

Safeguarding and Contract Compliance

This document is issued to all Service Providers and forms part of Lancashire County Council's Safeguarding Procedures.

This document provides advice and guidance for Service Providers and their employees in the discharge of their Safeguarding responsibilities in respect of the Authority's Contract Compliance requirements. Adherence to these procedures will protect the children and vulnerable adults who use our services.

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

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



Issued August 2023

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

- Drivers of the Authority's contracted school bus services must have obtained an Enhanced DBS Clearance approved by the Authority. Where a DBS Disclosure is approved, the driver will be issued with a DBS identification Badge.
- It is an absolute requirement that drivers operating the Authority's school bus services wear, on open display, the LCC DBS Identity Badge issued to them.
- Service Providers using an uncleared driver on a school bus service render themselves liable to serious disciplinary action, in the first instance a Final Warning; further infringements can lead to instant dismissal from a contract.
- Where a Service Provider persistently uses an uncleared driver or drivers, the Authority may dismiss the Service Provider from all of the Authority's contracted services and remove the Service Provider from the Authority's list of contractors.
- Service Providers are expected to have control procedures in place to ensure that their drivers wear their LCC DBS Identity badge during contract operations. Service Providers who allow their drivers to operate without displaying this badge will render themselves liable to disciplinary action.
- When an employee, who has an LCC DBS Identity Badge, leaves the employment of the Service Provider, it is the Service Provider's responsibility to inform the Authority of this and prospective employer, where known. Similarly, where a Service Provider recruits an employee with an LCC DBS Identity Badge, it is the receiving employer's responsibility to inform the Authority and also to check with the Authority that the potential employee's badge is valid. Please see the Contact Details on page 10.
- Where the service provider is aware that the employee, who has an LCC DBS Identity badge, has received any additional cautions or convictions or is being investigated by the Police since the employee's DBS badge was issued, the service provider must let the Authority know.
- When an employee who has been issued with an LCC DBS Identification Badge no longer wishes to accept the Authority's contracted work, the Service Provider must inform the Authority immediately, recovering the DBS Identification Badge and returning the badge to the Authority. Please see the Contact Details on page 10.
- Service Providers must ensure that every effort is made to provide DBS cleared drivers to operate the Authority's contracted school bus services. The Authority recognises that there may be a rare instance where the Service Provider, at the last moment, is unable to provide a DBS cleared driver for a particular school bus journey and that no spare DBS cleared driver is available. In such a case, the Service Provider must use every effort to amend the effect of the problem, for example, by providing a second driver or supervisor to accompany the un-cleared driver, or hiring another contractor with an LCC enhanced DBS cleared driver.

- In such cases, the operator should inform the Authority immediately. The School Bus Services Team can be contacted from 0800. Any notification prior to 0800 should be made by email or voice mail. Please see the Contact Details on page 10.
- In the extremely unlikely event that there are no employees available to accompany an un-cleared driver, then the service must operate, though, again, the operator should inform the Authority immediately that an un-cleared driver is to be used.
- For clarity, the two options above must only be used in an absolute emergency. Service Providers must ensure that their control or supervisory staffs are fully aware of the circumstances in which an un-cleared driver can be used. The circumstances and justification surrounding the use of un-cleared drivers will need to be demonstrated to the Authority on each and every occasion.

Contractor DBS Administration

- The cost of all DBS applications must be met by the service provider or the applicant.
- The Authority's requirement for all drivers of contracted school bus services to be DBS cleared forms an intrinsic part of the Authority's Safeguarding procedures.
- It is the responsibility of the Service Provider to ensure that they employ sufficient DBS cleared drivers to operate all of the Authority's contracted school bus services and as part of this responsibility Service Provider should ensure that drivers apply in sufficient time to ensure that applications for renewed Enhanced DBS Disclosures and replacement DBS Identification Badges can be processed and issued before their current DBS disclosure and badge expires.
- Where an operator does not have any LCC school bus contracts the Authority will allow a maximum of two drivers to be cleared. Operators with LCC school bus contracts may apply for up to 10 drivers to be cleared per contract.
- It is not the responsibility of the Authority to issue DBS renewal reminders, this rests solely with the Service Provider.
- Service Providers must ensure that they have a robust DBS administration system in place to ensure that the expiring DBS is identified in sufficient time; we would suggest that you allow at least 16 weeks. The timescale for an application to be processed and a certificate issued can take on average between 1 and 16 weeks. This timescale is based on information provided by the DBS and is not within the control of LCC. In instances where an applicant has lived at multiple addresses throughout the UK this timescale may be extended.

- Please be aware that all DBS applications are now on-line. In the first instance employers must email the LCC DBS team at busandtaxiidbadge@lancashire.gov.uk with their employee's name, date of birth and email address.
- Occasionally, where a DBS application has been sent in reasonable time the DBS process may be disrupted, taking longer than the norm and the DBS Identification badge could expire before the replacement badge is issued. If this occurs, please contact the Authority (please see contacts on page 10). The Bus Managers may be able to authorise the use of an escort to accompany the driver pending receipt of their DBS ID badge. Do not use the uncleared driver without seeking authorisation from the School Bus Managers.
- If an application for a renewed DBS Identification Badge has not been issued before the current DBS Identification badge expires, that driver must not be used on any of the Authority's contracted services requiring an Enhanced DBS cleared driver.
- Under the revised DBS procedure the DBS Certificate is sent direct to the applicant's home address, the Authority no longer receives a copy of the certificate. The applicant should contact the DBS Team to arrange an appointment to verify the DBS Certificate. Please see the Contact Details on page 10.
- Please Note: Where 12 weeks or more has elapsed between the DBS Certificate being issued and verification, the DBS Certificate will be deemed to have expired and the applicant will be required to reapply for another DBS Certificate. The applicant cannot be used until the replacement DBS Certificate has been verified and the DBS ID badge has been issued.
- Please Note: employees that leave their employer and do not join another LCC framework or DPS operator within 3 months will render their badge invalid. These employees will need to apply again if they wish to drive unescorted LCC contracts.
- Where a Service Provider knowingly uses an uncleared driver on a contracted service, the Authority will view such an offence as Gross Misconduct and as such will impact on the reputé of the Service Provider, and a serious disciplinary sanction, which may include Summary Dismissal from the contract may be applied.
- Similarly, where an uncleared driver is used and it is discovered the Service Provider is not aware that the driver's DBS has expired due to an internal or system failure, both driver and Service Provider render themselves liable to disciplinary action by the Authority.
- To ensure that any person previously barred from the provision of the Authority's contracted services is identified and where there is no contract requirement to provide a driver with an enhanced DBS Disclosure, for example contracted Local Bus services, the Service Provider must contact the Authority to confirm the status of the applicant or employee. Please see the Contact Details at the end of this appendix.

- Please note, the North West Traffic Commissioner (TC) has requested that all Local Authorities advise the TC of any instances where Service Providers use non DBS cleared drivers on any contracted bus service requiring a DBS cleared driver.
- Service Providers must employ a robust DBS administrative system and ensure that they have sufficient DBS cleared drivers to provide the Authority's contracted school bus services at all times.
- Service providers must ensure that managers, supervisors and any members of staff involved in contract operation fully understand the Authority's requirements shown within:
Framework: Section 18 of the Service Agreement, paying particular attention to Clauses 18.9 to 18.9.5, also Schedule 2 of the Service Agreement 'Information Concerning Disclosure & Barring Service (DBS) Checks'
DPS: COTC Schedule 1 General Specification Section 5 Disclosure and Barring Service (DBS) Checks.
- If you have any questions regarding Lancashire County Council's Safeguarding Procedures, including the provision of the drivers DBS Identification Badge, please do not hesitate to contact the Authority. Please see the Contact Details on page 10.

Invoice Payment Procedures

- Operator Invoices are sent out by email. Emails will be sent out at the end of the payment period.
- Operators Invoices must be submitted within 30 days of the end of a Payment Period. Operators Invoices received more than 30 days after the end of the Payment Period shall be deemed to be in dispute.
- Once received, Operator Invoices will typically be processed within 10 days and paid within the agreed 30 days payment period, as per the Authority's Service Agreement.
- **There is no facility to speed up the process or prioritise individual contract's payments and any such requests will be refused on every occasion.**
- Service Providers will receive a remittance email from Bus Service Finance Team, once the invoice has been processed and authorised.
- LCC Accounts Payable will issue a separate remittance confirming actual payment date.
- **Service Providers should not rely on payments being made within a shorter timescale to that stated above.**

Driver Certificate of Professional Competence

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

Overloading Problems

- There may be instances where LCC school bus services encounter overloading problems. As a result, it is important to ensure that your drivers do not exceed the legal capacity of the contracted vehicle.
- If there is an overload problem (all students on school services must have a seat), please contact the School Bus Team as soon as possible, so that the problem can be corrected quickly. Contact details are at the end of this document.

Returning to School

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

Child Seat Restraints: Home to School Transport

- Further to the provision of Child Seat Restraints on certain LCC school bus contracts, the Authority's instructions and requirements in respect of child seat restraint provision is set out below.
- Please ensure that your drivers, supervisors and managers are fully aware of these requirements.
- Current legislation makes it a legal requirement for drivers of passenger vehicles with up to 8 passenger seats plus the driver's seat to use appropriate child seat restraints (that is booster seats, booster cushions or all age seatbelts) for children under the age of 12 and under 135cm (4 feet 5 inches) in height.
- Please note that the 'taxi' exemption clause contained in the legislation does not apply to the Authority's contracts.
- Furthermore, the Authority takes the view that pupils in booster seats/cushions should not travel in a front seat, without prior agreement by the Authority and only in exceptional circumstances.
- Parents are expected to keep booster seats/cushions overnight and pupils (or their parents/carers) will bring them to the vehicle each morning.

- The legislation makes it clear that drivers are ultimately responsible for the correct fitting of booster seats/cushions before a pupils journey begins. Passenger Assistants (where provided) may carry out this task under the supervision of the driver. Upon arrival at school, drivers (and/or Passenger Assistants where provided) will remove booster seats/cushions from the vehicle and take into school for storage ready for the homeward journey.
- It is extremely important that you disseminate this information to the drivers providing contracts requiring the use of booster seats/cushions.

Manual Entrance Door Minibuses used on Contracted Services

- Service Providers utilising minibuses not equipped with power doors on LCC contracts must ensure that all drivers driving this type of minibus are fully aware of the Authority's requirements that must be adopted when operating this type of vehicle.
- It is the driver's responsibility to ensure that all students are able to board or leave the vehicle in a safe manner. Students must not be allowed to open and close the entrance door themselves. On every occasion the driver must leave the driving seat and open and close the door for the students.
- This rule must be observed without exception. There have been accidents in the past where students have closed the entrance door themselves when leaving the minibus and have been dragged by the vehicle when clothing was caught in the door.
- Where a driver fails to follow this vitally important safety procedure, formal disciplinary action will be taken against the Service Provider and employee without exception.

Pick up and Drop off points

- In rural areas students are dropped off and picked up alongside the road and not at a formal bus stop. Please ensure that you are dropping off or picking up at a safe point. If you have any concerns please contact the bus managers. Please see page 10 for contact numbers.

Anti-Social Behaviour

- Operators are advised to report instances of anti-social behaviour on contracted school services to the county council's Bus Managers (Andrew Glover and Faye Scholes) and these incidents will be passed on to the respective schools to investigate. We request that you put in place an incident report form (completed by the driver), which should be emailed directly to the bus managers. If you would like an incident report form please email Liz McClarty (contact details on page 10). Please note that any enquiries from parents these should be directed to the relevant school.

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

Breakdowns and late operations

- In the event of a breakdown or delay to a contracted school bus service, which will result in the service operating 15 minutes or more behind schedule, the service provider must notify both the School Bus Services Team and school, advising of what has happened, where it has happened, what action is being taken and how long before the service is operational. Please see page 10 for contact details.
- You must also have a system in place to ensure that such an event is recorded as lost mileage on the operators' invoice.

Driver Guidance Ticket Issue & Pass Acceptance Procedures

Service Providers must ensure that their drivers are aware of, and implement, the following procedures:

- Check passenger's passes for validity every time they travel. The following should be examined:
 - a) Correct service number- passes should only be used on the service printed on the pass.
 - b) Correct student- fraudulent use is taken very seriously.
 - c) Pick up/drop off points- over riding is taken very seriously.
 - d) Expiry- annual passes are colour coded to make this easier; gold cards will remain gold and you will need to check the expiry date on the card.

If a pass is out of date or is being used fraudulently by another student please confiscate the pass. Please inform either Andrew Glover or Faye Scholes of any passes which you have confiscated- contacted details on page 10. Where you confiscate a pass please give the passenger a LCC confiscated pass slip. This slip contains a LCC telephone number for parents to call. As soon as possible hand the pass to your manager so that it may be returned to the Authority. Confiscated slips may be obtained from the school transport team, please see page 10.

- A valid pass is a physical actual pass issued by the council. Photocopies or pictures of passes on the student's phone must not be accepted.
- Always issue tickets to fare payers as they board and pay their fare.

- Ask the passenger to take their ticket. Do not allow several tickets to hang from the ticket machine.
- Make sure that you have a working ticket machine or system and an emergency ticket system when you begin your duty. If you are using a written ticket book or manual ticket machine you must use a waybill.
- Return fares are available on school bus services. Please check the ticket on the return leg to make sure the date is correct and the ticket is valid. If the passenger has lost their ticket please record their name and school as detailed below.
- Please be aware that NoWcards are issued to students with disabilities. Students with NoWcards should be accepted on school bus services for free travel both in the morning and the afternoon journeys.

What to do when children and young people are unable to present a valid pass or ticket or they are not able to pay their fare.

- Always ask to see their pass.
- If they cannot show a pass, ask them to pay the fare.
- If they are not able to pay (do not take dinner money off children) record their name, school/college or form/tutor group or course and follow your company's procedures about issuing tickets. Drivers should report this information to their manager, who should then promptly report this to LCC. Please note in these instances when individuals repeatedly do not show a valid pass or pay a fare, this recorded information may help recover lost revenue.

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

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

Driver Training and Guidance

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

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

Contact Details

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

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

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

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

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

Peter Dennett on 01772 534572
Lee Dalton on 01772 534490
Or email
Busandtaxiidbadge@lancashire.gov.uk

To make general DBS queries

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

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

To report an incident of anti-social behaviour

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

If you have a revenue protection query

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