



# **DRAFT PROVINCIAL LEARNER TRANSPORT POLICY**

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## **FOREWORD**

It gives me pleasure to present to yourselves the final Provincial Learner Transport Policy. The learner transportation in the Eastern Cape has been through many stages and phases, from the public private services and back to a full public service within the Department of Transport, with corporate customer care service values to the clients in the province broadly. This policy was broadly consulted with all the relevant stakeholders in the transportation industry in the province, learners, including parents of the learners, Traditional Leaders, Community Development Workers, Councilors, Mayors, Municipal Managers, Community Policing Forums, SGBs, School Principals, Religious Bodies, Bus and Taxi Operators, and all other organs of civil society.

The policy process of the Learner Transport policy is one of the Department of Transport's interventions towards addressing challenges of accessibility and mobility of all disadvantaged learners in the Eastern Cape. The challenges that are faced by learners in deep rural areas and affected stakeholders on a daily basis, include, amongst others, walking long distances to school, the high cost of transport, lack of business opportunities for small micro and medium enterprises, late payment of services, high accident rates and safety of learners and girl child in particular. Another challenge is the poor road conditions, which the policy seeks to address in the financial model of the policy.

This learner transport policy signals a new era in the governance of learner transport in the province and ensuring that all current operations, norms and standards, planning, coordination, monitoring, Inter-governmental relations, are legislated through this policy. The Provincial Learner Transport Policy is in strict accordance with the National Learner Transport Policy adopted in June 2015 and seek to serve as a monitoring tool as well. It seeks to bring a uniform approach to the transportation of learners and the fulfillment of the constitutional mandate of the Department of Transport to provide a safe, reliable and efficient transportation system.

We trust that through this policy we, as the Department of Transport in consultation with various stakeholders including Department of Education would address all the challenges and mobility needs of the current learners and future generations in the Eastern Cape. This will ensure that even learners in disadvantaged communities and deep in rural areas of the province, have access to schools and become part of the active economy in the near future to alter new relations of economic power in the transport economy of the country.

## **DEFINITION OF TERMS**

In this policy -

**“accessible transport”** means a type of transport that can easily be used by a person who has some form of physical and/ or mental disability or temporary movement disabilities thereby requiring transport facilities that are equipped to cater for their special needs;

**“authorized officer”** means an inspector of licenses, an examiner of vehicles, an examiner for driving licenses, a traffic warden or a traffic officer, and also any other person declared by the Minister by regulation to be an authorized officer as defined by the National Road traffic Act 1996 (Act 93 of 1996)

**“bus”** means a motor vehicle designed, or adapted for the conveyance of more than 35 persons (including the learner transport operator, if any) as defined by the National Road traffic Act 1996 (Act 93 of 1996)

**“certificate of fitness”** – in relation to motor vehicle, shall have the same meaning as “certification of road worthiness” as defined below.

**“certification of roadworthiness”** in relation to a motor vehicle, means certification of roadworthiness in terms of section 42; as defined by the National Road traffic Act 1996 (Act 93 of 1996)

**"Dead Kilometers"** means the distance in kilometers that the contractor travels to the first pick up point and the distance from the last drop off point to its station. "

**"Department"** means the Department of Transport in the Eastern Cape.

**"Department of Education"** means the Department of Education in the Eastern Cape

**“Hazardous conditions”** are conditions where a road goes through a dense forest, river, stream, valley, mountains and bridges to a nearby school.

**“Head of Department”**– means the Accounting Officer for the Eastern Cape Department of Transport

**“land transport”** means the movement of persons and goods on or across land by means of any conveyance and through the use of any infrastructure and facilities in connection therewith;

**“Learner”** means any person receiving education or obliged to receive education in terms of South African Schools Act.

**“local authority/ municipalities”** an organ of state in the local government sphere.

**“midibus”** means a sub-category of a bus, designed or modified solely or principally for the conveyance of more than 16 and not more than 35 persons (including the learner transport operator) as defined by the National Road traffic Act 1996 (Act 93 of 1996)

**“minibus”** means a motor vehicle designed or adapted solely or principally for the conveyance of more than nine, but not more than 16 persons, including the learner transport operator; as defined by the National Road traffic Act 1996 (Act 93 of 1996)

**“mode of transport”** Different types of transport – e.g. road, rail; maritime or aviation; motorized and non-motorized.

**“Needy learner”** is a learner who qualifies for scholar transport.

**“operator”** means a person carrying on the business of operating a public transport service”

**“operating license** - means a public transport operating license required by section 50 and granted and 55 issued in accordance with the National Land Transport Act or the National Land Transport Transition Act respectively;

**“permit** - means a public road carrier permit issued in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977), or another law predating the National Land Transport Transition Act and recognized as valid by the National Land Transport Transition Act, and which is in force and has not yet been converted to an operating license.

**“Persons with disabilities”** means all persons whose mobility is restricted by temporary or permanent physical or mental disability, and includes the very young, the blind or partially-sighted and the deaf or hard of hearing;

**“Pickup point”** is a point where the learner is expected to be picked and dropped by the vehicle in the course of rendering scholar transport services to the learner.

**“Public transport** “means the conveyance of people or freight for reward and/or fee by any travel mode whether car, metered taxi, minibus-taxi, bus, tram and light and heavy rail.

**“Public Transport Operator”** means a person carrying on the business of operating a public transport service

**“public transport service”** means a scheduled or unscheduled service for the carriage of passengers by road or rail, whether subject to a contract or not, and where the service is provided for a fare or any other consideration or reward, including cabotage in respect of passenger transport as defined in the Cross Border Act.

**“public transport vehicle”** means a motor vehicle conveying persons for reward and/or fee and operating in terms of an operating license issued in accordance with the provision of National Land Transport Transition Act, as defined by the National Road traffic Act (Act 93 of 1996)

**“Proof of Delivery”** –document that get signed by school principal, confirming that learners have been delivered in a particular school at particular times.

**“public school** – may be an ordinary public school, a public school for learners with special education needs or a public school that provides education with a specialized focus on talent, including sport, performing arts or creative arts.

**“Regulatory entity”** means the National Public Transport Regulator, a Provincial Regulatory Entity, or a municipality to which the operating license function has been assigned;

**“Revenue kilometers”** means actual kilometers travelled on an approved route according to an approved timetable while carrying learners.

**“Route”** is a way or course taken in transportation of learners from a starting point to a destination adhering to safety, reliability, effectiveness and efficient fully integrated transport operations, system and infrastructure.

**“Rural Area”** means an area geographically situated outside urban areas and where public transport is not easily accessible

**“Safety standards** – in this case this refers to standards designed to ensure safety of both learners and contracted operators

**“School”** means a public school or an independent schools which enrolls learners in one or more grades between grade zero and grade twelve.

**“School bus”** means a mini-bus or bus, owned by or contracted to, or on behalf of, a school, and used principally for the conveyance of learners and other persons associated with such school.

**“School principal** – an educator appointed or acting as head of a school.

**“School term** – means a quarter of a school year in which tuition is scheduled to take place at school, to learners enrolled in that particular school.

**“Tax Clearance Certificate** – a document issued by South African Revenue Services (SARS) confirming that the applicant tax affairs are in order.

**“Time table** – is a table for coordinating learners, educators, classes and time allocations in each.

**“Trip** – means a journey from and to school.

**“Unauthorized passenger** – any person not permitted to be in a contracted learner transport service.

**“Universal access** “means the provision of a better transportation for all (i.e. abled passengers as well as life cycle passengers and those with disabilities);

**“Vehicle”**: Is a mode of transport utilized to move from the pickup point to the destination.

**“Walking”**a form of non-motorized transportation without a vehicle or animal that begins and ends the journey on foot.

## ACRONYMS

CDW	-	Community Development Worker
CoF	-	Certificate of Fitness
CPF	-	Community Policing Forum
DoE	-	Department of Education
DoT	-	Department of Transport
IDP	-	Integrated Development Plan
ISS	-	International Safety Standards
ITP	-	Integrated Transport Plan
Km	-	Kilometers
LDV	-	Light Delivery Vehicle
MEC	-	Member of the Executive Committee of a Provincial Government
MTSF	-	Medium Term Strategic Framework
NLTsf	-	National Land Transport Strategic Framework
NLTA	-	National Land Transport Act
NMT	-	Non-Motorized Transport
NRTA	-	National Road Transport Act
PDP	-	Public Drivers permit
PFMA	-	Public Finance Management Act
PRE	-	Provincial Regulatory Entity
SASA	-	South African Schools Act
SGB	-	School Governing Body



## 1. BACKGROUND

The provision of transport has remained one of the key challenges confronting government in the post-apartheid era. This is largely as a result of the apartheid practices that ensured that the majority of the society was placed in areas which were largely inaccessible, but also because of the complexity of the current transport needs caused by increased economic activity. The aforementioned issues pose very specific challenges to the transportation of learners to and from schools.

The ability of learners to access education is hampered by the long distances they have to travel to school, threats to safety, as well as the cost of learner transport. Learners have difficulty accessing educational institutions because of the unavailability of learner transport.

The Provincial Learner Transport Policy has resulted in an integrated provision of learner transport services managed by both Departments of Education and Transport. The roles and responsibilities of role players are clearly defined within the context of the National Land Transport Act and its regulations in dealing with planning for transport of learners.

Furthermore, funding made available for learner transport varies and is often insufficient to meet the existing demand. This is exacerbated by the fact that there is no uniform management model for learner transport.

The policy provides a uniform framework and an enabling environment for DoT and other stakeholders to address learner transport challenges

The primary objectives of this provincial learner transport policy is:

- ✓ to provide uniform approach, norms and standards provincially,
- ✓ promote co-ordination and co-operation amongst stakeholders, and
- ✓ Provide a framework for monitoring and evaluation of learner transport services.
  - Learner transport will be provided on the basis of a number of guiding principles, including safety and efficiency, broad base access, equity and redress, sustainability and multi-modal integration of learner transport.
  - The target group of the policy are learners who attend school between Grade R to 12 and live more than a minimum 5 km and more single trip.
  - The learner must be walking a distance of **five or more kilometres** from the nearest appropriate public ordinary school and parental choice of schools shall not be subsidised.
  - Exception will be given to learners who travel less than prescribed kilometres where conditions are hazardous and dangerous.

- Priority must be given to learners with **disabilities** considering the nature of the disability as well as primary school learners who walk long distances to schools.

The learner transport policy articulates the various responsibilities of all stakeholders involved in the provision of learner transport in order to ensure that learner transport provision is rendered in an appropriate and coordinated manner.

The DOT is the custodian of this policy and is responsible for the regulation, funding, communication, monitoring and evaluation of overall provincial learner transport policy.

The Department is also responsible for the review of this provincial learner transport policy in consultation with Provincial Departments of Education and other relevant stakeholders.

The safety and service quality policy issues that conform to international best practice are addressed in this learner transport policy. The policy also provides guidelines on procurement and contracting of learner transport services. Lastly, the policy presents the way forward that will guide the implementation.

## **2. PROBLEM STATEMENT**

In the process of ensuring that education is delivered in the Eastern Cape, it has been established that some learners are deprived of access to education in public ordinary schools due to the distances they have to travel to and from school on a daily basis.

In an effort to provide transport to those learners, the following challenges were encountered:

- The method and mechanisms of compensating operators that may be ineffective and inefficient due to the lack of capacity of operators to become part of the suppliers process of Provincial Government;
- A lack of co-ordination and planning between the Department of Education, Department of Transport, SGBs, and local authorities leads to an uncoordinated delivery of learner transport. Improved consultation is mandatory;
- There is a lack of clarity on roles and responsibilities between the Departments of Education and Transport functions within provinces;
- Road safety remains a significant challenge for learner transport as many vehicles involved in accidents are sometimes not roadworthy; and
- The demand for learner transport is more than the current supply and this can be attributed to limited funding.

### **3. PURPOSE OF THE POLICY**

- a) The purpose of this policy is to set out guidelines for both departments of Education and Transport to ensure the rights of learners to access a learning facility with ease and on time every school day.
- b) To ensure all qualifying learners are not excluded from attending school and that they receive basic education owing to, inter alia, the long distances that they to travel to and from the nearest suitable public school.
- c) To provide effective teaching and learning through provision of learner transport to all qualifying learners.
- d) To give guidance on how to maintain a healthy relationship between all stakeholders within their area of operations.
- e) To give guidance on how to mobilize all stakeholders including SGBs, CPFs, Councilors, Traditional Leaders, CDWs to play a strong monitoring role in the transportation of learners and the safety of their children.
- f) The learner transport shall be implemented in an integrated approach by both Departments with the ultimate goal of building hostels by Department of Education as per provincial infrastructure plan.

### **4. SCOPE OF APPLICABILITY OF THE POLICY**

This policy is applicable to all qualifying learners in the province from grade R to 12, who travel for more than 5 km single trips to school, including those who travel in hazardous areas, learners living with disabilities, even though the distance is less than 5km, schools providing education in terms of the SASA Act, learners, and operators.

### **5. LEGISLATIVE AND POLICY FRAMEWORKS**

#### **5.1. The Constitution of the Republic of South Africa of 1996: Act 108 of 1996**

Section 29(1) (a) (b) of the Constitution of the Republic of South Africa stipulates that

- (a) *everyone has the right to basic education, including adult basic education and*
- (b) *to further education, which the state, through reasonable measures, must make progressively available and accessible.*

#### **5.2. The National Land Transport Act (NLTA), 05 of 2009:**

The purpose of NLTA is “to prescribe national principles, requirements, guidelines, frameworks and national norms and standards that must be applied uniformly in the provinces and others matters contemplated in the section 146(2) of the Constitution. The NLTA stipulates that where a public transport service is dedicated to transporting

learners, students, teachers or lecturers, the Minister may prescribe regulations on special requirements for those services, including, but not limited to, requirements for supervision of learners, special requirements for learner transport operators, requirements for insurance, documents that must be kept in the vehicle and special vehicle markings, requirements that learner transport operators of other vehicles must stop those vehicles in the vicinity of vehicles loading or offloading learners or students.

**5.3. National Road Traffic Act (NRTA), (Act no 93 of 1996):**

The aim of National Road Traffic Act is to provide for road traffic matters which shall apply uniformly throughout the Republic and for matters connected therewith: Matters concerned refer to Registration and licensing of motor vehicles, Fitness of learner transport operators and Fitness of vehicles.

**5.4. The National Education Policy Act (Act No. 27 of 1996):**

The Act empowers the Minister of Basic Education to determine national norms and standards for educational planning, provision, governance, monitoring and evaluation. The Department of Basic Education (DBE) is responsible for formulating policy, setting norms and standards, monitoring and evaluating all levels of education.

**5.5. South African Schools Act 1996 (SASA), (Act 84 of 1996):** Section 3 of the 1996 South Africa Schools Act 1996 (SASA) provides for a compulsory general education phase for ages 7 to 15 or grade 1 to 9. Provincial MECs are responsible for providing school places for every child of eligible age for the compulsory GET. Other than legal instruments, South Africa's overall development imperative suggest that quality senior secondary education should be accessible to all eligible learners.

**5.6 Public Finance Management Act, Act No 1 of 1999:** Objectives of this act provides for transparency, accountability and sound management of revenue, expenditure assets and liabilities of government institutions.

**5.7 Broad Based Black Economic Empowerment Amendment Act, (Act No. 46 of 2013) :** Section 2(a-h) provides for the use of our broad based black economic empowerment and participation.

**5.8 Preferential Procurement Policy Framework Act (Act No. 5 of 2000):** Section 2 of the act provides for all organs of state that must determine their preferential procurement policies and implement them according to this Act

**5.9 National Development Plan:** The National Development Plan (NDP) as a broad strategic framework sets out a coherent and holistic approach to confront poverty and inequality. One of the priorities of the NDP is to improve the quality of education, skills development and innovation.

**5.10 Criminal Law Amendment Act No 32 of 2007:** Section 16 of the Criminal Law Amendment Act states that any person who commits an act of sexual violation with a child who is 12 years of age or older, but under the age of 16 years, without consent, is guilty of the offence of having committed an act of sexual violation.

**5.11 Eastern Cape Provincial Development Plan:** echoes this sentiment and states that high quality education is important to the realization of a flourishing future for all.

**5.12 White Paper on National Transport Policy:** Goal No. 1 of the White paper on National Transport Policy is talking to provision of transport to support the goals of the Reconstruction and development programme.

**5.13 National Learner Transport Policy:** Section 1 sub section 1.1.1 provides for a uniform approach to learner transportation, which has influenced the provinces to develop their learner transport policies

## **6. RATIONALE FOR THE DEVELOPMENT OF THIS POLICY IS:**

6.1. To improve access to quality education by providing safe, decent, effective, and integrated sustainable learner transport.

6.2. Learners, especially in rural communities, experience transportation challenges in accessing education. The development of this policy document seeks to define a holistic approach in managing learner transport services and to provide a regulatory framework through which learner transport would be best implemented and to attain uniformity.

6.3. Learner transport and public transport services are inter-related and inter-dependent for the implementation of a sustainable learner transport system, and cannot be managed separately. In the same vein an effective public transport network remains the anchor for linking all road-based transport operations.

6.4. The government's priorities of providing a better education and safe communities find resonance in this policy. It is paramount for the regulatory framework to guide on the safety norms, standards and regulations for learner transport operations. The objective of the policy is also that learners, schools, parents, communities, planners and law enforcement authorities are to be governed by a uniform set of regulations.

The following are the desired outputs to be realized from the implementation of this policy:

6.4.1. Timely delivery of service

6.4.2. Reduced rate of road accidents;

- 6.4.3. A coordinated approach in relation to planning and implementation
- 6.4.4. Learner transport operators that adhere to road traffic regulations
- 6.4.5. Viable and sustainable operations
- 6.4.6. Uniformity of services and tariff structure
- 6.4.7. A coherent performance monitoring system

## **7. STRATEGIC OBJECTIVES**

- 7.1. To guide the implementation of a shared vision to improve access to quality education through a coordinated and aligned transport system;
- 7.2. To manage and oversee the implementation of an integrated learner transport service.
- 7.3. To ensure an effective management of learner transport system.
- 7.4. To provide for a safe and secure transport environment for learners through co-operation and collaboration with law enforcement authorities.

## **8. GUIDING POLICY PRINCIPLES**

This policy will be guided by the following broad principles:

- 8.1. Broad based access,
- 8.2. Equity and redress,
- 8.3. Quality and effectiveness,
- 8.4. Functional relevance,
- 8.5. Operational safety and efficiency
- 8.6. Operational sustainability
- 8.7. Multi-modal integration

## **9. ROLES AND RESPONSIBILITIES IN LEARNER TRANSPORT**

### **9.1 Responsibilities for the Provincial Department of Transport**

- 9.1.1 Responsible for the registration and licensing of operators.
- 9.1.2 Responsible for enforcing road safety regulations and compliance by Learner Transport Operators.
- 9.1.3 Implement the policy
- 9.1.4 Align route allocation with the Integrated Transport Plans.
- 9.1.5 Monitor and evaluate the learner transport operations.
- 9.1.6 Procurement and management of public transport operators.

### **9.2 Responsibilities for the Provincial Department of Education**

- 9.2.1 To identify beneficiaries and develop preliminary routes.
- 9.2.2 To provide lists of beneficiaries per each pick up point to Department of Transport

- 9.2.3 To provide identification cards for all beneficiaries.
- 9.2.2 To develop learner transport Operational plans.
- 9.2.3 Monitor transportation of learners on daily basis
- 9.2.4 Report progress to the Department of Transport on-monthly basis.

### **9.3 Schools principals' responsibilities**

- 9.3.1 Principals must ensure that learners are transported by contracted operators using contracted Vehicles.
- 9.3.2 Principals must ensure that only qualifying learners are transported.
- 9.3.3 Principals must sign proof of delivery on every school day.
- 9.3.4 Identify learners, routes, pick up points and verify kilometres.
- 9.3.5 This shall be done in close collaboration with school monitors as deployed by Department of Transport at the various schools, with clear roles between the two (principal and monitor).

### **9.4 Joint responsibilities for the Provincial Departments of Transport and Education**

- 9.4.1 To develop operational plans and implementation strategies on learner transport;
- 9.4.2 Meet regularly, share information, realign (where need arises) and plan delivery of learner transport service together.
- 9.4.3 There must be collaboration between the two departments in the crafting and updating of the Memorandum of Understanding between the two departments.
- 9.4.4 The two departments will establish a learner transport service desk that will serve as a neutral point on all learner transport related matters.

### **9.5 Roads Sections**

- 9.5.1 Roads Section of the Department of Transport, in consultation with local municipalities shall provide safe roads on all provincial roads network, with special emphasis in the roads used for learner transport activities.

## **10. POLICY PROVISIONS**

### **10.1 COORDINATION AND PLANNING**

The following institutions, bodies, stakeholders and persons will be involved in the coordination and planning

- The Eastern Cape Office of the Premier;
- Eastern Cape Departments of Transport and Education;
- Other Government Departments e.g. Provincial Treasury and COGTA
- Local Government and Traditional Affairs sphere
- Department of Human Settlements
- Government Entities

- Public transport industry
- Contracted Operators
- Relevant NGOs
- SGBs, Civic organisations
- Faith Based Organisations

#### **Joint Planning Committee**

- (a) A joint planning committee on learner transport with representatives from the Department of Transport and the Department of Education must be established and it must, in consultation with other relevant stakeholders,
  - Design a well-defined learner transport service which includes roads infrastructure, pick-up/drop off points/stops, and signage for the safe transportation of learners.

#### **10.2 CRITERIA FOR LEARNER TRANSPORT BENEFICIARIES**

Beneficiaries for subsidised learner transport shall be selected on the following criteria:

- The beneficiary must be a needy learner from **Grade R to Grade 12**.
- The beneficiary must be a South African citizen with a valid ID or birth certificate, validated by Department of Education.
- The learner must be walking a distance of **five or more kilometres** from the nearest appropriate public ordinary school and parental choice of schools shall not be subsidised, except for cases where curriculum aspects are applicable. This will be verified by both departments.
- Exception is given to learners who travel less than prescribed kilometres where conditions are hazardous.
- Priority must be given to learners with **disabilities** considering the nature of the disability as well as primary school learners who walk long distances to schools.

#### **10.3. FUNDING**

- a) The learner transport programme shall be a funded mandate from the provincial fiscus.

#### **10.4. PROCUREMENT AND CONTRACTING OF OPERATORS**

- a) Only Public Transport operators with approved modes of transport may be contracted for the learner transport provision and that the duration of learner transport contracts will be as contemplated in the NLTA.
- b) The Department of Transport Eastern Cape will be responsible for the payment of the operators out of the voted funds.



## **10.5. COSTING MODEL**

This costing model is informed by the following 10 categories as per transport economic needs, taking into consideration inflationary adjustments:

- Financing costs
- Maintenance and repair costs
- Tyre replacement costs
- Depreciation / road conditions.
- Insurance costs
- Licence costs
- Labour and admin costs
- Inflation rates
- Profit mark-up

## **10.6. STAKEHOLDER RELATIONS**

The Department of Transport shall endeavour to capacitate potential public transport operators during briefing sessions of the tendering process and contracted operators on contract management, in ensuring compliance with the prescripts and requirements of the SCM legislation, regulations, and policies.

- (a) Planning of transportation of learners is fundamental in the delivery of learner transport and is underpinned by the following:
  - (i) The operator shall be required to transport learners as per specifications and Service Level Agreements.
  - (ii) Loading/off-loading zones must be in places where learners are not endangered or become obstacles to other users of the road.
  - (iii) The operator shall provide transport on all school days as required.
  - (iv) The learner transport operator shall sign a time book each time he/she collects and delivers learners.
  - (v) The School Principal of the benefiting school shall determine the timetable for the learner transportation in consultation with other school(s) if more than one school participates in a route.
  - (vi) The School Principal must ensure that the contracted operators travel the distance as contracted, and inform the Departments of Transport and Education accordingly should any changes arise.
  - (vii) The principal must ensure that the contracted learner transport operators transport the number of learners in the pick-up points, and travel distance as contracted.

- (b) Learner transport annual planning must start with the identification of learners in need of learner transport. This information should feed into the development of Provincial learner transport strategies and plans.
- (c) All vehicles transporting learners must adhere to the requirements and principle of universal design, especially those that are transporting learners with disabilities.
- (d) All processes involved from planning to implementation must take cognizance of learners with disabilities and meet the required support.

#### **10.7. CODE OF CONDUCT OF BOTH LEARNER TRANSPORT OPERATORS AND LEARNERS**

- a) A Code of Conduct for learner transport operator is in place. The code contain details of the expected behavior and measures for dealing with non-complying learner transport operators, procedures for learner transport operators and responses in the case of emergencies including accidents, theft, hijackings and when a learner is seriously ill.
- b) Each public transport operator is empowered and provided with a copy as a reference guide.

#### **10.8. REGULATION OF CONTRACTED VEHICLES**

- a) Learner transport vehicles must be easily identifiable and shall have a unique branding and Vehicles used to transport learners have to meet the requirements of the National Road Traffic Act (Act No. 93 of 1996) applicable to the transportation of passengers as specified in section c and National Land Transport Act (Act 5 of 2009).
- b) The department shall before commencement of each school quarter, call for the physical inspection of the vehicles with a certificate of fitness issued.
- c) Every six months the department shall conduct a thorough vehicle roadworthy test on all contracted vehicles in the province.
- d) Department of Transport shall conduct periodic checks of insurance liabilities to all contracted vehicles as operators tend to cancel this insurance after contracting.
- e) No overloading will be permissible, to always observe right pick up points, no unauthorized (bakkie) cars, to always have an arrangement with another vehicle when the contracted vehicle is in accident (substitute vehicle to be authorized).

### **10.9 SERVICE STANDARDS**

- a) Operators shall ensure that all learners are picked up and dropped off 30 minutes before the starting time of school and after school.
- b) Learner transport operators must keep their vehicles clean and in a good state of repair and no broken windows are allowed.
- c) Relief or replacement vehicles must not be used longer than 60 days and all relevant documentation with a request to use the vehicle must be submitted to the Transport District Office for approval to use the replacement vehicle.
- d) The Department will terminate the contract, having followed due processes, if learners have not been transported for a period of 30 days.
- e) The Learner Transport Operator is not permitted to charge fees to learners transported on the contracted routes.
- f) Sub-contracting is not allowed and no contracted learner transport operators shall sell his/her contract to a third party.
- g) Certificate of Fitness must appear on each vehicle contracted by the Department of Transport to ferry learners.
- h) Each Learner transport operator must have a valid Professional Drivers Permit.
- i) All Learner Transport Operators must have a Public Liability Insurance policy that must be attached with every claim they submit for payment of services.
- j) Buses, Midi Buses and Mini buses must have a serviced fire extinguisher.
- k) All operators shall be introduced to parents at schools, before they start transporting the learners.

### **10.10. SAFETY OF VEHICLES**

- a) Department of Transport, in collaboration with relevant stakeholders must ensure that adequate safety and security measures are adhered to whilst learners are being transported to and from school.
- b) Routine inspections of contracted vehicles must be conducted periodically by the Law enforcement agencies of the department.
- c) Safety and security measures should be in line with applicable legislation.

### **10.11 MONITORING AND COMPLIANCE**

- a) Department of Transport shall perform monitoring and evaluation functions as outlined in preceding section on roles and responsibilities.

- b) The two departments shall manage the current electronic and manual monitoring systems to ensure data credibility.
- c) Department of Transport is considering installing vehicle trackers in all the contracted vehicles as part of monitoring the movement of these vehicles during the learner transport activities. This will in no means be used to invade the privacy of the operators, but only as a monitoring tool during the specified hours of operation of the service.

#### **10.12. LAW ENFORCEMENT**

- a) All transgressions in terms of this policy shall be shall be treated in strict accordance with the all the stipulations contained in the National Road Traffic Act No. 93 of 1994 and the National Land Transport Act No. 5 of 2009.
- b) This policy does not seek to replace or contravene the prescribe penalties and fines in the aforesaid legislation for all transgressions on the road in respect of transportation of passengers on public roads.
- c) Departments of Transport, COGTA and municipalities shall ensure that there is sufficient and efficient law enforcement to monitor these Operators.
- d) Department of Transport must work closely with Local Government to ensure that Operators comply with the safety measures provided in the NRTA and NLTA legislated by the Department of Transport.
- e) Punitive measures shall be taken against operators who transport learners without regard to the National Road Traffic regulations and in unroadworthy vehicles and overloading.

#### **11. BREACH OF CONTRACT**

- a) Action shall be taken against transgressors to all legislation governing our roads and continuous breach of the contents of this policy will lead to strict disciplinary measures.

#### **12. TERMINATION OF A LEARNER TRANSPORT CONTRACT.**

- a) Where learner transport is no more required, the Department of Transport holds the right to terminate the contract and discontinue with the route. This also applies to cases of rationalization and realignment of schools by Department of Education.

- b) Notice of such a termination must be given at least one school term in advance, advising the Learner Transport Operator, the School, Learners of the intended phasing out of the route and termination of the contract.

### **13. COMPLAINTS HANDLING.**

- 13.1 All complaints relating to provision of learner transportation must be reported to the Departmental Customer Care Center no. 0800 644 644. All fraud suspected cases must be reported to the National Anti-corruption Hotline, at 0800 701 701. These are both toll free numbers in Telkom lines anywhere in South Africa.
- 13.2 Any learner, parent or legal guardian of a learner may also lodge a complaint relating to a breach of compliance with this policy, in writing within 7 days, to the Principal of the school, who must refer it to the Department of Transport, through their relevant authorities.
- 13.3 The Head of the Department will, depending on the nature of the complaint, respond in writing within 14 days of receipt of the complaint.
- 13.4 Upon the death of an operator that had contracted with the Department to provide the service, as the operator/service provider fulfils his/her contractual obligations in person, the liabilities emanating from the contract cannot pass to the operator/service provider's descendants after the operator/service provider's death and the contract is automatically terminated.

### **14. DEVELOPMENT AND REVIEW OF POLICY**

- 14.1 The Department of Transport in collaboration with the DoE will develop and review the Provincial Policy on Learner Transport in consultation with the relevant stakeholders.
- 14.2 This policy shall be reviewed after the lapse of the current term of government in 2019, but may be reviewed before that time if there is a change in legislation or regulations.