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Fergus D Cochrane
Clerk to the Public Petitions Committee
Room TG01
Scottish Parliament
EDINBURGH
EH99 1SP

8 January 2009

Dear Fergus

CONSIDERATION OF PETITION PE1098

Thank you for your letter of 8 October seeking further information with regard to the petition from Lynn Merrifield on behalf of Kingseat Community Council calling for the Scottish Parliament to make provision for every school bus to be installed with three point seatbelts for every school child passenger and to ensure that, as part of a local authority's consideration of 'Best Value' in relation to the provision of school buses, proper regard is given to the safety needs of the children.

You seek a response to the points made in the written submission from the petitioner received since the Committee last considered the petition; and to specific issues raised during the Committee's discussion of the petition on 8 October.

In her letter of 24 September Ms Merrifield expressed her disappointment with the Scottish Government response of 9 September, suggesting that Government is content with current legislation and wondering whether this is due to the complexity of the issue. May I say that this is most certainly not the case. As I have set out in previous letters, the Scottish Government has to recognize not only that the Scotland Act reserves legislation relating to road safety and seat belt matters to Westminster - a point recognized by Robin Harper during the Committee's discussions on 7 October - but also that the current Scottish legislative framework places the statutory duty upon local authorities to make appropriate school transport arrangements, having regard to the safety of pupils. In the Government's view it is appropriate that such decisions are taken at a local level. Local situations and circumstances do differ up and down the country.

Although the Scottish Government has neither the power to coerce nor dictate to authorities, Ministers have nevertheless made clear the policy direction in which they would wish authorities to consider proceeding. They have also taken steps to support and encourage them to review the stance which they take in respect of seat belts when the time for renewal of school transport contracts comes around.

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- In previous correspondence I have referred to the "Survey of Good Practice" published last year. It includes a section on seatbelts, both the provision thereof and, equally importantly, on checking whether they are being worn. The whole purpose of the Survey was to set out best practice in order to lead the way for others.
- Nanette Milne, during the Committee's deliberations on 7 October, made specific reference to the possibility of Aberdeenshire joining the ranks of authorities specifying the provision of seat belts in all vehicles used for school transport purposes. The Committee will be pleased to know, as were Ministers, that Aberdeenshire Council took that decision on the 11th of December and will implement the policy by 2010.
- In your letter you make specific reference to the issue of funding for the installation of seat belts on buses. Of course authorities would not do this directly, but additional costs of such installation could well be passed on to authorities by transport operators. Under the arrangements inherent in the new Concordat between Government and COSLA, the authorities have a great deal more flexibility in how they may deploy the resources available to them. And this Government has delivered to local authorities in marginal annual increase in local government's share of public expenditure over the Spending Review period - resulting in a record local government settlement amounting to £34 .7 billion over three years.
- Finally, although many aspects of road and vehicle safety are indeed reserved, Stewart Stevenson is in regular contact with Geoff Hoon, his Westminster counterpart, most recently in the wake of the two recent Aberdeenshire tragedies where pupils were killed shortly after alighting from school buses.

I hope that this additional information is helpful to the Committee.

Yours sincerely

STEPHEN ORR