be transported with them as well as safe pick up and return points.

The centre will be able to help you with much of this information and will ensure that you receive updates about changes such as

medication or injury but it is also a good idea to talk to family members or guardians who will be able to provide you with further (non-confidential) information. This can include your passengers' likes and dislikes also, for passengers with dementia or similar conditions, information that may reassure them during the journey (e.g 'your husband/wife/children are at home and we will take you there to see them soon' etc).

Taking the time and trouble to find out as much as possible about the individual people in your care will help to make your own job more rewarding, protect you and your passengers from possible accident or harm and, above all, ensure that you provide safe, stress free and dignified transportation for the people in your care .

The people you transport will generally be a pleasure to travel with and very grateful for the care and attention you give them, however, some may have additional needs that can make them very challenging to manage.



# Appropriate Language & Behaviour

## Golden rules for travel

In these cases, it is your job to make sure that no passenger on the vehicle causes danger or inconvenience to others, either directly (e.g fighting or bullying) or indirectly (e.g distracting the driver or removing seatbelts).

To help manage these situations it is a good idea to have a set of rules for behaviour on the vehicle and to follow them; some transport organisations display golden rules in their vehicles which are simple behaviour guidelines that help drivers and Passenger Assistants such as:-

- **Please behave calmly and politely**
- **Please sit where the driver or Passenger Assistant asks you to sit**
- **Please stay seated and wear your seatbelt for the whole of the journey**
- **Please save any food or drink for after the journey**
- **Please note that only the driver and Passenger Assistant are permitted to**

**operate doors and windows**

- **Please allow the driver to concentrate on driving by not talking to or otherwise distracting him**

Note that these are written in a positive way as the best way to encourage people to behave well is to give positive suggestions and examples, rather than to criticise or use words like '**No**' or '**Don't**', however, you are likely to find that some clear rules make the travelling environment safer and happier for all concerned.

### **The journey atmosphere & Passenger Groupings**

Consider the age group and needs of your passengers when planning the journey,

All your passengers are individuals with their own preferences and requirements so, taking time to get to know about them will make your journeys run smoothly by enabling you to plan. In larger vehicles it pays to have a seating plan taking into account

## An operator's guide

such things as equipment requirements, known friendship groups and preferences such as whether the client enjoys the company of others or prefers simply to sit and enjoy the ride.

Even in smaller vehicles you need to plan where everybody sits to keep the passengers comfortable and make sure that you have a clear view of what's going on so can take any necessary action such as advising on the securing and undoing of seatbelts etc.

Other things to consider include making sure everybody is warm or cool enough and whether your passengers want the radio on – don't just assume that they do!

### **Where should the Passenger Assistant sit in the vehicle?**

The simple answer is that you should sit where you can best supervise and assist the passengers. This depends on the number of passengers and the type of help they may require on the journey, it will also depend on the type of vehicle being used.

In a taxi the ideal place to sit is usually in the back especially if the passenger(s) may need help during the journey, or are likely to

behave in a way that distracts the driver.

In a minibus or large bus you need to be near or close to the back doors which will enable you to keep an eye on the passengers in front of you and allow you to also watch the side door. This means that you can prevent unauthorised access to the rear doors, you will distract the driver less and, if there is an accident, you will be in a different part of the bus to the driver so it is far less likely that you will be so badly injured that you won't be able to help the passengers to get out.

### **Collection and drop off**

While the passengers are with you on transport they are your responsibility and you must never leave them on their own and unattended. You should never leave the vehicle with passengers on board unless there is an emergency. Your responsibility for the passenger extends from door to door so you must know the arrangements for their safe return into their home. Again, the centre will assess the risk and provide information but make sure that this has been passed on to you and ask questions if not sure.

Many centres have designated spaces for transport and you need to make sure that you know where these are and that the correct spaces are used. Please assist the centre staff as required to transfer your passengers to and from the centre to the vehicle as; again, it will help you if you can form positive relationships with centre staff so that this can be carried out safely, discretely, and efficiently.

If an expected carer or guardian is absent at the passenger's regular drop off point:

- **Continue the route with the passenger on the vehicle and drop off the other passengers escorted. The carer or guardian may be present by the time you return the passenger as the last drop off.**
- **Contact centre staff for advice if the carer or guardian is still absent.**
- **Hand the passenger over to a responsible person authorised by the centre, carer or guardian.**
- **If unable to contact the centre, contact the service placement team, otherwise the nearest social services office or the police for assistance.**

If a carer, or guardian or the passenger themselves asks to be picked up or dropped off anywhere other than the designated point, you must inform the centre concerned before agreeing to make any changes.

In an emergency where a passenger could be at risk you must stay with them until you are sure that he or she is safe. Do not take any risks or put the passenger in danger as the results could be very serious.

### **Your own professional approach**

Always behave in a mature, respectful, safe, fair and considered manner to all staff and vulnerable adults. This includes using appropriate language at all times, remember, the people in your care are likely to be very aware of your speech and actions even if they appear disinterested. You may find that comments you make in the vehicle, including any inappropriate language that you may use, could agitate or upset your passengers causing them to become unsettled for the rest of the day.

Be particularly careful therefore not to use any swear words or

## **An operator's guide**

other course or inappropriate language and simply treat all concerned in a professional manner. Also make sure to wear appropriate dress.

When transporting older people your attitude is vital and it will help both you and the clients if you are patient and respectful. These are not jobs that can be rushed in order to get on to the next one as the passengers will need you to be calm and aware that things may take a while or, occasionally, be frustrating.

### **Your helpful attitude**

Your passengers may be dealing with very challenging mental health conditions that can cause great confusion, however, each one of them is an individual with their own life story of work, social, and family experiences.

You have a responsibility to treat each client respectfully as an individual person. Examples of this include not using over familiar terms such as 'dear' 'duck' or 'love' etc but taking time to find out what the client prefers to be called and understanding that some will prefer the more formal Mr, Mrs, Miss etc. This is all part

of taking the time to learn about your clients which will improve their experience and make your job a lot more rewarding.

Good humour will also be appreciated together with a polite, attentive approach making sure that you always consider what could be done easily to aid your passengers without patronizing or fussing them; for example, passing or holding walking sticks, bags, newspapers etc.

# Communicating with passengers who have additional needs

In order to continually improve the quality of the service we provide to passengers with special needs it is important to understand how to communicate. Below is a simple set of guidelines for communicating with passengers both verbally and non-verbally.

## Communicating with a passenger who is blind

- Introduce yourself clearly.
- Tell them when you are moving away, don't leave a passenger talking to an empty space.
- Offer them your arm to hold if you are guiding them, then walk at a steady pace and try not to push or pull them.
- If there are steps, tell them whether to go up or down.
- Remember that guide dogs (and other assistance dogs) are working dogs and should not be fed, patted, or distracted whilst they are working.

## Communicating with a passenger who has speech difficulties

- Concentrate on what is being said and, if you need more information, break down your questions into individual points.
- Be patient and don't try to guess

what the passenger is trying to say.

- If you don't understand what they are saying don't pretend to.
- Try other forms of communication if necessary (e.g. write things down on a note pad)
- Remember slowness or impaired speech does not reflect a person's intelligence.

## Communicating with a passenger who has a learning difficulty

- Be patient.
- Be prepared to explain something more than once.
- Concentrate on using simple language and avoid jargon.
- Speak to the passenger as you would to anyone else.

## Communicating with a passenger who uses a wheelchair

## An operator's guide

- Don't talk down to the passenger – try to ensure that your eyes are at the same level as theirs.
- Do not lean on the wheelchair – it is annoying and is part of their personnel space.
- Ask them if they wish to be pushed (especially older passengers) - don't just assume that they will.
- If a conversation involves the passenger make sure that it is being held where they can join in. For example, don't chat behind the chair.

### **Communicating with a passenger who is deaf**

- Look directly at the person. Do not turn your head or cover your mouth as this will prevent your lips being read.
- Avoid standing in front of a window, bright sunlight, or spotlight as this will cast a dark shadow again preventing reading of your lips.
- Try to keep sentences short and simple making it less likely for the deaf person to confuse words, or their meanings.
- Avoid shouting and try not to exaggerate your mouth pattern as this will distort the shape of your mouth making words difficult to understand.

- Check regularly that you have been understood.

### **Communicating with a passenger who has a facial disfigurement**

- Like any disability, disfigurement does not mean that the passenger is any different.
- Make eye contact as you would anyone else.
- Do not stare; smile if you would for someone else.
- Listen carefully and do not let the person's appearance distract you.

### **Dealing with a passenger who has memory issues;**

Dementia is an incurable progressive disorder of the brain which slowly affects the functions of the mind and leads to a person's inability to concentrate, remember, or reason.

Dementia is not just 'old age' and its symptoms can include forgetfulness, loss of memory, change in personality, speech difficulties, confusion, wandering, neglect of personal hygiene, inappropriate sexual behaviour, hallucinations and, eventually, physical weakness which leads to difficulty in walking and the condition may vary in severity from day to day.

### **To assist people with dementia effectively**

- Make sure you have the persons attention before speaking;
- Try to make and keep eye contact with them when you speak;
- Keep your body language calm, try to avoid distracting movements;
- Speak clearly using plain language not baby language; ask one question at a time;
- Do not assume that they cannot understand you;
- Listen carefully and respect their dignity, do not talk about them to other people as if they were not there.

People with dementia can occasionally experience hallucinations. If this happens it is usually most supportive to accept that what your passenger is seeing is real to them rather than trying to assure them otherwise and you can help by acknowledging that they find the experience distressing even if you are not sharing it.

**Always accompany the person to their destination and directly into the care of the day centre or their family and never leave**

**a person with dementia at any unauthorised point even if they ask to be dropped off.**

### **If in doubt please ask!**

If you require further information or advice about how to communicate with passengers with additional needs, what language to use, and how it relates to the service we provide please contact us on 01273 335077.

# Managing Difficult Behaviour

The starting point for managing any difficult behaviour is your own attitude and approach as it cannot be stated too frequently that this means treating your passengers with the same respect you would want for yourself or a member of your family

## If you have problems with a passenger's behaviour...

Please contact the Centre concerned and/or Client Transport Services (CTS) for advice

## Contact CTS on

**tel:** 01273 335077

**email:** [compliance.cts@eastsussex.gov.uk](mailto:compliance.cts@eastsussex.gov.uk)

## You must never slap or smack a passenger in your care

Never drop a passenger off at an unscheduled point on your journey either because they have requested this, however persuasive they may be, or because they have been behaving badly in your vehicle. If a passenger informs you that they do not need transport for the afternoon or the following morning always advise and confirm this with the centre office or ask your supervisor/manager to do so.

## Physical restraint

You must never use physical restraint on a passenger unless they are going to hurt themselves or someone else, or they are greatly damaging property.

Restraint is one of the many possible solutions to crises. You should use it only as a last resort. If you use restraint, it must be the minimum amount that will control the crisis. You must never use it as a punishment.

## Alternatives to physical restraint:

- Distract the passenger's attention or talk to the passenger.
- Give clear spoken instructions to stop dangerous or threatening behaviour.



## An operator's guide

- If you have to use physical restraint as a last resort, it must not be deliberately painful or dangerous to the passenger. Always try to hold the passenger's clothing rather than his or her body.

If you have used physical restraint on a passenger **you must inform the passenger's centre** who will make a written note of all incidents, inform Client Transport Services, and ensure that carers are informed appropriately.

### Your legal position

The Criminal Law Act (1967) allows any person to use such force as is reasonable in the circumstances to prevent an offence being committed, such as:

- Stopping someone assaulting another person
- Stopping someone greatly damaging property

Under common law, you may also have a duty of care to apply a reasonable level of force towards an individual to avoid them injuring themselves. What is 'reasonable' must be a matter of personal judgment. If, however, a member of staff has clearly neglected that duty of care and the use of force was

unreasonable or excessive, he or she may be liable to disciplinary action, civil or criminal proceedings.

You must also never touch passengers in a manner which is gratuitous or would be considered sexual, threatening or intimidating, however; it is acceptable to hold a passenger's hand, or hold or support a vulnerable adult's arm when, for instance, crossing a road, or car park; it is also acceptable to 'steer' a passenger by placing your hand(s) on their shoulder(s). Clearly you will want to prevent a passenger from hurting themselves but do report any service user in your care who appears to need a lot of physical intervention from you as soon as possible.

It is important that you notify Client Transport Services if you have had to use restraint on a passenger during the journey. You will be asked for a brief report which will be kept on file. This is to justify your need to use restraint whilst working as a Passenger Assistant, similarly, please also contact Client Transport Services for advice if you, or anyone else, has been injured.

# Passenger Protection Awareness

All adults who come into contact with vulnerable adults and families in their everyday work have a duty to safeguard and promote the welfare of passengers. As a Passenger Assistant, you are likely to come across some kind of passenger protection problem in the future.

**Types of abuse can include:**

**Physical** – e.g hitting, slapping, pushing or rough handling;

**Neglect** – e.g Depriving someone of food, comfort, warmth or giving medication incorrectly;

**Sexual** – Any kind of sexual activity where a vulnerable adult has not given consent or is unable to give consent

**Financial** – Misuse or theft of money, possessions or property.

## **TEN KEY POINTS to follow if you suspect or are told of abuse**

1. Always stop and listen straight away to someone who wants to tell you about incidents or suspicions of abuse.
2. Write brief notes immediately after speaking to a passenger, not while a passenger is talking to you. You need to pay full attention to what they are saying. Make sure you include the date, time, place and your signature on the notes.
3. Never promise that you will keep what is said confidential or secret. If you are told about abuse you have a responsibility to report it so that action can be taken. Reassure the passenger that you will tell only those who need to know.
4. Do not ask leading questions that may give your own ideas of what may have happened (e.g. did he/she do X to you?) – just ask 'What do you want to tell me? Of 'Is there anything else you want to say?'
5. Don't give the passenger the impression you don't believe them – remember you may well be the first person the passenger has spoken to about this. Whether you believe them

## An operator's guide

- or not isn't the issue – if you have a suspicion, report it.
6. Immediately tell Centre staff and the Safeguarding Officer in Client Transport Services, if neither are available please contact Social Care Direct on 0345 60 80 191. Do not tell anyone else what you have been told .
7. Discuss with the person in charge whether any steps need to be taken to protect the person who has told you about the abuse.
8. Never try to investigate suspected or alleged abuse, for example, by interviewing people – Social Services and police staff are the people trained to do this. You could cause more damage and spoil possible criminal proceedings.
9. As soon as possible (and certainly the same day) the person in charge should refer the matter to the local social services department helped by your notes. Follow their guidance about what to do next. They have a legal duty to start any necessary investigations, and they can advise you. Make time to discuss with your
- manager or a colleague how you are feeling.
10. Never think abuse is impossible or that an accusation against someone you know well and trust is bound to be wrong.

**Further information can be found in the attached Adult Social Care Fact Sheet 5**

Contact us

**Client Transport Services**

01273 335077

[compliance.cts@eastsussex.gov.uk](mailto:compliance.cts@eastsussex.gov.uk)



INVESTOR IN PEOPLE



## APPENDIX C

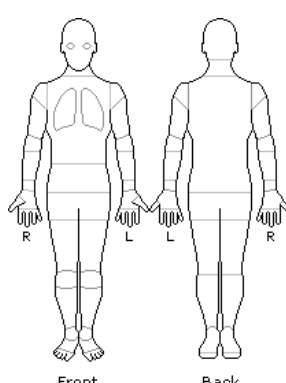
### THE Council Accident Report Form



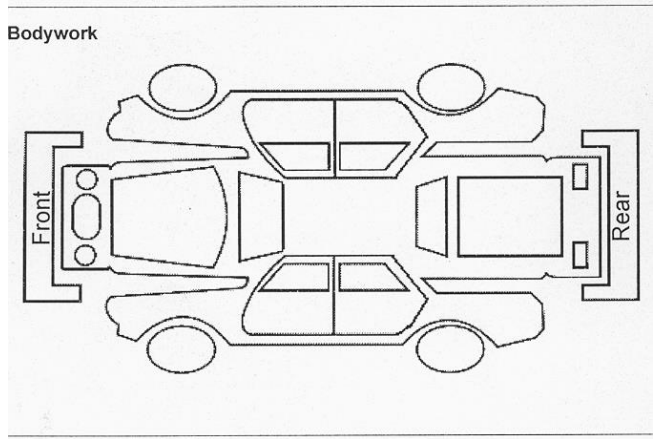
Accident&Incident  
Report Form.docx

## Transport Hub Operator Accident/Incident Report Form

Operators must report all accidents, incidents or near misses verbally to the Transport Hub immediately.  
This form should then be completed and emailed to the Transport Hub within 5 working days.

<b>Person completing this form:</b>			
<b>Accident/Incident/Near Miss Details</b>			
<b>Operator:</b>		<b>Driver:</b>	
<b>Date and Time of Accident/ Incident/Near Miss:</b>		<b>Where did it happen:</b>	
<b>Type of Accident/Incident/ Near Miss:</b>	<input type="checkbox"/> Client Incident  <input type="checkbox"/> Road Traffic Accident	<b>People involved:</b>	<input type="checkbox"/> Driver <input type="checkbox"/> Client <input type="checkbox"/> Passenger Assistant <input type="checkbox"/> Other Road User <input type="checkbox"/> Pedestrians
<b>Number of Clients on Board:</b>		<b>Driver Route and Vehicle:</b>	
<b>Describe what happened</b>			
<b>Were there any injuries?</b>			
 <p style="text-align: center;">Front                      Back</p>		<b>Please give details of any injury sustained:</b> ..... ..... ..... ..... ..... .....	
<b>Was medical intervention required    Yes/No</b>			
<b>If Yes, give details below</b>			

**Was the Vehicle Damaged?**



**Please give details of damage:**

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If possible, please take photos of any vehicle damage and attach them to this form.  
**Do not take photos of children or adult clients.**

**Were there any Witnesses? Yes/No**  
**If Yes, give details below**

**Operator Actions**  
**What actions have been taken in response to the Accident/Incident/Near Miss?**

**Transport Hub – For Internal Use Only**

Actions Required	By Whom	Comments/Close Out	Date