

Safeguarding and Contract Compliance

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Introduction

This document forms part of Lancashire County Council's Safeguarding Procedures and is incorporated within the Local and School Bus Dynamic Purchasing System (DPS) Agreement 2020-2029.

It sets out the safeguarding, operational and contract compliance requirements applicable to all service providers delivering contracted services on behalf of Lancashire County Council (LCC).

Service providers are responsible for ensuring that all employees, including drivers, supervisors, managers and operational staff, understand and comply with the requirements contained within this document.

The requirements detailed herein are mandatory and must not be varied without the prior written approval of the Authority. Failure to comply with safeguarding or contract compliance obligations may result in disciplinary action, including contract termination, suspension or removal from the DPS, and the exclusion of individual employees from operating Authority-contracted services.

1. Disclosure and Barring Service (DBS) Requirements

1.1 Enhanced DBS Clearance

Drivers operating contracted school bus services must hold an Enhanced DBS Clearance approved by Lancashire County Council.

Upon approval, drivers will be issued with an LCC DBS Identity Badge, which must be worn and clearly displayed whilst undertaking school transport duties.

Service providers must have effective monitoring arrangements in place to ensure compliance with this requirement.

Failure to ensure the display of a valid DBS Identity Badge may result in disciplinary action against the service provider.

1.2 Changes in Employment Status

Service providers must promptly notify the Authority when:

- A LCC DBS-cleared employee leaves their employment.
- A LCC DBS-cleared employee joins their organisation- Service providers must not assume that an individual with a LCC DBS Identity Badge is cleared to drive LCC school bus contracts. To ensure that any person previously barred from the provision of the authority's contracted services is identified and where there is no contract requirement to provide a driver with an Enhanced DBS Disclosure, e.g. on service open to the general public, the service provider must still contact the authority to confirm the status of the applicant or employee.
- A LCC DBS badge holder declines contracted work and returns their DBS badge.
- A LCC DBS badge holder receives a caution or conviction.
- A badge holder becomes subject to a Police investigation which may affect their suitability to undertake school transport duties.

Service providers must not assume that possession of an LCC DBS badge automatically authorises an individual to operate contracted services. The Authority must be contacted to confirm the status of any prospective employee who holds an LCC DBS badge.

1.3 Use of Non-DBS Cleared Drivers

Service providers must make every reasonable effort to ensure that DBS-cleared drivers are available for all contracted school transport services.

Where an emergency situation arises and no DBS-cleared driver is available, operators must take all reasonable steps to minimise risk, including:

- Providing a second DBS-cleared employee to accompany the driver.
- Providing a supervisor to travel on the vehicle.

- Arranging cover through another operator with a LCC DBS-cleared driver.

Only in exceptional circumstances may a non-LCC DBS-cleared driver operate a school service without accompaniment.

In such cases:

- The service must not be cancelled.
- The Authority must be informed 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.
- The circumstances and mitigating actions taken must be fully documented.

Use of a non-DBS-cleared driver without proper justification will be treated as a serious breach of contract and may constitute gross misconduct.

2. DBS Administration

2.1 Applications and Renewals

The cost of DBS applications is the responsibility of the service provider or applicant.

Where an operator does not have any LCC school bus contracts the authority will allow a maximum of two drivers to be cleared. Otherwise, operators will be limited to apply for a maximum of 10 drivers per contract to be cleared. Service providers are responsible for maintaining sufficient numbers of DBS-cleared drivers and ensuring renewals are submitted in good time.

Operators are strongly advised to submit renewal applications at least 16 weeks before expiry.

2.2 DBS Certificates

DBS certificates are issued directly to the applicant.

Where a certificate contains convictions, cautions or other relevant information, the applicant must arrange for the certificate to be reviewed and ratified by the Authority's DBS Team.

Certificates requiring ratification must be presented within 12 weeks of issue. Failure to do so will require a new application to be submitted.

Drivers may not operate applicable services until DBS approval has been completed and a valid DBS Identity Badge has been issued.

All DBS applications are made online. To make an application, service providers should email the LCC DBS team at busandtaxiidbadge@lancashire.gov.uk with their employee's name and employee's email address.

2.3 Badge Validity

Where a badge holder leaves an LCC operator and does not commence employment with another LCC framework or DPS operator within three months, their badge will become invalid and a new application will be required.

2.4 Management Responsibilities

Service providers must ensure that all managers, supervisors and staff involved in contract operation understand and comply with the DBS requirements contained within the relevant DPS and Framework contract documentation i.e

Framework Agreement: Section 18 of the Service Agreement, paying particular attention to Clauses 18.9 to 18.9.5, also Schedule 2 of the Service Agreement 'Information Concerning Disclosure & Barring Service (DBS) Checks.

DPS: COTC Schedule 1 General Specification Section 5 Disclosure and Barring Service (DBS) Checks and Bus Services DPS COTC for Service Instructions section 15 Safeguarding.

Please note: the North West Traffic Commissioner (OTC) has requested that all Local Authorities advise the OTC of any instances where service providers use non DBS cleared drivers on any contracted bus service requiring a DBS cleared driver.

3. Driver Certificate of Professional Competence (CPC)

Drivers operating professionally must carry a valid Driver Qualification Card (DQC) whilst on duty.

The card must be produced upon request to authorised Lancashire County Council representatives.

4. Invoice Payment Procedures

In accordance with Clause 11 of the Bus Services DPS Call-Off Terms and Conditions:

- Operator invoices will be paid via an automated system at the end of each payment period.
- Operator data must be continually fed/input into the ETM DAS contract management system. From the end of the respective pay period, data must have been fed/finalised into the system within 30 days.
- Invoices received after this period may be treated as disputed.
- The Authority will pay undisputed invoices within 30 days of receipt.
- Operators should not assume payment will be made sooner than the contractual timescale.

- Requests to expedite payment will not be accepted.
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5. Child Seat Restraints

Where child seat restraints are required as part of a contracted service, the following requirements apply.

Current legislation requires children under 12 years of age and under 135cm in height travelling in passenger vehicles with up to eight passenger seats to use an appropriate child restraint i.e booster seats and age suitable seatbelts.

The taxi exemption does not apply to Lancashire County Council contracted services.

Unless otherwise agreed by the Authority in exceptional circumstances, pupils using booster seats or cushions must not be seated in the front passenger seat.

Parents or carers are expected to retain booster seats overnight and provide them each morning.

Drivers remain responsible for ensuring that restraints are correctly fitted before travel commences. Passenger Assistants may assist under the driver's supervision.

Upon arrival at school, booster seats should be removed from the vehicle and stored appropriately for the return journey.

6. Minibuses with Manual Entrance Doors

Drivers are responsible for ensuring passengers board and alight/exit safely.

Where a minibus is fitted with a manual entrance door, the driver must leave the driving seat and personally open and close the door for passengers at every stop.

Passengers must not be permitted to operate the entrance door themselves.

Compliance with this requirement is mandatory. Failure to adhere to this procedure may result in disciplinary action against both the employee and service provider.

7. Pick-Up and Drop-Off Safety

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

Where concerns exist regarding the suitability of a location, operators must seek guidance from the School Bus Services Team.

8. Service Disruption, Late operations and Breakdowns

Where a breakdown, incident or delay causes a service to operate 15 minutes or more behind schedule, the service provider must notify:

- The School Bus Services Team; and
- The affected school(s).

The notification should include:

- The nature of the issue.
- The location.
- Actions being taken.
- Estimated recovery time.

Service providers must maintain records of lost mileage and ensure appropriate adjustments are reflected in invoices.

9. Vehicle Capacity and Overloading

Drivers must never exceed the legal carrying capacity of the contracted vehicle.

Where overloading concerns arise, operators must notify the School Bus Services Team immediately.

Where permitted by legislation and contract conditions, standing passengers may be carried. Standing passengers must not be carried on services operating via motorways.

10. Anti-Social Behaviour

Operators should report incidents of anti-social behaviour to the School Bus Services Team as soon as possible.

Drivers should complete an incident report form detailing:

- The date and time.
- The service affected.
- The individuals involved.
- A description of the incident.

The Authority will liaise with schools to investigate reported incidents and take appropriate action.

If you would like a LCC incident report form please email Liz McClarty (contact details on page 10).

11. Returning to School

Where a driver is required to return to a school after pupils have departed for the day, the school must be contacted in advance.

A member of school staff must meet the vehicle and supervise the children before any passenger is released.

12. Ticketing and Pass Acceptance

12.1 Checking passes

Drivers must verify travel passes each time they are presented and check:

- 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.

12.2 Invalid or Fraudulent Passes

Drivers must confiscate passes that:

- Have expired.
- Are damaged to the extent that information is unreadable.
- Are being used fraudulently.

Where a pass is confiscated:

- The passenger must be issued with an LCC confiscation slip.
- The bus managers must be informed on the day of confiscation.
- The pass must be returned to the Authority as soon as possible.

Photocopies, screenshots and images of passes on mobile devices must not be accepted for travel.

12.3 Ticket Issue

Drivers must:

- Issue tickets at the time of payment.
- Ask the passenger to take their ticket.

- Ensure ticketing equipment is operational before commencing duty. If using an electronic ticket machine, the driver will also need to carry an emergency ticketing system as a back-up. When using a written ticket book or manual ticket machine, the driver must also use a waybill.

Return tickets must be checked for validity on the return journey.

Students travelling with valid NoWcards should be accepted for travel on both morning and afternoon school journeys.

12.4 Passengers Unable to Present a VALID pass or Pay a Fare

Drivers must:

1. Request a valid pass or ticket.
2. Request payment if no pass is presented.
3. Record passenger details on a log or waybill if payment cannot be made.

This information must be passed to management at the end of the journey.

Management must report this information to Lancashire County Council as soon as possible. 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.

Drivers must never take money intended for meals or other essential purposes.

Important

A child, young person or vulnerable adult must not be refused travel unless doing so would overload the vehicle or a formal travel ban has been imposed.

13. Additional Driver Guidance

Additional guidance regarding operational responsibilities is available in the Lancashire County Council Driver Handbook.

Operators must ensure all drivers are familiar with the handbook and its requirements.

14. Contact Information

Emergency Use of a Non-DBS Cleared Driver

Andrew Glover 01772 533527 Andrew.Glover@lancashire.gov.uk

(Districts 6, 7, 8, 9, 12 and 14)

Faye Scholes 01772 534565 Faye.Scholes@lancashire.gov.uk

(Districts 1, 2, 3, 5, 11 and 13)

If calling before 08:00, please leave a voicemail and send an email.

DBS Administration

Lee Dalton 01772 534490 busandtaxiidbadge@lancashire.gov.uk

Anti-Social Behaviour Reporting

schoolbusmanagers@lancashire.gov.uk

Incident Report Forms and Revenue Protection Enquiries

Liz McClarty Liz.McClarty@lancashire.gov.uk