



Northern Ireland
Assembly

Committee for Education

OFFICIAL REPORT (Hansard)

School Transport Health and Safety Issues:
DE/DOE/DVA/SELB Briefing

3 October 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Mervyn Storey (Chairperson)
Mr Danny Kinahan (Deputy Chairperson)
Ms Michaela Boyle
Mr Jonathan Craig
Mrs Jo-Anne Dobson
Mrs Brenda Hale
Mr Chris Hazzard
Miss Michelle McIlveen
Mr Sean Rogers
Mr Pat Sheehan

Witnesses:

Mr Alan McMullan	Department of Education
Mr Paul Sweeney	Department of Education
Mr Iain Greenway	Department of the Environment
Mr James Hutchinson	Driver and Vehicle Agency
Mr Dale Hanna	Southern Education and Library Board

The Chairperson: I welcome Mr Paul Sweeney, the permanent secretary of the Department. I think this may be your first time before this new Committee, Paul, and you are welcome here today. We are also joined by Alan McMullan, who is the head of the school access team in the Department of Education (DE); Mr Dale Hanna, who is from the Southern Education and Library Board (SELB) and is the transport manager for the education and library boards; Iain Greenway of the Driver and Vehicle Agency (DVA) at the Department of the Environment (DOE); and James Hutchinson, who is also from the Driver and Vehicle Agency at DOE. You are very welcome.

I believe this is a very important issue. It is an issue that has exercised this and previous Committees in the past. Paul, if you would lead off. Then, if Alan or any of your other colleagues have any opening remarks, we will listen.

Mr Paul Sweeney (Department of Education): Good morning, Chair. Thank you for your welcome, and, likewise, members, thank you for giving us the opportunity to assist you today. I know that the Committee has spent some considerable time on this issue, and I welcome the fact that we have representation from the Department of Education, the Department of the Environment, DVA and the five education and library boards here today. We have a fairly comprehensive overview of the policy and procedural issues around transport.

Chair, as you said, both Departments, the DVA and the boards have prepared a joint paper, so we have all had input. It covers a number of areas, including procurement, roadside enforcement, cabotage, use of seat belts and private-school hire. Members will have a range of issues that they will want to raise today, and, depending on the question, the lead Department may be DOE or the Department of Education. There may also be insight from the boards' perspective, or a specific dimension for the DVA. So, if you are happy, Chair, we will proceed.

The Chairperson: Yes.

Mr Sweeney: If members wish, they can raise questions rather than my colleagues making any further opening remarks.

The Chairperson: OK, Paul, we will move first to an issue that is of grave concern. It is an issue that I have raised that you are well aware of, and I know that the DOE is well aware of it as well. I have just received an answer to a question that I tabled to the Minister of the Environment, and it is about the ongoing saga of the Western Education and Library Board and contracts. It was a question for priority written answer. The question was:

"how many buses, which were carrying school children, did the Driver and Vehicle Agency's enforcement team find to have defects, in the Western Education and Library Board area, since the beginning of this school term; and whether this includes the three operators from the Republic of Ireland whose contracts were reinstated by the Board on 1 September 2012?"

The answer stated:

"Since the beginning of this school term the Driver & Vehicle Agency's enforcement team has detected six buses carrying school children in the Western Education and Library Board area with defects present. Some of these buses were owned by operators whose contracts were reinstated by the Board on 1 September 2012."

There are two things that I want to ask. First, what is going on? Secondly, what were the defects? I will be honest; I am exasperated by this situation. I am not in any way trying to cast an aspersion on any operator no matter where they come from, be that Ballyshannon or Ballymoney, that makes no difference, but I am not prepared to be in a position where I am aware that this is going on and I am still not getting the right answers, nor is this Committee. If something was to happen, every media outlet, every organisation and every parent in the country would rightly ask what we had done about this and what action we took.

There was clearly an issue during the summer, and we have all the documentation, including the letter that the Minister of the Environment sent us stating that there had been suspension of contracts and breaches of contracts. Then they were given time to reassess; they got their contracts in and they were reissued on 1 September. Now, four weeks into the school term, we discover that some of them have been caught again.

Mr Sweeney: DVA will lead on that.

Mr James Hutchinson (Driver and Vehicle Agency): In response to your question to the Minister, we outlined the detail of the number of activities we have taken on in the Western Board area since the start of September. There were a number of operations in the area and, during those operations, defects were detected in six buses. I have the information on the defect types. A number were tachograph offences and a number were minor defects in relation to, for example, defective lights. There were some licensing defects, including lack of a road service licence, lack of proper vehicle documentation, lack of a community licence, and so on. I think there was one instance in which an interior was not fitted out to full PSV standards. Those are the types of defects that we tend to find on an enforcement operation of a bus sector.

The Chairperson: Was the DVA happy that the vehicles were roadworthy and able to continue their journey, or were they impounded?

Mr Hutchinson: It would depend on the nature of the defect. Some of the vehicles could have been issued with prohibition notices, which means that the vehicle must be taken from the road until it has been repaired and corrected. I do not have the full list, but, where a defect is of a nature that means

that the vehicle should not be driven further, the operator is then required to take the vehicle off the road until the repair has taken place and then present it back to us with the repair having taken place.

The Chairperson: Was that the case in relation to any of those vehicles?

Mr Hutchinson: I can check the detail of the individual case and write to you on the specifics of that case, if that would help.

The Chairperson: It certainly would. What happens in regard to the contract? There is a breach of the contract, especially if there are issues with licensing. What action has been taken by the Western Education and Library Board, in consultation with the Department, to have those contracts fulfilled so that children are getting to and from school, but also to ensure that there are not people who are currently in default of the contract they were issued on 1 September?

Mr Dale Hanna (Southern Education and Library Board): The Western Board will look at each of those areas, and, if there is a breach of the contract, the contract will have a framework of conditions that allows the board to either suspend the contract or ultimately terminate the contract. That would have to be looked at on a case-by-case basis. I do not know the exact details of that particular case, so I cannot speak on behalf of the Western Board, but it will certainly deal with that in relation to the contract's terms and conditions.

The Chairperson: Has the Western Board indicated that that is the situation? Is the Department aware that that has taken place, and has the Department asked the Western Education and Library Board what action it has taken in relation to the contract?

Mr Hanna: I cannot answer that. I do not know about that specific issue, but I can come back to you on that.

The Chairperson: What is the trigger mechanism? Let us take a fictitious situation, in which a bus is found to be in breach of its contract, for whatever reason. Say there is a process, as James has said, whereby it is taken off the road. What red light is switched on as a result of that taking place to ensure that other vehicles operated by the same operator are not still allowed to continue in operation? Where is the trigger point that brings it back to look at the contract to ensure that all safety-relevant issues have been satisfactorily addressed, so that whoever is responsible can go home from their office at 5.00 pm any evening with the assurance that everything is well?

Mr Hanna: If, for example, an operator has 10 runs or 12 routes, obviously they will have gone through the initial selection process, in which we check all their information to make sure that all their vehicles are PSV-licensed. All the boards have systems in place to make sure that all that documentation is kept up to date, so that we know that all those vehicles have their PSVs, insurance documents, etc. If it is brought to our attention that there is a safety issue with a particular bus, for example, each board reserves the right to suspend that particular run. Obviously, the nature of the offence would have to be taken into consideration. If it was thought to be particularly serious, we could suspend all the runs from that operator, and we would put in alternative solutions to get the children to and from school. We would then liaise with colleagues in DVA to try to ascertain the nature of the offence or the prohibition and take that into consideration. We are not going to allow an operator to operate if we feel that all their vehicles are unsafe. Equally, an operator might have a vehicle with a light defect, for instance. The boards operate 825 vehicles. It is always possible that a vehicle is going to go out without a light working, for instance. So we have to try to have a balance in how we deal with that.

The Chairperson: In this particular case, Dale, I think the balance is tipped very much in the way in which the board has dealt with this. There was a non-compliance issue with operators over the summer. In 2011, contracts were suspended. There was a hive of activity with allegations, which, to be fair, were denied by the Environment Minister, that there had been block bookings of appointments at PSV centres and that everything was being done to ensure that some operators were going to be operational by 1 September, despite the fact that there had been non-compliance and that they were in breach of the contract. All of that was done. Questions were asked, and the Minister wrote to the Committee and told us what was happening. We thought that it was OK and that it seemed that the issue was resolved. However, four weeks into the school term, the same thing happened with the same operators. At what point do we say that we can do no more until this is absolutely resolved? Has anybody ever lost their contract as a result of non-compliance?

Mr Hanna: Absolutely; yes.

The Chairperson: How many in the past five years?

Mr Alan McMullan (Department of Education): Fifteen. That is stated in the briefing paper that was provided to you.

The Chairperson: Fifteen have lost their contract. Of those 15, how many subsequently reapplied and are now operators with boards?

Mr A McMullan: I do not have that information available today.

The Chairperson: Could you supply that to us?

Mr Hanna: I can clarify that. Any operator who had their contract terminated in the Southern Board has not been re-employed.

The Chairperson: The public and members should know what we want to get to and why I am pursuing this. It is not about individuals; it is not about having a lobby. I can say this honestly: not one operator has contacted me about this issue. It is what I have picked up and what I have seen. I am not batting the ball for operators. It is not as if somebody wants a contract and thinks that the best way to get one and to have a better chance of getting to the table is to discredit everybody else. That is not what this is about. I want to be absolutely sure that children are being transported safely, regardless of who the operator is.

In February of this year, DVA undertook spot checks on buses at Oakgrove Integrated College. Eight buses were checked. Two were owned by the Western Education and Library Board, and they were compliant. Of the remaining six, four were found to be non-compliant, with one reported with a view to prosecution. Where are we with regard to that investigation?

Mr Hutchinson: That was part of a random survey, which is carried out every two years by DVA to set the benchmark for the safety of the overall bus sector. On that occasion, we examined six vehicles, and four were found to have defects. The most serious defect was on a Northern Ireland-owned and registered vehicle, with issues about wheel security and steering linkages, and so on. That was issued with an immediate prohibition notice. That vehicle was taken off the road straight away and was reported for prosecution. That prosecution is ongoing, so I cannot tell you the issues. However, I can undertake to report back to the Committee when that prosecution is complete.

The Chairperson: From the Department of Education's point of view, Paul, and, in many respects, in conjunction with DOE, which has the lead on this, are you satisfied that the arrangements that are in place for the transport of our children are safe?

Mr Sweeney: There can never be any complacency about road safety at any level, but, in respect of the paper that we have prepared for the Committee, I take a level of assurance from the safety track record. I do not want to imply that we are being complacent, but about 90,000 children every day, 190 days a year, are eligible for school transport. When I look at the track record over the past several years, it gives me a level of assurance. I am assured that there is no complacency. The boards are constantly looking at ways in which there is any scope for enhancing safety arrangements. So, I have assured myself of that.

The Chairperson: Thankfully, in recent times, we have not had any major incident involving fatalities. I do not want to be in any way alarmist; I just worry when I see procedures and things are raised, and, when we ask questions about procedures, confirmation of our suspicions is confirmed. I want to be absolutely sure.

With regard to the operator from the Republic who had to change their licensing regime to get licensed in Northern Ireland, what work was carried out to confirm that the addresses that were given of where they operated from were bona fide and were suitable for and capable of retaining and storing the vehicles that they said were being kept at those properties?

Mr Sweeney: Three operators won the contract initially under a competitive process. So all that due diligence at the time would have been carried out. As you said, the contract was suspended in June. As a result of getting lots of advice, including senior counsel advice, the Western Board felt able to reinstate those contracts on 1 September. My colleagues in the Department worked closely with the board to ensure that it took all the proper advice and that it conducted all due diligence to ensure that the operators were compliant with all the requirements so that the contract was able to be reinstated on 1 September.

In respect of addresses, that level of detail is a matter for the DOE.

The Chairperson: Is it a matter for the DOE? I am led to believe that one operator gave an address, but you could not park a car outside it, let alone park six buses.

Mr Hutchinson: I am not aware of the specifics of that, but the licensing process requires that the operator has a Northern Ireland address and operating centre, which is capable of storing buses that are used on the Northern Ireland Roads Service licence.

The Chairperson: James, what you will probably learn when you come to these Committees is that, sometimes, we go around a thing a very long way to get to the question, but you have just put it succinctly. Is DOE content that whoever made an application for a Northern Ireland licence has that facility? Has that been checked in relation to the three operators?

Mr Hutchinson: The issuing process for the Roads Service licence has been fully carried out, and the licensing elements of DVA are content that the licences have been properly issued.

The Chairperson: Paul, you referred to senior counsel. I assume that was around the issue of defining "temporary". It seems as though, under cabotage and under the European regulations, there is an issue about whether you can have a contract because a contract is a long-standing contract. My understanding is that it can only be temporary. Some of these people have been operating for years. It is a very long definition of temporary. How did legal counsel resolve that issue to the satisfaction of the legislation, which says that it can only be temporary?

Mr Sweeney: From the Department of Education's point of view, when colleagues in DOE raised that with us, the first thing we did was to get our own independent senior counsel advice. As I understand it, DOE also got senior counsel advice.

The reality is that the contracts were entered into in good faith under a European Commission regulation. The complexities around cabotage were carefully considered by legal counsel and a determination was reached. The important thing is that, once that determination was reached and it had crystallised around the "temporary" issue, the Department of the Environment, the Department of Education and, as an extension of the Department of Education, the Western Education and Library Board took all appropriate steps thereafter to ensure compliance.

The Chairperson: Do we know how long this had been going on?

Mr Sweeney: The regulation was in place from when? Was it 2009?

Mr Iain Greenway (Department of the Environment): The issues were raised with DOE on a few occasions over a number of years by education and library boards, members of the public, operators and others. On each of those occasions, DOE considered the issue and drew the conclusion that the arrangements were temporary on the basis that they were time limited under contractual arrangements. From my discussions with the boards, I understand it that those contractual arrangements are generally for a 12-month period and are extendable, generally, for two further 12-month periods at the discretion of the boards.

A number of people still hold the view that those contracts are temporary. Having taken their own legal advice, the Irish Government strongly hold the view that those contracts are temporary. Our Minister took on board the legal advice and felt that there was an irregularity that he needed to address. He did that, as he explained in the Chamber and elsewhere, but he also referred the matter to the European Commission to bring the "fullest clarity" to the matter — I think that was the phrase he used. The Irish Government have also done that. We await the Commission's response to be absolutely certain what its intended interpretation of "on a temporary basis" means in the regulation.

The Chairperson: I was not the brightest bulb in the box nor the sharpest pencil when I was at school — no comment from the Deputy Chair. However, the fact sheet states:

"Cabotage operations must not be: Permanent, frequent, regular or continuous".

I am almost tempted to have a test in the Education Committee. When I look at these contracts, I see that some of them have been permanent. They kept coming back for the past number of years, and, if the operators put in their contracts, they were reasonably sure that they would get something. They were also certainly frequent and regular, and they were continuous, because they ran during the school year between September and the end of June. I cannot see how this has been allowed to go on for so long.

To be honest, if that was the only issue and it was only an argument about the definition of "temporary" and our compliance with cabotage, you could, bureaucratically, let the lawyers, the Commission and everybody have their arguments. However, those who benefited as a result of that bureaucratic argument have been found to be non-compliant, not doing what they have been asked to do and, possibly, putting children's lives at risk. Surely that needs to be the paramount issue. Let the bureaucratic thing work its way out.

I accept and appreciate that the DVA has undertaken a considerable amount of work, and that, like every organisation, it is under time and resource pressure. I also understand that the Department has committed to increasing the number of inspections, and so on. We saw all that in the papers that came through and it is to be welcomed. However, this one still seems to be hanging around, and others are watching to see what is going on.

Mr Greenway: May I first comment on the tests you read out, which are reproduced in the DOE guidance note from 14 June? They are reproduced, largely verbatim, from Department for Transport guidance on freight cabotage. One of the arguments that a number of people are making is that there is no clarity that those tests are to be applied to bus transport, which is the subject of a separate regulation from freight transport. The advice of our senior counsel was that there should be read-across. Others say that there should not be read-across. That is the nub of the matter that we have referred to the Commission, asking whether we can please have some similar guidelines for bus cabotage as has been done for freight cabotage. That is the essence of what we have asked for, so that operators are clear, hirers of buses are clear, the regulatory authorities are clear and, in this case, the education authorities are clear about exactly what is and is not allowed. However, I absolutely take your point. There are legalities and regularities around that. There are insurance issues, which we have not touched on directly this morning, but which were checked out — it is in the briefing — and found to be satisfactory for the end of the summer term. There are also safety issues. Those three operators are now Northern Ireland operators, and are subject to exactly the same regulatory regime as any other Northern Ireland operator, whether that is Translink or a one-man bus company in the south-west.

There are compliance surveys, as James has described, and there are intelligence-led enforcement operations. You will see from your papers that the level of non-compliance found in intelligence-led enforcement operations is nearly 50%. That is worrying on one level, but, on another level, it is positive that the intelligence-led operations are getting at serious levels of non-compliance. There is no worse or better between those three operators and many other operators. We have to tackle the safety issues. I agree with you entirely, Chair. There are bureaucratic issues on the side, but those three operators are no better or worse than many other operators, and are targeted appropriately because of those facts.

The Chairperson: It is worrying. You could read into it a variety of reasons why, in 45% of the cases that you carried out, which were intelligence-led, offences were found. That proves that that is a valid method to use, although you would have to have concerns that operator A could make allegations against operator B for all sorts of reasons, so, obviously, you have to balance that. However, clearly, it is a worrying trend if offences are being found in 45% of those cases.

Mr Kinahan: I was not the brightest button either.

The Chairperson: I am glad to hear that. We could make a set.

Mr Kinahan: Running through my head all the time — you will know from the questions I ask in the Chamber — is whether we could do this better. We all want 100% safety for all our children, if it is achievable. Could we put together a five-year plan or three-year plan to get all the legislation done and all the safety done, so that we know that every vehicle that we start with is safe, everything is pulled together and we have a better starting line, led by one Department? Is that possible, or are there too many little fiddly regulations and differences? That seems to be what we really should have, or whoever is on this Committee will be going through this again every two or three years. Could we do it better?

Secondly, one of the comments we heard during the presentation was that, if one company did it all, we could do it that much better but, most importantly, much cheaper. What I am really asking is whether we should be looking at the whole thing with a completely fresh face and running our school transport in a different way. How many years will it take to get us to the point where we can do it?

Mr Sweeney: The cost of school transport to the education budget runs at approximately £74 million a year, so there has to be scope to review any activity of that scale. Lots of people will certainly have ideas. Would it be better if you had one single supplier or if, for example, there was one single contract? What is the role of the mixed economy here, with private hire, board-based buses and Translink? Of course, I have to include taxis as well, because we are spending several million pounds a year on taxis. There is undoubtedly scope for a comprehensive review of school transport. Indeed, the Minister has spoken about that on a number of occasions. There is a whole range of reform activities in the Department related to areas such as area-based planning and the rationalisation of the schools estate. The answer is yes. There is always scope for taking a comprehensive look at these issues.

What I need to assure myself of is whether the safety of children is compromised in any way by this. I want to assure members that, when DOE and DE colleagues were focused on the issue of cabotage, their only primary consideration was whether there was any potential to compromise the safety of children. That was always to the fore, and we satisfied ourselves very early on in that regard.

I believe that the relationships between the Department of Education, DOE, DVA and the boards work well. That is partly because of the intelligence in the boards, in particular. I do not want to embarrass Dale, but the education and library boards have been doing this admirably for many, many years. They have tremendous intelligence in respect of all the operators. I believe that the mechanisms in place at the moment work, and work well. However, we are constantly looking at whether there is scope for further improvement. This Committee identified four key areas. I am pleased that the paper has been able to report that, as a result of taking onboard your leadership, the boards, the Department of Education, DOE and DVA have been taking steps to address those issues.

Mr Kinahan: The Education and Skills Authority (ESA) is coming, and you will no longer have the boards. Is this not the ideal time to do a complete review? You would be running it all from one body and cut costs, which, of course, is vital to us at the moment, without any concern about compromising safety.

Mr Sweeney: In preparing for today's meeting, I was tempted not to use ESA either as an excuse —

The Chairperson: Wise idea.

Mr Sweeney: — or as some kind of cure for all ills. ESA will have its boots full from day one; of that there is no doubt. There is a range of work streams, not least area-based planning and the budgetary pressures in respect of getting the best value for money. We all operate under the direct control of the Minister. I cannot undertake today to say that, from day 1, ESA will prioritise a completely comprehensive review of the school transport regime. However, there is no doubt that that will be one of the areas in which ESA will quickly want to reap the benefits of taking a more holistic and regional approach.

Mrs Dobson: Dale, I am afraid you are in the hot seat again. I would like to ask you a couple of questions directly. As you know, we have previously communicated on the topic of board buses versus private operators for home-to-school transport in my constituency of Upper Bann. The SELB recently switched some services from Translink to a private operator, which means that, when children with a private bus pass stay on after school, they are not able to get a Translink bus home, whilst those with a school Translink bus pass are. Are you sure that there is not inequality there?

Mr Hanna: The boards are obligated to give transport assistance in line with the policy. What Translink is able to provide is at its discretion because of its number of public services. The boards set up a contract with Translink for public tickets, and the boards determine which pupils get those tickets. The boards do not ask for what Translink provides in addition. The boards' only obligation is to provide a service in the morning and a service in the afternoon. Obviously, parents and children benefit from having those passes. Where Translink services exist, pupils can use them for after-school activities. However, the boards' obligation in line with the policy is only for one service in the morning and one service in the afternoon.

Mrs Dobson: Surely there is an inequality. In your e-mail response to me, you stated that it is:

"an urban myth that transport is freely available for after-school activities."

My reading of it is that it is an urban reality that it is available for some pupils but not others. Is the Department happy about that situation?

Mr Hanna: Boards have 825 vehicles with which to provide transport. We do not provide any after-school activities. There are 9,000 pupils who are transported on private hire vehicles at post-primary schools; those are the pupils who are most likely to travel after school. So, it is a bit of an urban myth, as far as I am concerned. Certainly, my children, who travelled to school on a yellow board bus, did not get access to transport for after-school activities.

Mrs Dobson: So, you do not see it as an inequality?

Mr Hanna: To use an example, board buses might pick children up at their front door and drop them off at the school gates, whereas someone who travels on a Translink service might have to be brought three miles to a bus stop by their parents, and the bus might drop them in the middle of town and they walk to their school. We are talking about the logistics of moving people from point A to point B. It will never be equal for all children in all ways because we have to provide a service within a policy.

Mrs Dobson: The decision to change the method has been thrust upon them by the board.

Mr Hanna: Policy states that it is up to the boards to determine transport assistance. It is up to the boards to determine the most appropriate way to facilitate their attendance at school.

Mrs Dobson: The Minister recently made a statement saying that education does not stop at the school gates. Are you not concerned that there is no statutory obligation to transport pupils who attend after-school activities? You are obviously not.

Mr Hanna: From an operational point of view, I have to apply the policy. I accept what you are saying. If the Department of Education is going to review and change the policy, and if it wants to make resources available for boards to provide transport for after-school activities, then we will happily provide that. However, as it stands, our understanding of the current policy is that transport assistance is only provided for getting children to school and for getting them home from school at the end of a normal day. That does not include extra-curricular activities.

Mrs Dobson: That is very concerning, Dale. How much do you consult with the pupils and their families when you make changes to school bus routes and operators? Will you take us through that process?

Mr Hanna: Obviously, we look at numbers yearly, and there are changes to demographics. We are trying to maximise the resources that we have, whether those are the board buses or the private hire contracts that we have in place. There will be an element of moving children about between different services. We try to write to people to give them notice that there will be a change to their service, and we try to do that as early as possible — in May or June — to give people two- to three-months' notice. There will be occasions when, towards the end of the summer, we realise that routes will become overcrowded, which is a safety issue, and we will then have to write to parents to explain that their children were on bus A and we are going to have to move them onto bus B. We set out with the intention to give people as much notice as possible. We will inform the schools of that change as a matter of courtesy, but it is the boards' role to put transport in place, and the school has no role in that.

Mrs Dobson: So, you try? That does not mean that you do.

Mr Hanna: What I was reflecting is that there will be occasions where, towards the end of summer period, something changes very quickly and we suddenly realise that we are going to have an overcrowding issue. We do not have the luxury of giving people weeks and weeks of notice or consulting with the principal on that. We have to make the changes.

Mrs Dobson: From my experience at constituency level, it would appear that it takes pupil and parent power along with political intervention to overturn some very unpopular decisions that affect the safety of transport of the children. Surely that could be done better?

Mr Hanna: I am sure that we can always do better. We try very hard to provide a good service to parents, but there will be occasions where, because of resources and safety issues, we have to make changes, and some of those will be at short notice.

Mrs Dobson: Do you not feel that a proper consultation is better than disrupting schoolchildren when they return to school and then having to back-pedal on the issue when you come under pressure? Would proper consultation not be the way?

Mr Hanna: I am not sure what you are referring to when you say "back-peddalling".

Mrs Dobson: When you have to change decisions. If you had proper consultation from the start, surely it would resolve the situation, rather than when you come under pressure from the parent power?

Mr Hanna: The provision of school transport is cyclical. We get to the end of June, and we have one year finished. Then we deal with the process of the applications for the new school year. In the Southern Board, for example, that is about 5,000 applications for new school transport. That does not always work smoothly; it throws up anomalies. In an area where we thought that we would have sufficient provision, for instance, we identify that we would not. We have planned, in the best way possible, to deal with that, but there will always be operational and logistical issues that we have to deal with at short notice and on which we cannot consult.

Mrs Dobson: Dale, I would say that I will be corresponding with you quite a lot in the future.

The Chairperson: Before we go, I want to put a query to Paul. It seems as though it has all gone quiet on the Translink contract. We have not had an update recently from the Department as to where we are. It was, and still is, a big issue. Where are we with that contract? Obviously, we are in a new school term. Paul, could you undertake to provide the Committee with an update in relation to the school contract? Do you want to comment on it now?

Mr Sweeney: We are not in a position to say anything about the contract negotiations with Translink today, Dale, are we?

Mr Hanna: Those have concluded for the current school year.

The Chairperson: Would it be possible to get an update on the conclusions and changes and on what efficiencies and economies have been secured from Translink by the Department?

Mr Sweeney: Yes, unless Dale is in a position to detail that now.

The Chairperson: Dale, were you the man who negotiated it?

Mr Hanna: Not really; I took the notes. *[Laughter.]* The position is that there was a freeze on the price, so there has been no price increase, and the board has received a rebate of £300,000.

The Chairperson: Paul, it would be useful if you could send a paper to the Committee.

On a side issue, and talking about urban myths, I would like you to shed some light on this, if you can. Pupil A gets a bus pass in September and decides to surrender the bus pass in October. Do they get financial recompense for the bus pass? If they do, how many have been given that? Obviously, we will follow that up if that is the case. Can you confirm whether that happens?

Mr Hanna: There is a system in place to allow that to happen. If we buy tickets, we buy those individually, so we buy them from Translink at a cost of x pounds. We have a date — 31 October — at which we agree and set in stone the number of passes that we purchase from Translink, and we multiply that by the amount to give us the total value. Up until that date, some pupils who would have been issued with an Ulsterbus pass ask whether they can have financial assistance instead. As the board would be paying that money anyway, we will pay the parent financial assistance in lieu of that pass. They return the pass, and we do not pay the money to Translink.

The Chairperson: But you pay the money to the parent?

Mr Sweeney: It is out of the same envelope. Is that right, Dale?

The Chairperson: Is that time bound to 31 October?

Mr Hanna: Yes.

The Chairperson: So, if somebody comes in on 1 November, are they not eligible?

Mr Hanna: It is only for those pupils who have been initially issued with a bus pass. Come 31 October, we have committed that expenditure to Translink, so, if the parent comes on 1 November and wants to swap their pass for money, the answer is no, because we have already spent the money and provided them with assistance.

Mr Craig: Iain, I am glad to see that you are here today, because I was reading through the background notes and something jumped out at me. It states that 105 vehicles were inspected by DOE enforcement officers between April 2010 and September 2011. Around 20% of buses examined were served with prohibition notices or had their PSV licence suspended. DOE reported that no bus operators had been prosecuted in respect of licensing offences in relation to dedicated school transport. That jumped out at me because I have been arguing all morning about one in five PSNI officers being re-employed. One in five of the buses examined were served with prohibition notices and had their PSV licence suspended. Iain, was that a specifically targeted operation where you had been given information and were going after people who you clearly believed to be offenders, or was it just a general operation that took a random sample right across the board? If this is not intelligence-led, the Committee would be extremely worried.

Mr Greenway: I am glad that you asked me that question. I will pass it to James, but, in so doing, I will correct what you read into the record at the beginning. I do not work for DVA; I am in DOE core, on the policy side. James is director of many things, including enforcement in DVA, so I will pass the question swiftly to my left.

Mr Hutchinson: Thanks. We conduct two types of bus operation. Essentially, DVA examines three types of bus journey: stage carriage, which is mainly Translink; hire and reward, which is largely private sector; and school transport, which includes education buses, private hire buses and the Translink sector. The bus survey that you talked about was the first bus compliance survey carried out by DVA. A bus compliance survey is a random survey. We do not target vehicles; we seek to establish a benchmark to give us a snapshot of the standard in the industry at a given time.

During that period, in the early part of this year, we stopped 483 buses at various randomly selected sites. Those buses were examined against roadworthiness criteria. Of those 483 buses, 109 had a prohibition or prosecution notice resulting from a serious roadworthiness defect or a serious traffic offence. That effectively means that, of those buses stopped, there was an issue about a defect on a vehicle or a licensing issue. Therefore, it could have been something like a PSV issue not being properly in place; a Roads Service licence could have been missing; there may have been no community licence for transport; or it could have been a vehicle defect. Therefore, those are the types of issues that we found in the survey.

In an issue where we are looking at a targeted or intelligence-led operation, we will seek a much higher rate. Iain has already alluded to the fact that we are looking to have 40% to 45%, based on observations by roadside staff. Very experienced enforcement staff can look at a vehicle and have a very strong view as to the roadworthiness of that vehicle. Again, there are intelligence-led operations where information received is risk assessed and scored. On the basis of that, we will conduct

operations on an intelligence-led, targeted basis. Those are the two different types of operation that our staff carry out. The survey shows that 22.6% of buses have a vehicle defect or a licensing defect. The average across the industry is roughly similar to the level of defects found in the taxis area and slightly higher than that found in heavy goods vehicles. Those are consistent across the transport sector.

As a parallel example, roughly 80% of vehicles presented for MOT pass first time and 20% have defects. That is a fairly consistent pattern of non-compliance that our officers detect at the roadside.

Mr Craig: I have to be honest with you, that raises huge concerns for me, and I am sure that other members will also be concerned about that. I was expecting that to have been intelligence-led, but you are saying that that was a random sample, and one in five had some form of defect. Can I ask the obvious question: if you find one in five with defects — and I do not think any of us needs to be a genius to work out that there will be persistent offenders — are they being intelligently targeted by yourselves? More importantly, if there are persistent defects, which would put the safety of children in question, are those offenders then blacklisted, for want of a better term? Is a list put together of people who, in the interests of the safety of children, should not be used?

Mr Hutchinson: There are two points there. When we examine the licensing conditions for buses, the issue of the enforcement actions taken against vehicles goes towards the repute of the operator. For licence purposes, DVA's licensing arm can opt to examine that and can remove — and, indeed, has removed — the Roads Service licence from operators based on repute, which is itself based on the state of their vehicles.

The other point, to which Dale alluded earlier, is that when there has been a serious defect, the education authorities have moved to take that contractor off school contracts, so these issues are being detected. There is a process in place for sharing information inside DVA and with colleagues in the education authorities, and actions and revocations have been taken on the basis of those findings.

Mr Craig: Are very good records kept of who those offenders are? You know my other concern, which relates to the fact that a lot of this happens in the private sector, where somebody can collapse a business under one name and start a new business under another name. If there is no traceability around all of this, you could inadvertently, or accidentally, find yourself re-employing someone with a bad record around the safety aspects transporting children.

Mr Hutchinson: The record keeping is detailed. The offences are recorded, and those are assessed at the application stage for licences as well.

Mr Craig: Is that shared with the boards that have direct responsibility for hiring these contractors?

Mr Hutchinson: First of all, the boards seek to assure themselves that the operators they are dealing with have the proper licences in place. The possession of a Roads Service licence means that they have met the requirements to be issued a licence from ourselves. The boards will work with us during that process as well and share information.

Mr Craig: You understand my concerns, James? If this was a company that went from name A to name B, but had the exact same people running it, do you make the board aware of that when it asks you for information?

Mr Hutchinson: Yes, we share information with the board.

Mr Craig: That is great. Thank you.

The Chairperson: However, James, there are people who would query the validity of what you share with the board. It comes down to the school. Let us say that I am a school principal, and I want to use operator A. Does that school know that that operator has everything intact and in place? Can a principal go onto the DVA, DOE or Department of Education website and say that he or she wants to get John Smith, but wants to make sure that he is a legitimate operator. The principal has a duty of care for his pupils. Can he have that information? Is there the facility to say that the operator is fine? Is it up to date and reliable?

Mr Hutchinson: The issue here is the individual school contract. It is the responsibility of the school to ensure that it is dealing with a reputable operator. Within that responsibility is the obligation to check that the operator has the various licences that are required. I know that the board will issue guidance to schools, and, if you need it, Dale can give you some clarity on that. In the past, I know that schools, having checked with the board, have been advised by the board that an operator does not hold a licence and should not be issued with a contract. That has happened.

Mr Hanna: Recently, we updated guidance to all schools. That came via DE as well. That guidance advises principals and school authorities how to contract and how to deal with private operators. Certainly, on the ground, schools liaise with the transport sections about the nature of new operators and our feelings on that. Obviously, we have to be careful because each of those are competitive situations; those are contracts that the schools are setting with that operator. Schools will most definitely contact us and ask what our feeling is about bus operator X, and we will certainly speak to them about that.

Mr Craig: We are making a valid point here. If school A is taking on a contractor, it will always contact its own board. Dale, this is where I have some concern about this. Although the Department will cover the whole of Northern Ireland, could a school find itself in the position of going back to its own board, which has no record of irregularities, but then find that there is a history of irregularities in some of the other board areas and that it has inadvertently contracted a company that has a bad history?

Mr Hanna: I do not know how to answer that. In cases of non-compliance, a board may terminate a contract with an operator who has an operator's licence, but that may not make that operator unsuitable for private hire trip work. That could have been a different contractual issue. The boards communicate with each other. I certainly communicate with the South Eastern Board about operators, and it communicates with me about operators.

The Chairperson: Taxi drivers are giving us all sorts of grief about the way that they are being screwed into the ground, and taxi operators in my constituency are tired of more and more being asked of them. They can hardly move without having to fill in a piece of paper, put up a sign and do all those things, so that passenger A is satisfied when they get in to that taxi. I am told that the rationale for it is to ensure that they are compliant. However, it seems that when a principal wants to get a bus to put children on, they are not sure how to answer that because they do not know whether James has sent the information to the board and the board has communicated it to the schools, or whether it is a private contract arrangement between the school and the company. It is all missed, but it is not missed for taxi drivers. To put it bluntly, I think that they are being bullied in some places. They are being given a huge amount of bureaucracy. I understand the rationale for it, but I do not understand the way in which it is being done. However, when it comes to schoolchildren, we are told, "Well, it is a bit more complicated because there is a contract". I am not convinced that the line of command from James, here, to Dale, there, to the principal, who could be sitting in the public gallery, is robust. We had a stakeholder event here, which brought people together, and one of the things that they raised was about having a reputable list that people can see.

Mr Hanna: With respect, Chair, not all operators apply for school contracts. There are many good operators who, for business reasons, choose not to work for the boards. Therefore, if a school phones me and asks me about operator X, I may not know about them, but if they have an operator's licence, that information is on the DOE website, and schools can access that.

Mr Rogers: Following on from that, my first point is that, at the stakeholder event, it was suggested that private hire drivers are given a training manual; there is no actual training from the education and library board. The second point is to do with child protection. What checks are in place for private hire drivers to ensure that they have had the necessary child protection checks? I am thinking, in particular, of many looked-after children who use private hire taxis to take them to and from school.

Mr Hanna: On the second point, with all home-to-school contracts, all private hire drivers have to go through an enhanced Access NI check every year in compliance with the Department of Education's policy 2006/06. Therefore, the boards have a framework and a system in place to ensure that all private operator drivers, be they taxi drivers or bus drivers, go through an enhanced Access NI check.

Mr Rogers: So the board does that?

Mr Hanna: The board does that.

Mr Rogers: What happens if a particular driver is not available one morning and some other driver is pulled in?

Mr Hanna: On a practical level, we have issued all contractors with advice that they should ensure that they have enough drivers who have had adequate Access NI clearance with the boards to operate the contracts.

Mr Rogers: Is that ever checked in your random checks?

Mr Hanna: Yes. We hold a database of information, including their Access NI information.

Mr Rogers: During roadside bus checks, do they ever check that the driver has had clearance?

Mr Hanna: Yes. In relation to driver training, we set the contracts with the private operators. We train our own drivers, and we expect private operators who run their own businesses to provide adequate training for their drivers. Every year, bus drivers will go through professional training called the certificate of professional competence. With regard to the areas that we feel they need to have guidance on, we issue that to the operator and instruct them that they need to circulate that to their drivers.

Mr Rogers: Is it ever checked that a private hire company runs training for drivers, taking into account the fact that driving a bus load of children is very different from normal hire work?

Mr Hanna: A lot of the information that we give them is common sense. It is around what they should do in the event of an incident or accident — which is, obviously, to report it through their line management structures — and about setting down and uplifting children. A lot of it is the same common-sense information that they use. It does not matter that they are transporting children. It is still the same issue.

Mr Rogers: On a similar matter, when you are awarding contracts, are facts like that brought in as well as the lowest tender? Is the value of the product brought in as well as the lowest tender, or does it just go to the lowest tender?

Mr Hanna: They have to meet the conditions set out in the selection process. Obviously, that includes all the compliance issues, such as ensuring that they have experience, that they are appropriately licensed and that their vehicles are up to date. We have questions on previous convictions and at that point, it is based on economic tenders.

Mr Rogers: Does it also include things like adequate training carried out for the drivers and child protection checks?

Mr Hanna: The board is responsible for checking child protection, so that would not be taken into consideration. We do that regularly, every year, so that will automatically be done anyway, irrespective of who the operator is.

Mr Rogers: My point is, if it was discovered in some of your checks that three of the eight drivers from a company did not actually have the child protection Access NI checks in place at that time, would that have a negative value when it came to re-awarding that contract?

Mr Hanna: We would have addressed that in the contractual year and looked at either suspending or terminating contracts. We certainly may look at that in terms of the level of work we might award a contractor.

Mr Rogers: You may look at it, or you would look at it?

Mr Hanna: We would look at it.

Ms Boyle: Thank you, gentlemen, for your presentation. Most of my questions have been asked. That is what happens when you put your hand up last. I will go back to Sean's point about training and health and safety. When we had the stakeholder event, that was one of the issues raised with us.

Private operators obviously must comply with the relevant health and safety legislation, but there was no real onus on them to take part in the training that the board gives to the drivers of the board buses. That is an issue.

As I said, most of my questions have been asked, but we do not want this meeting today to send out a negative message that there is something wrong with the transport system. However, one thing that strikes me is that there is a real need for a comprehensive review. I am thinking of the private, the Translink and the board buses. Going back to what the Deputy Chair said, we need to look at maybe having one manageable fleet over all. That is the message that we need to send out. Paul, I would like to hear more, if you could keep us updated on the review. Is it going to happen? What are the Minister's thoughts on it at present? Where does that sit with the Department?

Dale, I think that you and Jo-Anne had a conversation about communication to parents. I really do not believe that there is much communication between the Department and parents around transport issues. I was listening to the conversation between you and Jo-Anne. My area — the western area, which is one of the areas that we talked about earlier — is a large area with a rural demographic. The health and safety of our children, not just in that area but in all areas, is paramount. Therefore, it is important that our buses are fit for purpose on the roads, whether they are private or otherwise.

I want to go back to communication. I am conscious that we are in public here, but locally, in my area, parents have had considerable problems communicating with the board about transport. It is in the local media; it is not something that I am making up. I am not at all convinced that the Department is aware of what is happening on the ground in the board area in relation to transport. That is something you have to take on board seriously; the need to go back to each board and talk to transport managers about what is happening locally on transport issues. You could speak to the transport manager in my board area and ask about the number of complaints that have been made over the past while. I would like you to take that on board. There is also an onus on the Committee to put forward its thoughts and views on a comprehensive review of transport. I think that we should have a proposal on that as a result of this meeting.

I am conscious that in the previous term, the Committee received a letter from an anonymous source about whistle-blowing in the Western Board area regarding contracts and practices. Are you aware of that? To quote from the brief that we have been given, it says that you are:

"willing to consider workable proposals to enhance child safety and to act on reliable information from whatever source."

How seriously do you take whistle-blowing, and how well do you work with boards on whistle-blowing policies?

Mr A McMullan: I will comment on that. I cannot think of a case in relation to the Western Board, but I had an anonymous letter about operations in another board area. We treat such letters very seriously, and we always put them to the board for investigation and read exactly what the reports are. If we receive something such as that, we would definitely follow it up.

Mr Sweeney: I endorse what Michaela said, and I am very conscious that a number of young people have joined us in the Senate. If there is a message coming from today's meeting, it is that we acknowledge that some very good, sound work is taking place.

At the stakeholders' group, I was struck by the reference to rogue operators, and Jonathan spoke about potential sharp practices. Whistle-blowing is a key dimension when looking at very serious accusations. All Departments and boards have a very robust whistle-blowing process in place, but there is one very concrete step that we can take. If people have evidence about rogue traders or sharp practices, or if they have concerns that need to be activated by a whistle-blowing case, then there should be zero tolerance approach taken. That is the approach that I would take, as administrative head of the Department. We need to differentiate whistle-blowing from people just saying that there is a host of rogue traders all over the place. It needs to be translated into an intelligence-led process. I think that that is where the whistle-blowing procedure is very important.

In the Western Board area, I am aware of a number of issues around Victoria Bridge in particular; is that the specific case that you are speaking of?

Ms Boyle: Yes.

Mr Sweeney: I have kept abreast of that myself, and, as a result of today's meeting, I will assure myself that all steps have been taken. If not, I will come back to you specifically on that. I will speak to the Western Board about it.

The Chairperson: Thanks, Paul, for referring to the students who have joined us from St Louise's College, Belfast. I welcome them and their staff. You are very welcome to the Education Committee. It is only right and proper that we do what we did with the group that was here last week, and give some explanation as to what we are doing. You have picked a good day to come. We have the permanent secretary of the Department of Education with us today. He is the key man in the Department —

Mr Sweeney: After the Minister. *[Laughter.]*

The Chairperson: Yes; after the Minister. You have to be sure you say that. *[Laughter.]* There is the Minister and then there is the permanent secretary. We are also joined by some officials from the Department and we are having a joint presentation from two Departments. This is an unusual thing to happen at a Committee, because normally, our responsibility is to scrutinise the work of the Department of Education. We mainly have education officials appearing before us, but today, we have officials from the Department of the Environment, too. We are very glad that this is taking place today. We are discussing transport arrangements for children and young people to and from school and concerns about contracts and safety. We trust that this gives you the context of what we are doing. You are very welcome, and we wish you well with your studies.

Mrs Hale: My point leads on from the issue that Sean raised about individual drivers. I understand that Access NI has an arrangement with the PSNI to refer cases to the Republic of Ireland, as appropriate. I would like more clarification on overseas nationals who are not covered by Access NI but by a certificate of good conduct. In comparison with Access NI checks, how robust and stringent are the certificate of good conduct checks? How long are the certificates valid for, and which body issues them?

Mr Hanna: I cannot answer those questions. You would have to direct them to the people who are responsible for Access NI. We still follow our process for a non-national or somebody who is not from here. We ask for an Access NI check, and get the information back. We can base our judgement only on the information that is sent back to us. You would have to direct questions about the robustness of the check to the people responsible for Access NI.

Mrs Hale: So, you are happy to accept someone with a certificate of good conduct even though you are not too sure where it has come from or how robust it is?

Mr Hanna: Access NI is the appropriate body in that regard.

Mr Sweeney: We give primacy to Access NI. It conducts the due process. If it validates an individual, we would have no reason to question that validation. If there is an issue about non-nationals, you might like to take it up directly with Access NI, or, after this morning's deliberations, we could discuss it with Access NI.

Mrs Hale: I would like you to discuss it, because obviously the drivers are working for the boards. I would appreciate that; thank you.

Mr Hazzard: Thanks again to the gentlemen for their answers. I want to ask about transport provision for children with special educational needs and the tendering process. How much engagement is there with parents in the tendering process concerning the relationships with the driver or the stable environment that those children need? Does engagement take place, or are the normal procedures just followed?

Mr Hanna: If a child with special education needs has a special transport need, that need will have been recognised by a doctor, and we will provide transport on the basis of that information. There will be occasions on which it is recommended that a child needs continuity of education throughout their time at school, and we take that into consideration when providing the contracts. For all other children with special needs, there will be change when there is a new contract. We are aware that parents find

this very difficult at times. However, we will only take that into account when some very direct clinical recommendation has been made to the board about an individual pupil.

The Chairperson: Before we conclude, I have a question that may be for the Department of the Environment. The PSNI has participated in Operation Coachman, and reference was made in the correspondence to continuing the process in 2012. Do you have any update on whether that has been confirmed? Will Operation Coachman be the same as in the past?

Mr Hutchinson: I do not have the specifics here, but I can write to you with the detail of that separately.

The Chairperson: OK; you can give us an update.

The permanent secretary referred to the Department coming back to us on a number of issues, which is for the Committee's benefit. The Department has taken on board some of the issues that we have raised, and those are now being progressed. The one bit that I think still requires a considerable amount of work relates to insurance checks.

In your letter, you state:

"The insurance industry/banking relationship is underpinned by legislation."

I do not know why there is a link between insurance and bankers, but that is the how it is.

You go on to state:

"Unfortunately, this is not the case in relation to the checking of private operator transport insurance and so Boards, having investigated the matter, are unable to pursue this further at present."

You then set out a couple of steps that the boards are preparing to take. What else can be done? What is your advice to us? Who else do you think we should pursue to try to get a better outcome on insurance checks? Do you have any insight or views on where a resolution to this issue lies?

Mr Sweeney: I do not think so. Is this in relation to private hire by schools directly?

The Chairperson: Yes.

Mr Hanna: That issue was raised by Trevor Lunn the last time we were before the Committee. I think that he thought that operators were, perhaps, operating without valid insurance. We checked that out, and the insurance industry told us that the level of non-insurance is very low. We indicated that we are going to add some additional checks to make sure that people have valid insurance certificates. However, regardless of whether someone has a valid insurance certificate, there is still an issue about whether they are covered. That is down to the insurance industry, and it is a matter that should be addressed to that industry.

The Chairperson: As Members do not have any other questions, I would like to thank Paul, Alan, Dale, James and Iain very much. A number of things will come out of this. Some suggestions have been made and we will continue to progress the matter, because it is one that we need to keep our eye on.

Sorry. There is one other issue: overcrowding on buses. The three-for-two rule was referred to earlier. Where have you reached on that? It seems that Translink gets out of this one relatively easily as it applies only to new buses. We still get inundated with concerns about the issue. I drive through towns in my constituency, such as Ballymena, and I still see pupils standing on buses. I have to say that the number has reduced, and that locally, in Ballymoney, very few children are standing on buses now. However, an additional bus was needed to resolve the problem there. Overcrowding was referred to in the paper we received last night, but have you made any further progress on it?

Mr Hanna: There are two issues. First, we have the regulations for school-dedicated services, and there should be no overcrowding on any South Eastern Education and Library Board, private hire or Translink school-dedicated services. There will be issues at the start of a term, and it takes time for

loads on routes to settle down. Beyond that, the contract purchases tickets for pupils to travel on public stage carrier services. So, for example, typically all the buses in the Belfast area are public stage carriage services, and there are no regulations around pupils standing on those services. So, there are two separate issues: school-dedicated services and public stage carriage services. Perhaps, you have seen pupils standing on public stage carriage services.

The Chairperson: Yes, those services are like public buses; 15 people are allowed to stand on the bus.

Mr Hanna: There should be very little overcrowding on school-dedicated service vehicles.

The Chairperson: Dale, I have one final question. Can we get to the stage where the date of issue of bus passes is correlated with the date that children start back to school? This year, we had a classic example in which bus passes did not become valid until 3 September, yet children were back at school before that date. That happened to my family. My boys' bus passes were not valid and the bus driver would not let them on the bus.

Mr Hanna: The only way that I can comment on this is to say that the five boards and the other education boards meet on a regular basis and try to harmonise dates for the operation of services. We set the dates that transport operates. Obviously, the year runs from 1, 2, or 3 September until 30 June. That information is circulated to schools, and then it is for individual schools to decide whether to open outside those dates. If a school decides to open on 27 August, it does so knowing that transport will not be available. So, it is the schools that are putting pupils in this position.

The Chairperson: Yet, the bus pass might run until the end of the school term even though the children finish a week early.

Mr Hanna: We have to set the contract for the normal school year. Again, schools should be operating until 30 June. There are set days on which they have to operate. We set the contracts to maximise the value. Translink, for example, will operate its drivers on part-time hours during the summer and will have its buses parked up. It will not operate a school-term timetable until 1 September, and bases its price in the contract on those grounds.

The Chairperson: Surely we now know the dates of the school terms for next year, because the schools will have gone back and set their timetables for this year. Would it be that difficult to go back via the boards in the schools to find out their intentional start date for next September?

Mr Hanna: If we do that, what if a school decides to stay open until the second week of July? Do we continue to provide transport until the second week in July?

The Chairperson: That is a valid point. It would be a good idea, although the pupils who have joined us today might not think it is such a good idea to stay in school for that length of time.

Mr Hanna: We make it clear to schools that transport will not be available outside the specified dates, because catering services may also not be available.

The Chairperson: OK. Thank you very much for your time.

Mr Sweeney: Thank you.