

Ombudsman for Children

Submission to the Oireachtas Joint
Committee on Education & Science
Regarding School Transport

March 2007

Introduction & background

The Ombudsman for Children's Office (OCO) was established in April 2004 under the Ombudsman for Children Act, 2002. The role of the Ombudsman for Children is to promote and safeguard the rights and welfare of children and young people. Specifically, the functions of the OCO are: to conduct investigations of complaints regarding actions by public bodies, schools and voluntary hospitals; to promote children's rights and to provide research and policy advice to Government and other bodies.

This report has been prepared in response to the invitation for submissions made by the Oireachtas Joint Committee on Education and Science regarding the issue of school transport catchment boundaries. The report is submitted further to Section 13(7) of the Ombudsman for Children Act, 2002, which provides for the submission of occasional reports to the Oireachtas and Section 7(1)(e) of the Act which provides that I shall highlight issues relating to the rights and welfare of children that are of concern to children.

The provision of school transport is indeed an issue of concern for many families throughout the country. **It is an issue of particular importance for children and families in rural areas, where school transport is, in many instances, necessary for children to exercise their right to education.** School transport was the subject of 12% of all complaints relating to education issues and nearly 5% of the total number of complaints received by my Office between April 2005 and December 2006. My intention in submitting this report is to bring to the Committee's attention the specific concerns raised in complaints made to my Office, rather than to provide an overview of the broader question of school transport and catchment boundaries. This paper is simply conveying the concerns brought by complainants to this Office. Issues relating directly to catchment boundaries and other issues relating more generally to school transport have been highlighted. I am aware of the complexity of the administration of school transport and catchment boundaries, I trust that this report will generally inform the Committee's discussions.

This report aims to:

- highlight the main issues of concern brought to my Office by complainants;
- give an opportunity to the relevant authorities to benefit from that information; and
- bring about positive changes for any child or family needing school transport.

I remain at the Committee's disposal should any clarification or elaboration of this report be required.

1.1. **School transport and catchments boundaries.**

- *The geography of school provision over time*

To be eligible for school transport, a child has to attend his/her nearest school in his/her catchment area.

A number of complainants reported anomalies due to school closures, new school openings and amalgamations over the years. Under the School Transport Scheme, school transport is only provided to (when applicable) the school of amalgamation. Complainants outlined situations where they had to send their child to a school further away than the

nearest school as their local schools had closed down (sometimes decades ago) and amalgamated with a school further away from the child's household. In practice, this means longer journeys for the child and it also sometimes means that children may have to attend a different school from their friends in the local community.

- *Right to choose a school*

This was the main issue highlighted by complainants who felt that the conditions of the school transport scheme – especially the rigid application of the catchment boundaries areas - limited their constitutional right and duty to choose the most appropriate education for their children.

In rural areas, many families are dependent on school transport for getting their children to school. When availing of the concessionary/catchment boundaries transport or bringing the children themselves is not an option for economic or social reasons, families are left with little choice regarding the choice of school for their children.

This raises particular difficulties when for any reason, the child is unable to attend his/her local school.

The issue of the right to choose a school was also raised by complainants whose nearest school is an Irish speaking school and they want their child to attend an English speaking school. While there is provision within the school transport scheme to provide transport for children wishing to attend a Gaelscoil outside of their catchment area, there is no similar provision for a child wishing to attend a school teaching through the medium of English outside of the catchment boundaries. This is particularly an issue for parents living in Gaeltacht area.

- *Catchment boundaries and administration of the School Transport Scheme*

Concerns over the definition of the catchment boundaries and disputes over whether the boundaries have been changed have arisen in a number of areas across the country. A number of these complaints have been brought to my Office. Complainants have raised serious concerns about the difficulty in obtaining clear, definitive information about school catchment transport boundaries from any of the agencies involved.

The confusion often arose from a breakdown in communication between the various stakeholders involved in the administration of school transport locally and nationally (Department of Education and Science, Vocational Education Committee and Bus Éireann) because those stakeholders were using different maps to determine eligibility. In those cases, it has been difficult for my Office to determine when, where and why such a discrepancy has occurred and also what the definitive benchmark to determine eligibility should be.

- *Pick-up points.*

Another common source of complaints related to the distance to and safety of the pick-up points (or the route children have to take to access their pick-up points) for fully eligible pupils and also for catchment boundaries pupils. It was acknowledged that it is the responsibility of the parents to bring their child to and from the pick-up points. However, the strict application of the catchment boundaries and the reluctance to encroach on them means that the choice of the pick-up points may not be the safest or most convenient place for children, for example the choice of the main road as opposed to the village in the neighbouring catchment area.

- *Measurement of distance*

Complainants have also raised concerns about the accuracy of the measurement to the nearest school and the lack of flexibility of the school transport scheme in that regard, with sometimes only a few meters separating their child from eligibility to school transport. In those situations, my Office advised that when there is a dispute over a small distance, the methods of measurement should be seen to be fair by both parties. The Department of Education and Science has agreed to this recommendation.

- *Concessionary Transport*

Under the School Transport Scheme, children may access concessionary transport to a school other than their nearest school, if there is spare capacity on the bus and if the nearest school agrees. The concession is for one school term and may not be renewed from term to term. The concession is only applicable to the child making the application and does not give any entitlement to other members of the family.

Families availing of concessionary transport have reported being in a difficult situation when the nearest school agreed to sign the required form for one of their children to attend another school but for various reasons refused to sign the form for another of their children. The school refusing to sign the form may have very valid reasons - such as the drop in enrolment and the need to maintain the teacher/pupil ratio in the interest of all the children attending the school – but it creates a very complex situation for the family to manage (i.e. siblings attending different schools or with one child allowed in the school bus but not the other one).

1.2. **Other issues relating to school transport brought to my Office**

- *Supervision on board and when dropped off before the school gate opens*

The issue of supervision on or off the school bus has been brought to my Office on a number of occasions.

Complainants raised concerns about the supervision of their children on the school bus as the driver is often the only adult present on school transport. Bullying incidents have occurred and complainants have been concerned about the measures put in place to address these issues.

The issue of supervision once off the school bus and before getting into the school (and vice versa) is also an area of concern as there seems to be a lack of clarity between the educational authorities (i.e. the school and Department of Education and Science) as to who is responsible for this supervision. The school transport scheme sets out that the maximum combined travelling/waiting time for a primary school going pupil is 1 hour 30 minutes and 2 hours 30 minutes for a secondary school going pupil. These are long periods for any child, especially if unsupervised. In rural communities, the situation of “double-busing” is common, where students arrive before the school’s start time and have to wait after school.

Department of Education and Science circulars seem to set out clearly that the schools are responsible for the supervision of children at “assembly and dismissal” time. Complainants have reported to my Office situations where schools do not recognise this duty of care and in some situations do not open the school gates, citing a lack of resources for the supervision of the children during that time as the reason. It is an area where the responsibility needs to be clearly outlined and resources duly allocated to ensure that the children are safe at all times.

- *Visibility of the School Transport Independent Appeals Board*

The majority of the complainants contacting the Office regarding a school transport issue have not complained to, and in some cases not heard of, the Independent Appeals Board. This Office guides them towards this redress mechanism before intervening.

- *School transport and special needs*

The availability (i.e. to the school of choice) and adequacy (e.g. adaptation of the vehicle, medical assistance/supervision on board, etc.) of school transport for children with special needs has also been raised as an issue with this Office.

Conclusion:

The School Transport Scheme is central to the fulfilment of the right to education in most rural communities. Overall, the two cross-cutting concerns brought by complainants regarding school transport and catchment boundaries issues are the following:

- the rigidity in the implementation of the scheme; and
- lack of transparency in decision-making regarding school transport.

While recognising that the school transport scheme has worked well for the majority of children availing of it, I would recommend that any review of the current scheme and boundaries bear in mind the above concerns.