Review of the Criteria and Guidelines for the School Transport Appeals Board
Table of Contents
Section One .......................................................................................................................... 3
  Background and Scope ................................................................................................. 3
  Review Methodology ...................................................................................................... 3
  Key Issues ...................................................................................................................... 4
  Review of Reports on School Transport Scheme .......................................................... 4
Section Two ...................................................................................................................... 6
  School Transport Scheme Overview ........................................................................... 6
  School Transport Scheme Appeals Board Overview ....................................................... 6
Section Three ................................................................................................................... 9
  Common Issues ............................................................................................................. 9
  Assessment of Issues ..................................................................................................... 9
  Independent Appeals Office ......................................................................................... 9
  Distance Discretion for Scheme Eligibility .................................................................. 10
  Discretion over Distance to Nearest School ................................................................. 10
  Improved Communications ......................................................................................... 11
  Requirement for Reporting Mechanism ...................................................................... 11
  Jurisdiction over Misbehaviour Claims ...................................................................... 12
  Conclusions .................................................................................................................. 12
Section Four .................................................................................................................... 13
  Recommendations ....................................................................................................... 13
Appendix 1 – School Transport Schemes .......................................................................... 14
Appendix 2 – Appeals Board Terms of Reference and Operating Procedures .................... 24
Appendix 3 Guidelines for Discipline and Procedures for dealing with Alleged Misbehaviour on School Transport ........................................................................................................ 29
Section One
Background and Scope
Under the Programme for Government (PFG) 2016 there is a commitment to review the concessionary charges and rules element of the School Transport Scheme and to review the criteria and guidelines for the School Transport Appeals Board. The review of the concessionary charges and rules element of the scheme was published in December 2016. The scope of this document is therefore the second element of this commitment referring to review the criteria and guidelines for the School Transport Appeals Board.

This document will therefore not be dealing with the general rules of the mainstream scheme and will not examine the Special Educational Needs scheme which is increasingly becoming a significant cost driver for school transport.

This review is focussed on the criteria and guidelines for the Appeals Board as they apply in the primary and post primary school transport scheme and the Scheme for Children with Special Educational Needs. The document is formatted to:

- Set the context for the Appeals Board
- Give an overview of the school transport scheme
- Outline a number of possible options for change
- Make recommendations.

Review Methodology
There were a number of phases to this review including data gathering, consultation, and analysis of possible options which emerged in order to establish issues raised in relation to the criteria and guidelines for the school transport Appeals Board which include:

- school transport statistics
- a review of reports carried out on the school transport scheme which might affect concessionary transport
- appeals received by the School Transport Appeals Board
- complaints to the Ombudsman for Children’s Office
- submissions to the Department in relation to the Statement of Strategy
- Parliamentary Questions and written Representations
- Consultation with Parent councils and the Ombudsman for Children’s Office

Minister of State John Halligan, TD, also held meetings of a cross party group in the Oireachtas to discuss the scheme and some proposals in relation to the operations of the appeals element of the scheme arose at that forum. Consideration of those issues is included as part of this review.
Key Issues
Arising from the consultation and review of data sources the most common issues raised relating to the appeals process included:

- Is the Appeals Board independent
- Should the Appeals Board have discretion over the distance criteria in individual cases
- Should the Appeals Board have discretion to overturn the closest school rule in certain cases
- Issues around the communications and reporting from the Appeals Board
- Timeframes for the appeals process and decision making.

Review of Reports on School Transport Scheme
The current appeals mechanism is largely in place since 2003 but was reviewed as part of the Value for Money review of the school transport scheme carried out in 2011. There have been a number of reports and reviews carried out on the school transport system since its inception in 1965 and it is not proposed to go over the issues covered in these reports in detail here. A short summary of these reports and their impact on the operation of school transport is outlined in this to give a context to the current position.

Since 1977, some 12 reports and reviews have been conducted on the School Transport Scheme. There are a number of fundamental and/or recurring themes including eligibility and catchment areas. Many of the reports recommended revision of the eligibility rules in terms of distance and parental choice, some of which have been implemented. The most significant recent report was the Value for Money Review (VFM) which was published in 2011. Some of the other key reports were:

- The Hyland Report — 1977
- Calor Teoranta Report — 1987
- The Bristow Report — 1998
- Review of School Transport — 2004
- Value for Money Review — 2011

Each of these reports dealt with a range of issues and made recommendations though the most relevant to the current Scheme is the 2011 VFM Review. This report recommended at primary level that the closed school rule and central school rule be set aside for all new children in areas where it previously applied and at post primary level recommended that the school transport catchment boundary policy should be ceased and that eligibility for post-primary transport should be on the basis of the nearest post-primary centre or school for any new children.

Given the nature of school transport provision, it takes 8 years at primary level and 6 years at post primary level to fully implement the changes. This also means that during this transition
period, in some instances siblings in the same family or indeed neighbouring children have an eligibility for transport to different schools.
Section Two

School Transport Scheme Overview

The full Scheme is outlined in Appendix 1 to this document. The primary objective of the Department's School Transport Scheme is to support the safe transport to and from school of children who would have difficulty travelling, for reasons of distance, to their nearest school if transport is not supported. The purpose of the scheme is, having regard to available resources, to support the transport to and from school of children who reside remote from their nearest school. In general, children are eligible for school transport if they meet the distance criterion and are attending their nearest school. While it is the prerogative of parents to choose a school that is not their closest one, school transport eligibility is to the nearest school. The terms of the scheme are applied equitably on national basis.

School Transport is a very significant operation managed by Bus Éireann on behalf of the Department of Education and Skills covering over 100 million kilometres annually. During the 2016/17 school year, in the region of 115,000 children, including some 12,000 children with special educational needs, are being transported in approximately 4,000 vehicles on a daily basis to primary and post-primary schools throughout the country. Detailed statistical information on the Scheme is available on the website of the Department of Education and Skills and on the Bus Éireann website.

The annual cost of the Scheme is in the region of €180 million and can be broken down under each of the three schemes i.e Primary Scheme, Post Primary Scheme and Special Education Needs Scheme. The criteria outlined in the 2011 VFM is now the basis for the Scheme and the approach complements the overall Department policy which is to ensure that specific school accommodation needs for defined geographical areas are addressed in an orderly fashion. To be eligible for school transport, children must reside 3.2 kilometres (primary) or 4.8 kilometres (post primary) from and be attending their nearest school having regard to ethos and language. This eligibility criteria is being applied equitably on a national basis.

School Transport Scheme Appeals Board Overview

The School Transport Appeals Board was first established in 2003. The Board is appointed by the Minister of State, Department of Education and Skills for a period of three years and may be removed by him/her for stated reasons. The Board currently comprises a chairperson and four other members appointed by the Minister. The Board is independent in the performance of its functions but acts in accordance with (a) its Terms of Reference as determined by the Minister and (b) a set of published Operating Procedures, these are appended as Appendix 2.

The terms of reference of this appeals board are:

1. To determine appeals against decisions made by, or on behalf of, the Department of Education and Skills regarding the provision of school transport services and/or grant-aid under the terms of the School Transport Schemes.
To determine appeals against decisions made by Bus Éireann, following the conclusion of any appeal procedures provided for under the *Guidelines for Discipline and Procedures for Dealing with Alleged Misbehaviour on School Transport*. The Board will not examine cases deemed by Bus Éireann to involve serious misconduct or behaviour which poses a threat to the safety and well-being of pupils and/or the driver or to the safe operation of the service generally.

The types of decisions that may be appealed are as follows:

a) Decisions made by or on behalf of the Department of Education and Skills ("the Department") under the terms of the following school transport schemes: Primary, Post-Primary and Special Needs.

b) Decisions made by or on behalf of the Department under the various grant schemes for school transport.

c) Decisions made by Bus Éireann under the *Guidelines for Discipline and Procedures for Dealing with Alleged Misbehaviour on School Transport* but excluding cases deemed by Bus Éireann to involve serious misconduct or behaviour which poses a threat to the safety and well-being of pupils and/or the driver or to the safe operation of the service generally.

Having regard to the above, it is the role of the Board to ensure that the terms of the School Transport Scheme are applied correctly.

Where the Board considers it appropriate, it may make recommendations to the Department regarding any aspect of the school transport schemes.

The current Board was appointed in July 2015 and comprises;

Ms. Connie Carolan, National Parents Council Post Primary (Chairperson); Mr. Seán Mac Conmara, former Divisional Inspector with the Department; Ms. Bridie Kearns, former Regional School Transport Manager Bus Éireann; Mr. Joe Fitzsimons, former post primary teacher; Mr. Ciarán Flynn, former General Secretary ACCS.

In 2016 expenditure on the School Transport Appeals Board amounted to some €15,800.

The terms of reference and guidelines of the School Transport Appeals Board were considered as part of the Value for Money Review of the School Transport Scheme, published in March 2011. The report recommended that "appeals should be confined to school transport application process appeals to establish any shortcomings in that process". The review committee considered "that this is the appropriate appeals mechanism and that the appeals process would identify any process deficits and that these would then be rectified and the application process undertaken again".

Since 2003, some 1,280 appeals have been heard, there were 442 from 2014 to 2016 inclusive. Of these 442 appeals none have been allowed suggesting that the scheme is being applied equitably on a national basis. In the past 2 years the more common issues appealed
relate to eligibility at post primary level, medical card waiver for concessionary children and children with special educational needs not attending their nearest school.
Section Three

Common Issues
Following consultation with the Board members, Ombudsman for Children’s Office, the Parents Associations and having regard to the issues raised in submissions received from members of the Oireachtas a number of key issues were identified as follows:

- The requirement for an independent appeals office to replace the current system
- The requirement for the appeals office to have discretion on distance for eligibility
- The requirement for the appeals office to have discretion on distance for the nearest school
- The requirement for improved communications from the appeals board
- The requirement for the board to have a reporting mechanism
- The requirement for the appeals board to have jurisdiction to hear appeals relating to misbehaviour on school transport services.

These issues are assessed in detail in the next section of the report.

Assessment of Issues
While a number of the issues outlined above are linked we have assessed them separately here and set out suggested changes where necessary.

Independent Appeals Office

Issue raised: The requirement for an independent appeals office to replace the current system.

This issue was raised in submissions received from members of the Oireachtas. The current School Transport Appeals Board is independent in the performance of its functions. The current Board was selected from interested candidates who had submitted relevant documentation following a request for expressions of interest as outlined on the Department’s website in June 2015. The Board makes its determination, having regard to the terms of the Scheme, based on factual information before it, a copy of which the appellant also has had sight of in advance of the meeting. The Department does not partake in individual appeals beyond that of providing a written report on the facts of the case. This report is also provided to the appellant who has the option of providing additional information in response to that contained in the report.

An official from School Transport Section does provide secretariat services to the Board. Such duties are confined to compiling records for each appeal, photocopying, printing and issuing letters as these facilities are not readily available to the Board. This official and other Departmental staff do not attend the meetings of the Board. In the event that the Board
decide that additional information is required from either the appellant or the Department, this request is made in writing. A determination on the appeal is deferred until the additional information is received.

Distance Discretion for Scheme Eligibility

Issue raised: The need to examine and consider matters for which a degree of discretion can be applied despite minor infringement of the current terms and conditions.

Currently the Board has no discretion when making its determination. Under the terms of reference, it is their responsibility to make their determination based on the terms of the scheme. This does not allow for discretion. Neither the Board nor the Ombudsman for Children’s office would be supportive of a discretionary element for the Board. Strict application of the terms of the Scheme ensures that the scheme is applied equitably on national basis. To provide for discretion would in essence mean that all children could be eligible for school transport. It is accepted that difficult situations arise in families due to health, financial or other hardships which may impact on a child’s need for school transport. However, as with any scheme, it is imperative that eligibility criteria are applied equitably on a national basis.

Discretion over Distance to Nearest School

Issue raised: The requirement for the appeals board to have discretion on distance for eligibility.

To afford consideration in cases where very minute distances such as an eighth, quarter or half a kilometres determines that a child must attend a school which is not their preferred choice. This issue is linked to the previous consideration of discretion for eligibility.

Under the terms of the Primary and Post Primary School Transport Schemes, distance criteria apply; 3.2 kilometres at primary level and 4.8 kilometres at post primary level.

To deviate from this would prove problematic. For example, to allow eligibility at primary level for a child who resides 3.1 kilometres would open the door to confer an eligibility to the neighbouring child who resides 3 kilometres. Ultimately this would mean that distance would not be considered when determining eligibility for school transport. A child wishing to avail of school transport must be assessed having regard to the terms of the Scheme which takes cognisance of the distance from and attendance at the nearest school. Discretion on distance would make it almost impossible to apply the rules equitably on a national basis over time.
Improved Communications

Issue raised: The need for improved communication both between the Board and the Department and with the general public.

It was felt from a public perspective that more information on the composition of the Board should be made available. Similarly, it was considered that the current language on the forms, terms of reference and operating procedures can be “daunting”. It was also suggested that it should be better publicised that the appellant could meet the Board. It was hoped that this would go some way towards aiding an appellant “make their case”.

The composition of the School Transport Appeals Board is currently not published. It is accepted that this should not be the case and it is agreed that the Department will now take steps to make this information available on the Department’s website.

In relation to the “formality” of the process, there is a need for a form to be completed in order that there is a clear indication of the matter being appealed. As is the current position, the Board, in order to arrive at a decision, may ask the appellant or any other person it considers appropriate to provide further information. It may also request the appellant to attend a meeting. Where the appellant agrees to attend such a meeting, the appellant may, with the consent of the Board, be accompanied at the meeting by a member of his/her family or any other person. Such meetings will be conducted with the minimum of formality consistent with giving all parties a fair hearing.

It was suggested that perhaps a meeting would replace the need to complete a form and allow the appellant the opportunity to outline their case. This would prove problematic as it would become onerous and time consuming if appellants regularly sought meetings with the Board. The Board’s experience in this regard is that the appellants tend to focus on the personal family difficulties that arise because of the child’s school transport. As mentioned earlier, it is not within the discretion of the Board to consider family circumstances when making a determination and it may be a false perception that when an appellant attends a meeting that a determination in their favour will be made and this is not necessarily the case. Furthermore, the appellant would be liable for their own costs in attending a meeting.

In relation to the communication with the Department, it was suggested that perhaps quarterly meetings might be held where information on the Scheme could be shared and where the Board could make proposals e.g. for policy issues to be reviewed where appropriate. Currently, the Department only meets with the Board to update them of developments in school transport generally. These have been informal and irregular. Both the Department and the Board agree that a more formal process of perhaps quarterly meetings should be put in place. This would equally provide the Board with an opportunity to raise issues they may have with the operation of the Scheme.

Requirement for Reporting Mechanism
Issue raised: The need for a reporting mechanism for the Board.

This was something the Board members themselves suggested and was an idea supported by the Ombudsman for Children’s Office. It was considered that an annual report at the end of the year might be appropriate. This report would outline information on the number of appeals submitted, number processed, number allowed/disallowed etc. and published on the Department’s website.

Jurisdiction over Misbehaviour Claims

Issue raised: The need to expand on the current terms of reference to include issues of a disciplinary nature. This was a common suggestion among the groups.

Currently, Bus Éireann have in place Guidelines for Discipline and Procedures for Dealing with Alleged Misbehaviour on School Transport. These are available on the Bus Éireann website and are attached at Appendix 3. These guidelines set out the procedures that apply in the case of misconduct such as failing to obey the instructions of the driver or not wearing their safety belt. Serious misconduct is described as behaviour which poses a threat to the safety and well-being of pupils, the driver or the safe operation of the service generally. The procedures to be followed in cases of serious misconduct including the investigation process are also outlined in these guidelines.

Currently the Board will examine appeals against decisions made by Bus Éireann relating to minor misconduct claims. These appeals can only be made to the Board following the conclusion of any appeal procedures provided for under the Bus Éireann Guidelines.

The Board will not examine cases involving serious misconduct. As mentioned above the procedures for dealing with serious misconduct are outlined in the Guidelines and while it is considered that this is an area that should be explored further regard has to be had to the fact that the aforementioned Guidelines are superseded by Bus Éireann’s Standard Terms and Conditions of Carriage and Points of Bus Law made under the Road Traffic Act 1961 and Statutory Instruments made thereunder.

Where there is a child protection allegation brought to the knowledge of the Department of Education and Skills, Bus Éireann or the School Transport Appeals Board, this is dealt with under the Child Protection Guidelines of the relevant organisation.

Conclusions
Over the course of this review a number of issues and queries around the operation of the School Transport Appeals Board have been raised. These have been considered in this section of the review and the following section contains recommendations based on these considerations.
Section Four

Recommendations

Following the assessment of the various issues raised in relation to the criteria and guidelines for the school transport Appeals Board it is felt that a number of changes could be made to the operation of the appeals process and these are outlined here.

1. Communications

It is considered appropriate that a more user friendly process be put in place to manage appeals. In this regard the Department, in consultation with the School Transport Appeals Board is developing a new online appeals process which is broadly based on the current SUSI process. It is envisaged that this will be simpler and will allow for better communication between the School Transport Appeals Board and the appellant and the School Transport Appeals Board and the Department/ Bus Éireann. This will automatically provide statistics on the number and type of appeal which in turn will be useful for publication in an annual report.

In addition to this development work general details on the composition of the Board will also be made available through the Departments website.

2. Reporting

It is recommended that the Department will work with the Appeals Board to develop an annual reporting document and will agree with them a reporting methodology.

3. Policy Input

It is recommended that the Department will agree with the Appeals Board a formal meeting structure to allow the Board to make recommendations on school transport policy and do discuss the rationale behind elements of the scheme on an on-going basis. The frequency of these meetings will be agreed between the Board and the Department though they should occur at least annually.

4. Misbehaviour Claims

The current Bus Éireann guidelines in respect of their handling of appeals relating to cases of serious misbehaviour will be kept under review with Bus Éireann, having regard to their statutory responsibilities, and with other relevant stakeholders as appropriate.
Appendix 1 – School Transport Schemes

PRIMARY SCHOOL TRANSPORT SCHEME

1. Introduction

The following is intended to provide detailed information on the Primary School Transport Scheme. It contains information under the following headings:-

- Purpose of the Scheme
- Eligibility Criteria
- Application Process
- Level of Service
- Charges
- Grants
- Concessionary Transport
- Appeals Board
2. Purpose of the Scheme

The purpose of the Scheme is, having regard to available resources, to support the transport to and from school of children who reside remote i.e. 3.2 kilometres (kms) or more from their nearest school.

School transport services are operated by Bus Éireann on behalf of the Department of Education and Skills (Department).

3. Eligibility Criteria

Children are eligible for transport where they reside not less than 3.2 kms from and are attending their nearest national school as determined by the Department/Bus Éireann, having regard to ethos and language.

Distance eligibility will be determined by Bus Éireann by measuring the shortest traversable route from the child’s home to the relevant school.

A minimum number of 10 eligible children residing in a distinct locality, as determined by Bus Éireann, are required before consideration may be given to the establishment or retention of school transport services, provided this can be done within reasonable cost limits.

For school bus operating purposes a “distinct locality” is a cluster of eligible children who reside in the same general area, in the same general direction from the school attended, as determined by Bus Éireann taking cognisance of the local road network. A service to convey a group of children whose homes are at scattered points in a school district would not be considered.

4. Application Process

The parents/guardians of a child wishing to avail of school transport services, for the first time, are required to submit a completed Application Form for Primary School Transport to their local Bus Éireann office; details of local Bus Éireann offices are available on the Department and Bus Éireann websites.
Parents/Guardians of eligible children who are already availing of school transport will be contacted by Bus Éireann in advance of the new school year regarding school transport for that year.

A seat on a service will not be guaranteed in the event that parents/guardians of children submit late applications or make late payments after the deadline published on Bus Éireann invoices, regardless of eligibility status under this Scheme.

5. Level of Service

Bus Éireann is responsible for the planning and timetabling of school transport routes. Bus Éireann endeavours, within available resources, to ensure that each eligible child has a reasonable level of school transport service in the context of the Scheme nationally.

Where practicable, and subject to considerations of cost and logistics, routes are planned to avoid an eligible child having to travel more than 2.4 kms to or from a pick up/set down point or to have travel and waiting times in excess of 1.5 hours per day. Routes are planned on the basis of the locations of children who are eligible for school transport only.

Parents/guardians are responsible for ensuring that children are brought safely to and collected safely from Bus Éireann designated pick up and set down points.

School transport services for eligible children will generally operate during the ‘Standard School Year’ and will facilitate a child’s attendance during normal school opening and closing times only.

6. Charges

The appropriate annual charge for each eligible child must be paid.

Eligible children who hold valid General Medical Service Scheme cards are exempt from school transport charges.

Charges are levied and bus seats are allocated on a school year basis.

7. Grants
An eligible child for whom no transport service is available may, following an application for transport within the prescribed time limits, receive a Remote Area Grant (RAG) towards the cost of private transport arrangements. The RAG is also payable for eligible children who may have to travel 3.2 kms or more to or from a designated pick up/set down point.

This grant is payable annually at a fixed daily rate, to each eligible family, regardless of the number of children from the same family, travelling to a particular school.

Grants will only be considered for the school year in which an application for transport is received; grants will not be paid retrospectively.

Grants are subject to periodic review and may be varied or withdrawn where circumstances change e.g. where school transport becomes available.

8. Concessionary Transport

Children who are not eligible for school transport, under the terms of the scheme, may apply to Bus Éireann for transport on a concessionary basis subject to the following conditions:-

- a Transport Application Form is completed and submitted to Bus Éireann;
- there is a suitable service, as determined by Bus Éireann, operating into their school of attendance;
- there is spare capacity on the service;
- routes will not be extended or altered, additional vehicles will not be introduced, nor will larger vehicles or extra trips using existing vehicles be provided to cater for children travelling on a concessionary basis; no additional State cost will be incurred;
- the appropriate annual charge is paid; Medical Card waiver is not applicable

The availability of concessionary transport may vary from year to year, is not available on public scheduled services, and cannot be guaranteed for the duration of a child’s primary school education cycle. Where the number of applications for transport on a concessionary basis exceeds the number of seats available, Bus Éireann will determine the allocation of the tickets.

9. Appeals Board
The Terms of Reference for the School Transport Appeals Board are available on the Department’s website.

The School Transport Appeals Board examines and determines appeals against the school transport application process regarding the provision of school transport services and/or grant aid under the terms of the School Transport Schemes.
The Board does not examine cases deemed by Bus Éireann to involve serious misconduct or behaviour which poses a threat to the safety and well being of children and/or the driver or to the safe operation of the service generally.

An appellant who is dissatisfied with the determination of the Board has the right to raise the matter with the Ombudsman for Children.

10. General

Any changes in the circumstances under which transport or a grant payment was approved must be notified to the Department immediately.

The fact that children have availed of transport services or a grant, contrary to the terms of the scheme, in no way confers on the recipients a continuing right to this facility.

There may be circumstances where an eligible child with a diagnosed illness or physical disability cannot avail of normal school transport services. In such cases the Department is guided by the Chief Medical Officer and children may be eligible for a Special Transport Grant.

This scheme may be amended or updated from time to time to reflect operational, budgetary or other changes.

Queries regarding this scheme should be addressed to:

School Transport Section,
Department of Education & Skills,
Portlaoise Road,
Tullamore,
Co. Offaly.

Phone No. 057-9325466/7.

This scheme and associated documentation are available on the Department’s website at www.education.ie

January 2012
1. Introduction.

The following is intended to provide detailed information on the Post Primary School Transport Scheme. It contains information under the following headings:-

- Purpose of the Scheme
- Eligibility Criteria
- Application Process
- Level of Service
- Charges
- Grants
- Concessionary Transport
• Appeals Board

• General

2. Purpose of the Scheme

The purpose of the scheme is, having regard to available resources, to support the transport to and from school of children who reside remote i.e. 4.8 kilometres (kms) or more from their nearest education centre.

School transport services are operated by Bus Éireann on behalf of the Department of Education and Skills (Department).

4. Eligibility Criteria

Children are eligible for transport where they reside not less than 4.8 kms from and are attending their nearest education centre as determined by the Department/Bus Éireann, having regard to ethos and language.

Distance eligibility will be determined by Bus Éireann by measuring the shortest traversable route from the child’s home to the relevant education centre.

A minimum number of 10 eligible children residing in a distinct locality, as determined by Bus Éireann, are required before consideration may be given to the establishment or retention of school transport services, provided this can be done within reasonable cost limits.

For school bus operating purposes a “distinct locality” is a cluster of eligible children who reside in the same general area, in the same general direction from the education centre attended, as determined by Bus Éireann taking cognisance of the local road network.

5. Application Process

The parents/guardians of a child wishing to avail of school transport services, for the first time, are required to submit a completed Application Form for Post Primary School Transport to their local Bus
Éireann office; details of local Bus Éireann offices are available on the Department and Bus Éireann websites.

Parents/Guardians of eligible children who are already availing of school transport will be contacted by Bus Éireann in advance of the new school year regarding school transport for that year.

A seat on a service will not be guaranteed in the event that parents/guardians of children submit late applications or make late payments after the deadline published on Bus Éireann invoices, regardless of eligibility status under this Scheme.

5. Level of Service

Bus Éireann is responsible for the planning and timetabling of school transport routes. Bus Éireann endeavours, within available resources, to ensure that each eligible child has a reasonable level of school transport service in the context of the Scheme nationally.

Where practicable, and subject to considerations of cost and logistics, routes are planned to avoid an eligible child having to travel more than 3.2 kms to or from a pick up/set down point or to have travel and waiting times in excess of 2.5 hours per day. Routes are planned on the basis of the locations of children who are eligible for school transport only.

Parents/guardians are responsible for ensuring that children are brought safely to and collected safely from Bus Éireann designated pick up and set down points.

School transport services for eligible children will generally operate during the ‘Standard School Year’ and will facilitate a child’s attendance during normal school opening and closing times only.

6. Charges

The appropriate annual charge for each eligible child must be paid.

Eligible children who hold valid General Medical Service Scheme cards are exempt from school transport charges.

Charges are levied and bus seats are allocated on a school year basis.
7. Grants

An eligible child for whom no transport service is available may, following an application for transport within prescribed time limits, receive a Remote Area Grant (RAG) towards the cost of private transport arrangements. The RAG is also payable for eligible children who may have to travel 3.2 kms or more to or from a designated pick up/set down point.

This grant is payable annually at a fixed daily rate, to each eligible family, regardless of the number of children from the same family, travelling to a particular school.

Grants will only be considered for the school year in which an application for transport is received; grants will not be paid retrospectively.

Grants are subject to periodic review and may be varied or withdrawn where circumstances change e.g. where school transport becomes available.

11. Concessionary Transport

Children who are not eligible for school transport, under the terms of the scheme, may apply to Bus Éireann for transport on a concessionary basis subject to the following conditions:-

- a Transport Application Form is completed and submitted to Bus Éireann;
- there is a suitable service, as determined by Bus Éireann, operating into their education centre;
- there is spare capacity on the service;
- routes will not be extended or altered, additional vehicles will not be introduced, nor will larger vehicles or extra trips using existing vehicles be provided to cater for children travelling on a concessionary basis; no additional State cost will be incurred;
- the appropriate annual charge is paid; Medical Card waiver is not applicable

The availability of concessionary transport may vary from year to year, is not available on public scheduled services and cannot be guaranteed for the duration of a child’s post primary school education cycle. Where the number of applications for transport on a concessionary basis exceeds the number of seats available, Bus Éireann will determine the allocation of the tickets.

12. Appeals Board

The Terms of Reference for the School Transport Appeals Board are available on the Department’s website.
The School Transport Appeals Board examines and determines appeals against the school transport application process regarding the provision of school transport services and/or grant aid under the terms of the School Transport Schemes.

The Board does not examine cases deemed by Bus Éireann to involve serious misconduct or behaviour which poses a threat to the safety and well being of children and/or the driver or to the safe operation of the service generally.

An appellant who is dissatisfied with the determination of the Board has the right to raise the matter with the Ombudsman for Children.

13. General
Any changes in the circumstances under which transport or a grant payment was approved must be notified to the Department immediately.

The fact that children have availed of transport services or a grant, contrary to the terms of the scheme, in no way confers on the recipients a continuing right to this facility.

There may be circumstances where an eligible child with a diagnosed illness or physical disability cannot avail of normal school transport services. In such cases the Department is guided by the Chief Medical Officer and children may be eligible for a Special Transport Grant.

This scheme may be amended or updated from time to time to reflect operational, budgetary or other changes.

Queries regarding this scheme should be addressed to:

School Transport Section,

Department of Education & Skills,

Portlaoise Road,

Tullamore,

Co. Offaly.

Phone No. 057- 9325466/7.

This scheme and associated documentation are available on the Department’s website at www.education.ie

January 2012
Appendix 2 – Appeals Board Terms of Reference and Operating Procedures

School Transport Appeals Board

("the Board")

Terms of Reference

3. To determine appeals against decisions made by, or on behalf of, the Department of Education and Science regarding the provision of school transport services and/or grant-aid under the terms of the School Transport Schemes.

4. To determine appeals against decisions made by Bus Éireann, following the conclusion of any appeal procedures provided for under the Guidelines for Discipline and Procedures for Dealing with Alleged Misbehaviour on School Transport. The Board will not examine cases deemed by Bus Éireann to involve serious misconduct or behaviour which poses a threat to the safety and well being of pupils and/or the driver or to the safe operation of the service generally.

5. To determine the appeals referred to at both 1 and 2 above, having regard to the information provided in the appeal form STA1 and such other relevant information as the Board may acquire.

6. Where the Board considers it appropriate, to make recommendations to the Department of Education and Science regarding any aspect of the School Transport Schemes.
School Transport Appeals Board

Operating Procedures

1. The School Transport Appeals Board ("the Board") will be appointed by the Minister of State at the Department of Education and Science ("the Minister") for a period of three years and may be removed by him/her for stated reasons. The Board will be independent in the performance of its functions. It may receive from the Minister such clerical and administrative assistance as the Minister considers appropriate. The Board will act in accordance with (a) its Terms of Reference as determined by the Minister and (b) these Operating Procedures. The Board will comply with such directions in relation to the Operating Procedures as the Minister may give.

2. The Board shall comprise a chairperson and five other members appointed by the Minister.

3. At a meeting of the Board, the quorum shall be three. The chairperson shall designate another member present to act as secretary. A record of the proceedings of each meeting shall be kept by the secretary.

4. In the absence of the chairperson, members of the board shall nominate one of those present to be chairperson of that meeting.

5. A board member shall not participate in determining a case in which s/he considers that s/he has an interest. In that circumstance, the member shall, by prior arrangement, absent himself/herself from the meeting of the Board at which the case falls to be determined. In the event that the chairperson has a declared interest and is consequently absent from the meeting, the terms of paragraph 4 will apply.

6. In the event that one or more members of the Board has/have a declared interest in a case or cases, every effort should be made to ensure that a quorum is achieved for the meeting of the Board at which the case or cases falls/fall to be determined.

7. In the event where the chairperson has a declared interest in a case, s/he should by prior arrangement absent herself/himself from the meeting of the Board at which the case falls to be determined. The terms of paragraph 4 will then apply.

8. The Board shall endeavour to determine each case on the basis of consensus. Where a vote is required, and in the event of an equal division of votes, the chairperson shall have a second or casting vote.
9 Parents or guardians of pupils, or pupils who have reached the age of 18 years may make an appeal.

The above are hereinafter referred to as “the appellant”.

10 The following decisions may be appealed:

(a) Decisions made by or on behalf of the Department of Education and Science (“the Department”) under the terms of the following school transport schemes: Primary, Post-Primary and Special Needs.

(b) Decisions made by or on behalf of the Department under the various grant schemes for school transport.

(c) Decisions made by Bus Éireann under the Guidelines for Discipline and Procedures for Dealing with Alleged Misbehaviour on School Transport but excluding cases deemed by Bus Éireann to involve serious misconduct or behaviour which poses a threat to the safety and well-being of pupils and/or the driver or to the safe operation of the service generally.¹

11 The time within which an appeal may be made shall be any time up to the expiration of 28 calendar days from the date of the letter notifying the appellant of a decision made

   a. by or on behalf of the Department or

   b. by Bus Éireann under the terms of the Guidelines for Discipline and Procedures for Dealing with Alleged Misbehaviour on School Transport but excluding cases deemed by Bus Éireann to involve serious misconduct or behaviour which poses a threat to the safety and well-being of pupils and/or the driver or to the safe operation of the service generally.

In exceptional circumstances, the Board may allow an appeal to be made after the 28 day period, where reasonable grounds exist. The onus for demonstrating such reasonable grounds rests with the appellant.

The decision of the Board on the timeliness of the appeal is final.

¹ The full definition of serious misconduct or misbehaviour as contained in the Guidelines is as follows:

“Behaviour which poses a threat to the safety and well-being of pupils, the driver, or the safe operation of the service generally. Intimidation of pupils, damage caused to fixtures and fittings on the vehicle or to the property of others, and behaviour which may endanger other road users is included in this definition. A pupil who disregards the instructions of the driver/Inspector or does not respond to discipline and continues to be a source of misbehaviour may likewise be charged with serious misconduct.”
12 A standard form STA1 is provided for the purpose of submitting appeals. Provision is made in this form for a statement of the facts and contentions upon which the appellant intends to rely. In the normal course, the Board will determine cases on the basis of written information provided. However, the Board has the discretion to invite the appellant, in the first instance, and then any other person it deems relevant, to attend a meeting, if such is deemed to be helpful in the determination of the matter.

13 An appellant wishing to withdraw an appeal may do so by sending a written notice to that effect to the Board.

14 There shall be no charge for making an appeal.

15 On receipt of an appeal the Board shall send a copy of the STA1 form to other relevant interested parties usually the Department, Bus Éireann and/or the Transport Liaison Officer and request a report.

16 On receipt of all reports that have been submitted for the purpose of the appeal the Board shall send copies of these reports to the appellant. The appellant will be given the opportunity to provide further observations, if they so wish, within a period of seven calendar days, or within such a period as may be allowed by the Board.

17 Parties to an appeal shall be entitled to examine and make further comments to the Board, if they so wish, on any additional material furnished by the appellant which qualifies or modifies the appellant's original submission. Accordingly, the Board may, if it considers it appropriate, send copies of same to all other relevant parties to the appeal and they will be given the opportunity to examine the information and provide their own observations, if they so wish, within a period of seven calendar days, or within such a period as may be allowed by the Board.

18 The Board may request the appellant, or any other person deemed to be appropriate, to furnish to it, in writing, further information regarding the appeal.

19 The Board shall determine the appeal based on the written information submitted on (a) the standard appeal form STA1 and (b) subsequent Reports received from relevant interested parties. If the Board considers it necessary, the appellant may be requested to attend a meeting.

20 Where, in the opinion of the Board, a meeting is required, it shall, as soon as may be, fix a date and place for the meeting, and give reasonable notice of same to the appellant.

21 Following a meeting with the appellant, the Board has the discretion to hold a meeting with any other party it considers relevant to the proceedings. Where, in the opinion of the Board, a meeting is required, it shall, as soon as may be, fix a date and place for the meeting, and give reasonable notice of same to any other party it considers relevant to the proceedings.
22 The appellant shall ordinarily appear at a meeting in person and he or she may with the consent of the Board be accompanied by any member of his or her family, or by any other person.

23 The Board will not be responsible for any costs incurred by or on behalf of any parties to an appeal. All parties to the appeal must bear their own costs and expenses.

24 Where, after notice of a meeting has been duly given, the appellant or any other party fails to attend, such determination or decision may be made, and such steps may be taken with a view to the determination of, or in reference to, the appeal as the Board thinks appropriate.

25 The procedure at the meeting shall be such as the Board may determine. However, the Board will have regard to the desirability that appeals should be conducted with the minimum of formality, consistent with giving all parties a fair hearing.

26 The Board may postpone or adjourn a meeting as it may think fit.

27 On the determination of an appeal, the Board shall send a notice in writing of its determination of the appeal and the reasons for that determination to the appellant and all other relevant parties to the appeal.

28 The Board may, at any time revise or revoke its decision, if it subsequently appears to the Board that false or misleading information had been furnished to the Board which may have influenced the outcome of the appeal.

29 Where the Board considers it appropriate, it may make recommendations to the Department of Education and Science regarding any aspect of the school transport schemes.

30 These procedures and terms of reference may be reviewed and updated by the Minister from time to time.

31 A party who is dissatisfied with a determination of the Board has the right to make a complaint to the Ombudsman for Children.

32 These procedures shall come into operation on the 1st day of December, 2008.
Appendix 3 Guidelines for Discipline and Procedures for dealing with Alleged Misbehaviour on School Transport
Bus Éireann
Guidelines for Discipline and
Procedures for Dealing with
Alleged Misbehaviour on
School Transport

General

Bus Éireann is responsible for the day-to-day operation of the School Transport Scheme under the general direction of the Department of Education and Skills. Bus Éireann is responsible for the discipline and safety of pupils while travelling on school buses.

Pupils availing of transport are expected to behave in a responsible manner having regard for their own safety, that of other passengers, the driver and other road users. In cases of misconduct, sanctions will be imposed by Bus Éireann. These have been agreed in consultation with the Department of Education and Skills and are set out below:

1. Misbehaviour

In the event of misbehaviour by pupils, such as failing to obey the instructions of the driver, not wearing their safety belt, etc., the school bus driver will:

- Seek an assurance from the pupil(s) that there will not be a repetition.

- If there is a recurrence, the driver may ask the inspector to speak to the child.
The matter will be concluded at this point. If there is a similar recurrence after this procedure is exhausted, the matter will be treated as serious misconduct.

2. Serious Misconduct

- When the alleged misconduct is of a serious nature, the driver will report the matter to the Inspector, who will inform the local Bus Éireann Manager immediately and instructions will be given as to what action should be taken. The Inspector will also inform the school authorities of the position.

- The matter will be fully investigated by Bus Éireann personnel in consultation with Chairperson of the Board of Management/Principal and with the assistance of the school authorities.

*Serious misconduct consists of behaviour which poses a threat to the safety and well-being of pupils, the driver, or the safe operation of the service generally. Intimidation of pupils, damage caused to fixtures and fittings on the vehicle or to the property of others, and behaviour which may endanger other road users is included in this definition. A pupil who disregards the instructions of the driver/Inspector or does not respond to discipline and continues to be a source of misbehaviour may likewise be charged with serious misconduct.*

3. Procedure for Investigation of Serious Misconduct

In the event that there is a complaint of serious misconduct, the following procedures will apply:
(a) Initial enquiries by the bus driver following an incident or complaint, involving speaking to students who travel on the bus, including the pupil(s) allegedly involved or the subject of complaint.

(b) The bus driver will report the matter to the Inspector who will contact the Principal(s) of the relevant school(s) to report the incident. The Principal(s) will assist by interviewing the student(s) who travel on the bus regarding the incident/complaint.

(c) The Inspector and the Principal(s) will report the result of their interviews to Bus Éireann immediately for further investigation. Bus Éireann will give the pupil concerned all the details of the complaint made against him/her and inform him/her that there will be further investigation by Bus Éireann, without prejudice, and explain how the investigation will operate.

4. Investigation by Bus Éireann Personnel

The investigation by the Bus Éireann Inspector will involve:

(a) Interviewing the bus driver.

(b) Interviewing pupil(s) alleged to be involved in the incident/complaint in the presence of School Principal/Teacher or Parent or both.

The pupil(s) concerned will be given the opportunity to respond to the allegations at this interview. Pupil(s) will also be given an opportunity to make written submissions. Where applicable, written submissions should be made within one week of the alleged incident.
(c) Interviewing other students who travel on the bus.

Details and statements will be recorded by Bus Éireann Personnel from students travelling on the bus where they had witnessed an incident. Students will be made aware of the consequences of giving false or misleading information, intentionally or otherwise.

Pupils may be interviewed separately, or as a group, to establish the veracity of the account of the incident/complaint. All interviews should be conducted with sensitivity and with due regard to the rights and confidence of all parties concerned.

The Garda Authorities will be informed where deemed necessary, and full co-operation will be given in any further investigation.

5. Sanctions

Once the investigation has been concluded and the pupil(s) responsible identified, the following sanctions may be imposed:

(a) Pupil warned as to future conduct.

(b) A written undertaking requested from pupil(s)/parent(s) that the pupil will not again misbehave himself/herself on the undertaking that if the pupil does not comply with the undertaking more serious measures will be considered, up to and including the withdrawal of the travel permit.

(c) Withdrawal of the travel permit for a specified period or permanently, at the discretion of the Bus Éireann Manager.
In instances where a permit is being withdrawn, the pupil will be allowed to travel home on the service and parents / guardians will be advised of the circumstances by Bus Éireann.

In circumstances where a permit is being withdrawn and written confirmation is not immediately available, details of the sanction imposed will follow within seven days.

Where it is not possible to identify the culprits, having investigated the incident with the assistance of the school authorities, it may be necessary to withdraw the service for a period, for example, in cases where there is:

(i) Danger to pupils, drivers and other road users.

(ii) Severe damage to the vehicle, where the vehicle will have to be repaired, including damage to the seat belts or fixtures.

** If, in the opinion of Bus Éireann, the misconduct is of a sufficiently serious nature which compromises the safety of pupils or the safe operation of the service, Bus Éireann may take immediate action to suspend the individual(s) concerned from transport while investigation is still underway.
6. Appeal Procedures

The decision of the local Bus Éireann Manager to withdraw service or travel permit may be first appealed to:

The Manager,
School Transport,
Bus Éireann,
Broadstone,
Dublin 7

The written appeal should be accompanied by factual evidence. Bus Éireann will record such appeals.

School Transport Appeals Board

Appeals against decisions made by or on behalf of the Department of Education and Skills regarding the provision of school transport services and/or grant-aid under the terms of the School Transport Schemes
or
Appeals against decisions made by Bus Éireann following the conclusion of any appeal procedures provided for under the Guidelines for Discipline and Procedures for Dealing with Alleged Misbehaviour on School Transport may be submitted to The School Transport Appeals Board.

Application Forms for the School Transport Appeals Board are available at www.education.ie and together with any other relevant documentation, should be sent to:

The School Transport Appeals Board

c/o Department of Education and Skills,
Portlaoise Rd.,
Tullamore,
Co. Offaly.

The School Transport Appeals Board will not examine cases deemed by Bus Éireann to involve serious misconduct or behaviour which poses a threat to the safety and well being of pupils and/or the driver or to the safe operation of the service generally. Such cases may only be appealed to The Manager, School Transport, Bus Éireann.