



# **SERVICE SPECIFICATION**

**being part of the**

# **SUPPLIER AGREEMENT (Schedule 3)**

**FOR THE PROVISION OF PASSENGER TRANSPORT  
SERVICES**

# Contents

1	Introduction .....	3
2	Summary of Expected Outcomes.....	3
3	Purpose of Service .....	4
4	Safeguarding Children and Adults.....	4
5	Minimum Requirements for Service Providers .....	6
6	Minimum Requirements for Drivers .....	8
7	Minimum Requirements for Passenger Assistants .....	9
8	Minimum Service Standards .....	10
9	Minimum Vehicle Requirements and Vehicle Environment.....	11
10	Accident, Delays, Cancellation or Disruption to Usual Service .....	12
11	Data Protection .....	13
	APPENDIX A – Procedure if Parent/Carer Not At Home .....	15
	APPENDIX B - Relevant Legislation .....	16
	APPENDIX C – Code of Conduct .....	17
	APPENDIX D – Covid 19 Driver and Passenger assistants instructions.....	18
	APPENDIX E – Procedures for Crew allocation on Merton Council Routes .....	21
	APPENDIX F – Guidance on managing delays .....	23

# 1 Introduction

- 1.1 The London Borough of Merton is implementing a Dynamic Purchasing System (DPS) and inviting suitably qualified and experienced Licensed Taxi Operators (Service Providers) to join an Approved List, principally for Special Education Need (SEN), Social Care (Adults and Children) Transport, but including other user groups as necessary.
- 1.2 Section 508 of the Education Act 1996 as amended by the Education and Inspections Act 2006 requires a Local Authority to decide whether or not it needs to make arrangements for provision of transport for each pupil with a statement of need. If a Local Authority decides that transport is necessary, then it must decide what form of transport is suitable and organise it free of charge. Transport is provided for children, to and from school or other educational establishment, respite/short break provision, after school clubs or where transport has been authorised on medical grounds both within and outside the Boroughs.
- 1.3 Adult transport is provided for adults with varying disabilities and older people, to and from community support services, respite centres and other provision both within and outside the Boroughs.
- 1.4 The DPS Approved List will not be exclusive nor be limited in the number of Service Providers that may join. The List will remain open throughout the life of the DPS, to any suitably qualified and experienced Service Provider to join subject to satisfying the specified requirements.
- 1.5 The DPS Approved List and Transport Routes will be created and be managed entirely electronically in accordance with Public Contract Regulations 2015, Regulation 34.

## 2 Summary of Expected Outcomes

- 2.1 Service Providers should deliver a cost effective service which demonstrates positive outcomes for service users in terms of:
  - i. **All journeys:** Affordable and sustainable travel
  - ii. **Children:** Children get to school, safely, on time and ready to learn.
  - iii. **Adults:** Arrive at their destination safely and on time.
  - iv. For **Children** the service must meet the following outcomes:
    - Children arrive at school in a calm state, ready to learn and on time
    - Children have a positive experience of the journey to school (e.g. stimulation, opportunities to make friends, engagement with others)
    - Children enjoy their journey to school
    - Children using the service are safe
  - v. For **Adults** the journey must meet the following outcomes:
    - Adult service users arrive at their destination or appointments on time
    - Adult service users travel safely
    - Adult service users experience a pleasant journey that does not make them stressed or anxious.
    - Adults travelling to college or daytime activities arrive ready to learn or participate.

### **3 Purpose of Service**

- 3.1 The objective of the Service is to provide a safe, reliable and timely transport provision for identified users. Transport requirements are subject to frequent change and it is therefore important that the service provision is flexible and able to react quickly to changing circumstances and requirements without detriment to quality. All drivers, passenger assistants and other staff of the Service Provider undertaking the service shall show understanding and empathy towards all passengers.
- 3.2 Service Providers are required to provide services for the following:
- Transport for children attending special schools, specialist units, mainstream schools and any other educational establishments both within and outside the boundaries of the boroughs. This may be on a daily basis, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis;
  - Transport for children, to and from respite provision or after school clubs both within and outside the boundaries of the boroughs. This may be on a daily basis, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis;
  - Transport for children where transport has been authorised on medical grounds, both within and outside the boundaries of the boroughs. This may be on a daily basis, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis;
  - Transport for adults with varying disabilities, to and from community support services, respite centres and other provision both within and outside the boundaries of the boroughs. This may be on a daily basis, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis;
  - Transport for older people, to and from community support services, respite provision and other provision both within and outside the boundaries of the boroughs. This may be on a daily basis, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis.

### **4 Safeguarding Children and Adults**

- 4.1 Service Providers on the DPS Approved List will be responsible for transporting some of the most vulnerable children, young people and adults in the borough, sometimes for long distances.
- 4.2 The Service Provider has a duty of care for the people they transport and is responsible for ensuring that they reach their destination safely and do not experience stressful journeys that make them anxious or upset.
- 4.3 All Service Providers must have an up-to-date Safeguarding Policy covering vulnerable children and adults that adheres to the requirements set out in the contract terms and conditions. All drivers and passenger assistants must have knowledge of this Policy.
- 4.4 All Service Providers must employ a designated individual who is appointed as the organisation's safeguarding lead with responsibility for overseeing the implementation of the

policy and all related procedures. The person so appointed must have received relevant certificated training in safeguarding at a minimum of a level 3 qualification.

- 4.5 All Service Providers must ensure that individual who are responsible for overseeing the day-to-day operation of transport services have received relevant certificated training in safeguarding at a minimum of a level 2 qualification.
- 4.6 All staff that have contact with children or vulnerable adults or have access to their personal details must have a current Enhanced Disclosure and Barring Service (DBS) check. If the DBS check is not clean, the member of staff it relates to must NOT be deployed on services to the Authority until such time as the Authority considers the matter. The Authority will confirm in writing if the person concerned is approved to deliver services.
- 4.7 All staff that come into contact with children or vulnerable adults must have undergone relevant Child Protection / Safeguarding training at least every 2 years and include behaviour management strategies. All staff must know the correct referral procedure to report any safeguarding issue to the relevant organisation. The Authority may spot check staff training records to ensure Service Providers are meeting this requirement.
- 4.8 All staff that come into contact with children or vulnerable adults must ensure that the boundaries between passengers and staff are maintained. Staff are required to be friendly and courteous to their passengers and engage in conversation but must maintain a professional distance at all times.
- 4.9 If any member of staff witnesses inappropriate behaviour or bullying by other passengers or members of family or staff (either of the Service Provider or other organisation) at pick up, drop off or during the journey then this must be reported immediately to the Authority.
- 4.10 In order to ensure passenger safety the driver and/or passenger assistant should only take route instructions from the Authority. Once the passenger is on board transport they are the responsibility of the provider and should be transported only as directed. The provider should only transport the named individuals it has been instructed to. Under no circumstance should any other person(s) apart from the named passengers be transported at the same time unless specifically directed to by the Authority.
- 4.11 When transporting solo passengers the driver must ensure that the passenger sits in the back seat and not in the front seat next to the driver.
- 4.12 When Passenger Assistants are needed on a journey, the vehicle provided must be of sufficient capacity to enable the Passenger Assistant to sit in the back with assisted passengers. Passenger Assistants must not sit on the front seat next to the driver.
- 4.13 When transporting children or young people back to their home, if the parent/carer are not home when the transport arrives then the driver must follow the procedure set out in **Appendix A**.
- 4.14 When transporting vulnerable adults requiring supervision; if the expected parent/carer/staff member/Service Provider is not available as expected on arrival at destination then the driver must follow the procedure agreed beforehand with the Authority.
- 4.15 In the event the Service Provider is advised or becomes aware of an incident which gives rise to safeguarding concerns, it shall provide a written report to the Authority within one (1) working day of any incident occurring in line with the requirements set out at paragraph 10.1 (vi) below.

## 5 Minimum Requirements for Service Providers

- 5.1 The Service Provider must ensure that throughout the term of the agreement that they meet the following minimum requirements:
- i. Taxi Companies and Private Hire Companies must hold a Private Hire Operator Licence.
  - ii. Sole Trader Drivers or drivers working for a company must have a Private Hire or Taxi Licence
  - iii. Service Providers must comply with all Transport for London Taxi and Private Hire Policies, Standards and Guidance. (<https://www.tfl.gov.uk/corporate/publications-and-reports/taxi-and-private-hire?intcmp=3162> )
  - iv. Service Providers shall be responsible for all registration fees, test fees and licences in respect of vehicles and drivers thereof.
  - v. Service Providers must provide continuously each day at least one (1) fully operational staffed telephone at least 30 minutes before the start and 30 minutes after the end time of the route or at least between 06.00 and 18.00 hours to enable officers of the Authority to contact the Service Provider without undue delay.
  - vi. Service Providers must at all times during the term of the DPS Approved List and at the Service Providers expense, ensure that all of the Vehicles conform with all present and future legislation which is relevant to the construction, use and operation of the vehicles.
  - vii. Service Providers are responsible for ensuring all drivers have valid Driving Licenses.
  - viii. Service Providers are responsible for ensuring all Drivers and Passenger Assistants have undergone an Enhanced Disclosure & Barring Service check within a period not exceeding 3 years and this is a condition before they can be deployed in providing services to the Authority. Any DBS checks that mature beyond the 3 year period during the life of the service agreement MUST be refreshed by the Service Provider at their expense. The only exception to this condition is where the person checked has subscribed to the Update Service and the Service Provider undertakes to perform regular (at least annual) checks for any changes to a person's DBS record in these circumstances.
  - ix. Service Providers must immediately bring to the Authority's attention any DBS checks that indicate a person has a criminal record. The Authority will take into account the type of offence, the amount of time elapsed since the offence was committed and whether the offence(s) is relevant to services being delivered to the Authority.
  - x. Service Providers are responsible for ensuring that any Drivers or Passenger Assistants from outside the EC have valid Visas / Permission to Work.
  - xi. Service Providers must ensure that all staff who come into contact with children or vulnerable adults have undergone relevant Child Protection / Safeguarding training at least every 2 years and include behaviour management strategies; and that all staff know the correct referral routes to report any safeguarding issues to the relevant Organisation.
  - xii. Service Providers must ensure that all Drivers and Passenger Assistants attend, complete and pass any mandatory training which is provided for them by the Authority from time to time during the term of the DPS Approved List.
  - xiii. Service Providers must ensure that all relevant checks are undertaken in respect of each person engaged by it in regard to the provision of the Services. In addition, for Drivers and Passenger Assistants, the Service Provider will ensure that each Driver and Passenger Assistant is assessed as to their suitability to provide the Services by completing checks as set out in Appendix E before such persons are engaged to provide any transport or that such persons have been so checked by the Authority, if requested.

- xiv. Once all checks have been completed in accordance with Appendix E, the Service Provider will notify the Authority of the relevant details of each Driver and Passenger Assistant and provide copies to the Authority of all necessary documentation and confirm that they have assessed each individual as a suitable person to be engaged to provide transport.
- xv. The Authority reserves the right to require the Service Provider to submit a list of all individuals currently allocated to a transport route for any of its service user either on upon request or at a defined frequency (not more than weekly)
- xvi. Service Providers must ensure that all vehicles delivering a service to the Authority are road worthy in accordance with the requirements for that type of vehicle laid down by Transport for London.
- xvii. Service Providers must have the minimum levels of public liability insurance and employee liability insurance as stated in the Terms and Conditions of the contract.
- xviii. Service Providers must ensure that all drivers have the correct level of Public Hire / Motor insurance as specified by Transport for London requirements.
- xix. Service Providers shall be responsible for submitting claims against their own insurance policies for any damage caused by passengers. The Authority shall NOT accept any such claims made by Service Providers.
- xx. Service Providers must ensure that its Drivers and Passenger Assistants do not perform any Services whilst under the influence of either alcohol, prescription drugs, other drugs or any other substance which would affect the Driver's or Passenger Assistant's performance.
- xxi. The Authority may if it suspects that any Driver or Passenger Assistant is under the influence of either alcohol, prescription drugs, other drugs or any other substance which would affect the Driver's or Passenger Assistant's performance:
  - a. serve notice on the Service Provider to require it to suspend / terminate the Driver/Passenger Assistant from providing the Services under this Agreement;
  - b. prevent Passengers travelling with the Driver or Passenger Assistant concerned;
  - c. inform the Police of any suspected offence.
- xxii. Service Providers will not be entitled to any payment from the Authority nor shall it be entitled to make any claim for any losses or expenses or any period of suspension incurred as a result of a Driver or Passenger Assistant being under the influence of either alcohol, prescription drugs, other drugs or any other substance which would affect the Driver's or Passenger Assistant's performance.
- xxiii. Service Providers are required to comply with all current and future Legislation relating to Drivers' hours and rest periods. Service Providers shall put in place procedures for monitoring the hours worked by Drivers and Passenger Assistants (including dual employment) to comply with all current and future UK and EU regulations including the Working Time Directive.
- xxiv. Service Providers are responsible for issuing identification badges to all its staff engaged on the provision of the service bearing a photograph of the employee and stating the following:
  - The employee's name
  - The Service Provider's name
  - The Service Provider's telephone number
- xxv. Service Providers must comply with all current and future policies and procedures of the Authority offering the route. Relevant policies are listed at **Appendix B** to this Specification.

- xxvi. Service Providers shall allow designated representatives or employees of the Authority, to inspect records, vehicles or maintenance facilities that directly relate to the provision of services to the Authority.

## 6 Minimum Requirements for Drivers

- 6.1 Throughout the term of the agreement all Drivers delivering services to the Authority must meet the following minimum requirements:
- i. Drivers must hold a current and valid Private Hire Vehicle Licence or Taxi Licence
  - ii. Drivers should have a clean driving licence appropriate to the Vehicle they are driving and, on request, shall supply evidence in the form of a DVLA Driver's Licence Summary to evidence the status of their licence. If the drivers licence has been endorsed with penalty points, the driver must present their licence to the relevant Authority. The Authority will examine the licence and the reason(s) for the endorsement(s); and will notify the Service Provider in writing if the driver will be permitted to deliver services to the Authority.
  - iii. Drivers must have a current Enhanced Disclosure and Barring Service (DBS) check. If the DBS check is not clean then the driver must present their DBS documentation to the Authority as stated in paragraph 5.1 (ix) above.
  - iv. Drivers must have undergone relevant Child Protection / Safeguarding training at least every 2 years and include behaviour management strategies All Drivers must know the correct referral procedures to report any safeguarding issues to the relevant Organisation.
  - v. Drivers must be responsible adults, capable of interacting with, responding to and calmly reassuring Passengers with special needs in a positive and sensitive manner, and liaising competently and effectively with Parents/Carers and Establishment staff.
  - vi. Drivers must be able to converse in English to a reason standard such that they are able to communicate with and be understood by their clients, parents and carers.
  - vii. Drivers must have received and understood basic First Aid Training covering common health conditions.
  - viii. If requested specifically by the Authority in relation to a given Service Agreement, the driver assigned must have undertaken a recognised PATS training course.
  - ix. Drivers must have received, understood and comply with the Code of Conduct (see **Appendix C**) at all times during the agreement. Any contravention of the Code of Conduct may result in the suspension and possible exclusion from the agreement for the delivery of the Services to the Authority.
  - x. Drivers must have the correct level of motor insurance as specified by Transport for London or relevant licensing authority requirements.
  - xi. Drivers must wear an identification badge and show this when requested to do so by parents, carers, school staff and officers of the Authority.
  - xii. Drivers must wear the appropriate PPE when traveling in the vehicle in accordance with TFL and government guidelines (see **Appendix D**).



## 7 Minimum Requirements for Passenger Assistants

7.1 Throughout the term of the agreement all Passenger Assistants must meet the following minimum requirements:

- i. Passenger Assistants must have a current Enhanced Disclosure and Barring Service (DBS) check. If the DBS check is not clean then the Passenger Assistant must present their DBS documentation to the Authority as stated in paragraph 5.1 (ix) above.
- ii. Passenger Assistants must have undergone relevant Child Protection / Safeguarding training at least every 2 years and include behaviour management strategies. All Passenger Assistants must know the correct referral procedures for reporting any safeguarding issues to the relevant Organisation.
- iii. Passenger Assistants must be responsible adults, capable of interacting with, responding to and calmly reassuring passengers with special needs in a positive and sensitive manner, and liaising competently and effectively with Parents/Carers and Establishment staff.
- iv. Passenger Assistants must be able to converse in English to a reasonable standard such that they are able to communicate with and be understood by their clients, parents and carers.
- v. Passenger Assistants must have received, understood and comply with the Code of Conduct (at **Appendix C**) at all times. Any contravention of the Code of Conduct may result in the suspension and possible exclusion from the agreement for the delivery of the Services to the Authority.
- vi. Passenger Assistants must travel in the rear of the vehicle when passenger(s) are on board, in a seat which is best located so as to enable them to provide appropriate support and supervision to the passenger(s) throughout the journey.
- vii. Passenger Assistants should have medical training appropriate to the passengers' needs.
- viii. Passenger Assistants should have up to date Passenger Assistant Training Scheme accreditation or equivalent passenger assistant training.
- ix. Passenger Assistants must wear an identification badge and show this when requested to do so by parents, carers, school staff and officers of the Authority.
- x. Passenger Assistants must wear the appropriate PPE when traveling in the vehicle in accordance with TFL and government guidelines (see **Appendix D**).

## 8 Minimum Service Standards

- 8.1 Service Providers must meet minimum requirements to ensure a safe, timely journey such that passengers do not experience a stressful journey or become anxious.
- i. To avoid being late, drivers should arrive 5 minutes before the designated pick-up times on outbound and return journeys. This is necessary because delays for some passenger(s) can have extremely serious consequences both for them as an individual and may also produce other potential effects for their carers/parents or other passenger(s).
  - ii. Service Providers must ensure that all assigned routes are effectively resourced in terms of suitable vehicles, drivers and Passenger Assistants.
  - iii. Drivers and Passenger Assistants must be dressed appropriately in suitable clothing at all times, courteous and aware of the service users needs.
  - iv. Drivers must have knowledge of the geographical area and driving conditions, and drive the most efficient route possible to keeping journey times to a minimum.
  - v. Service Providers shall ensure (allowing for holidays and other absences) that the same Driver and Passenger Assistant are assigned to undertake each route in order to maximise continuity of service for each passenger and minimise disruption. If there is to be a change, families/carers should be notified of the nature of the change as soon as is reasonably practicable by the Service Provider (unless it is because of sickness which is only known on the day) and the new Driver and/or Passenger Assistant introduced.
  - vi. Service Providers shall not transport any persons in vehicles other than those for whom the transport has been arranged unless prior written agreement is obtained from the Authority.
  - vii. Drivers must politely alert their passenger(s) and/or their parents/carers to the vehicle's arrival at the point of pick up, i.e. by knocking on the door or by some other suitable means that makes their presence known (and not by sounding the vehicle's horn) and then waiting for audible and/or visible recognition from the passenger(s) and/or their parents/carers.
  - viii. When collecting and dropping off passengers, drivers must only park where it is safe to do so.
  - ix. Service Providers must have a contingency plan for any unavoidable delays or driver absences which includes timely communication with parents, carers or adult service users and methods for alternative solutions.
  - x. In the event of short notice school closure the Service Provider must have adequate transport available to ensure that children are picked up from school and transported home.
  - xi. Drivers must assist wheel chair passengers and those with limited mobility to access and exit vehicles
  - xii. Drivers and Passenger Assistants must wear the appropriate PPE and ensure suitable ventilation (at **Appendix D**)
  - xiii. Vehicles must be clean and tidy at all times. As required by TFL and government guidelines, enhanced cleaning regimes will be completed before and after each journey (see **Appendix D**)

## 9 Minimum Vehicle Requirements and Vehicle Environment

9.1 Service Providers must meet minimum requirements to ensure a safe and comfortable journey for passengers:

- i. Service Providers must ensure that all vehicles and drivers are appropriately licensed and insured, with or without wheelchair access as required or PSVs with or without wheelchair access as required.
- ii. Service Providers shall ensure that vehicles are maintained in a clean, tidy and well-ordered condition both inside and outside.
- iii. Service Providers shall ensure that the windows of the vehicles are kept clean and unobstructed to afford passengers a good view of the outside environment.
- iv. Service Providers shall ensure that its Drivers and Passenger Assistants understand and take into account that some of the passenger(s) may be particularly sensitive to the internal environment of a vehicle with regard to odour, volume levels etc. e.g. from the vehicle's or other passenger's radio or other electrical devices.
- v. In order to ensure comfort and minimise the likelihood of stress for passengers, the Service Provider shall ensure that its Drivers and Passenger Assistants shall maintain the temperature and ventilation in each vehicle at a level in all weathers which is comfortable for the passengers who are being transported.
- vi. The Service Provider shall ensure that when playing music either by radio, CD, iPod or any other device in a vehicle whilst transporting passengers, that the preferences for the type of music; or indeed no music (if that is requested) of passengers always take priority over the preferences of the Driver and/or Passenger Assistant.
- vii. The Service Provider shall ensure that any music or other material which is played in any vehicle is always appropriate for the age and needs of the passengers who are being transported and is not played at a volume which may distract the Driver or cause any discomfort to the passengers.
- viii. The Service Provider shall ensure that all of its vehicles carry a clearly marked First Aid Box, which should comply with the Health and Safety (First Aid) Regulations 1990 or equivalent.
- ix. All vehicles that are used by the Service Provider to transport children who are attending Primary School must have child locks fitted and engaged to the passenger compartment throughout each journey.
- x. For wheel chair uses, Service Providers must have a wheelchair tie-down and occupant restraint system (WOTRS) that allows a wheelchair to be secured to the vehicle floor, and the passenger in the wheelchair to benefit from a properly fitted seatbelt system.
- xi. Where the vehicle is transporting passengers in an appropriately secured wheelchair the vehicle should carry belt cutters to free the passenger in case of an emergency.
- xii. All vehicles should have the correct child seats for the height of any child they are transporting. These seats should be secured according to manufacturers' guidelines and kept clean.

## 10 Accident, Delays, Cancellation or Disruption to Usual Service

- 10.1 When accidents, delays or any disruption to service occurs it is of the utmost importance that measures are in place to keep passengers safe and to communicate with the Authority.
- i. In the event of delays in collection or pick-up of passengers, the Service Provider must inform all relevant persons and organisations affected as well as the Authority. The Authority will, from time to time, issue guidance to Service Providers in this regard to which they will be expected to adhere (see **Appendix F**)
  - ii. In the event of an accident or vehicle breakdown the Driver or Passenger Assistant must ensure this is immediately reported to the Service Provider who must inform the Authority immediately.
  - iii. Service Providers must maintain contact with the Authority in order to keep them well informed of the progress of the situation and in particular of any arrangements that may/are required in terms of transferring passengers to an alternative vehicle to complete their journey.
  - iv. Where transfer to an alternative vehicle is required the Service Provider shall organise this as soon as is reasonably practicable and this will be at the Service Provider's expense.
  - v. The Service Provider shall immediately inform the Authority if it is unable to arrange a replacement vehicle (for whatever reason). In this event if the Authority assumes responsibility for organising replacement transport and any and all additional costs incurred by the Authority in arranging the alternative provision shall be charged to the Service Provider.
  - vi. Service Providers shall provide a written report to the Authority within one (1) working day of any incident occurring. The report must be in the format designated by the Authority and should include the name of the passengers, the date and time of incident and details of any passenger injuries; details of any witnesses and a brief description of the circumstances of the incident including the name of Driver and the Passenger Assistant, details of any action taken by the Service Provider and confirmation of whether or not the Emergency Services were involved.
  - vii. The Authority shall have discretion to determine whether on any given day the weather or road conditions warrant the cancellation of any one or more of the journeys that forms part of any route. The Authority shall give the Service Provider as much notice as possible of any such cancellation, setting out clear details of the affected routes, the reason for cancellation, the date or dates over which the cancellation is to take effect and the anticipated date of return to normal arrangements if known for the affected routes.
  - viii. If the Authority decides that passengers should return home early, then it will endeavour to give the Service Provider at least one hour notice of the required time for the relevant route(s).
  - ix. If the usual vehicle, Driver or Passenger Assistant are not available at the earlier time, then the Service Provider may supply a suitable alternative provided that this will be at no additional charge to the Authority and the Authority shall not be liable for any losses, costs or expenses whatsoever or howsoever incurred by the Service Provider.
  - x. If the Service Provider is unable to provide the Services at the earlier requested time the Authority will make alternative transport arrangements with any alternative provider and the Service Provider shall not be entitled to claim from the Authority payment under this Agreement for any of the Services which the Service Provider was unable to provide.

# 11 Data Protection

## 11.1 Minimum Requirements for Data Protection

- i. The Service Provider must:
  - a. comply with Data Protection Legislation in regard to the lawful processing of personal data;
  - b. take appropriate technical and organisational measures to protect personal data from loss or misuse.
- ii. The Service Provider will ensure that personal data it holds about the children or vulnerable adults it transports together with details of their families and other contacts (whether in electronic format (including recordings or other media) or in physical documents) is secure from loss or unauthorised use and is accessible only to those who need to view the information. This will include all personal data:
  - a. provided by the Authority in the form of copies of requisitions and travel plans;
  - b. contained in records created by the Service Provider for the purposes of organising transport and associated administrative tasks;
  - c. in correspondence between the Service provider and the Authority or other body e.g. a school;
  - d. in reports and statements prepared in respect of incidents concerning those children or vulnerable adult.
- iii. As a minimum, the Authority expects the following measures to be adopted to protect personal data:
  - a. Physical documents to be held in lockable storage when not being used;
  - b. Documents or other files held in electronic format should be retained on the hard drives of computers or the server of a local computer network belonging to the Service Provider and secured by way of password protection and/or encryption (i.e. not held in unsecured online or cloud based storage or on portable data storage devices);
  - c. Physical documents should not be allowed to leave the Service Provider's offices except in accordance with agreed protocols e.g. a travel plan document or contact details may be issued to a Driver or Passenger Assistant in a route folder (or equivalent) but must be collected from and returned to the Service Provider's offices immediately before/after each transport trip;
  - d. In any e-mail correspondence with the Authority the initials of individual children or vulnerable adults must be used in place of full or first names and postcodes instead of postal addresses – e-mail headers should simply reference the Service Agreement number.
- iv. The Service Provider will ensure that any staff or persons engaged as sub-contractors comply with its data security measures and promptly report any breach of the same or loss of personal data.
- v. In respect of Drivers and Personal Assistants, the Service Provider should:
  - a. brief them about the needs of individuals for whose transport they are responsible but must not provide them with copies of documents (either in physical or electronic format) containing personal data (except in accordance with strict protocols governing the use and return of such information);

- b. discourage them from making or holding personal details of the individual they transport or their families.
- vi. Following the end of a Service Agreement, the Service Provider should delete or destroy all records containing personal data no longer required on the following basis:
  - a. where possible, using a provider specialising in the secure destruction of confidential material and certified in accordance with BS EN 15713 or equivalent;
  - b. Physical documents containing personal data no longer required should be disposed by shredding;
  - c. Electronic documents containing personal data no longer required should be deleted from all systems;
  - d. Records of incidents and in particular those relating to safeguarding of individual passengers or accidents should be retained for a minimum of 7 years from the date of the incident.
- vii. When disposing of electronic storage media e.g. computer or server hard disks, upon which personal data has been stored (even if subsequently deleted), the Service Provider must ensure that it receives a certificate of destruction from an organisation accredited or certified for these purposes.

## APPENDIX A – Procedure if Parent/Carer Not At Home

### Driver and Passenger Assistant Procedure If Parent/Carer Not Home

There will be rare occasions when children are not able to be received home due to their parent/carer being delayed. In such cases the driver or passenger assistant must follow the guidance set out below. At all times drivers and/or passenger assistants must ensure the child is kept informed of what is happening and are not caused any undue stress or anxiety.

- All parents / guardians will be notified of the return times and drop off points and must be available to receive their child when s/he returns home.
- No child will be left alone, unless the Authority has previous written authorisation from the parent/carer, have informed the transport provider and that it is judged safe to do so by the driver or passenger assistant.
- If there is nobody at home or at the set-down point to receive the child, the driver will wait for five minutes.
- If after this time there is still nobody to receive the child then the driver or passenger assistant must put a note through the parents'/carer's door telling them that you will be returning with the child at the end of the route.
- If when the driver and passenger return to the child's home, there is still no one at home, the driver or passenger assistant must contact the Authority to obtain the name and address of any responsible adult who has been identified in advance by the parent who can take care of the child.
- If there is no alternative address or the alternative address cannot be used, the Authority will advise where the child should be taken. This may be a care centre, respite centre or similar address.
- A note must be left to inform the parent where their child is being taken.
- Driver and/or Passenger Assistant duties do not end until the last child has been delivered home or to the place notified by the Authority if the parent/carer are not home; on no account should this duty be delegated to any other person.
- Children must not be left unattended at any time. Do not take any risks as the consequences could be very serious. If in doubt contact the Authority or the School, or in an emergency ask the Police to help.

#### Contact numbers if Parent/Carer not at home:

**Transport Commissioning Office: 020 8545 3286**

If you believe that urgent action is needed because, for example, a child is in immediate danger or needs accommodation, phone 020 8545 4226 or 020 8545 4227  
(Out of hours: 020 8770 5000)

**Merton Police Station: 101**

## APPENDIX B - Relevant Legislation

- i. Children Act 1989
- ii. Children Act 2004
- iii. Children and Families Act 2014
- iv. The Care Act 2015
- v. Equality Act 2010
- vi. National Minimum Wage Act 1998
- vii. Human Rights Act 1998
- viii. The Gender Recognition Act 2004
- ix. Sex Discrimination Act 1975 as amended
- x. Disability Discrimination Act 2005
- xi. Employment Equality (Age) Regulations 2006
- xii. Health and Safety at Work Act 1974
- xiii. The Data Protection Act 2018
- xiv. Relevant Transport for London Taxi and Private Hire Regulations as set out <https://www.tfl.gov.uk/corporate/publications-and-reports/taxi-and-private-hire?intcmp=3162>

**Note:** This list is not exhaustive.



## APPENDIX C – Code of Conduct

# Driver and Passenger Assistant Behaviour Code of Conduct

### DO:

- Always wear your ID badge
- Do ensure you wear appropriate PPE and that the vehicle is ventilated appropriately
- Dress appropriately
- Report any incident that is 'out of the ordinary'
- Passengers must be collected from the door at all times unless special arrangements are made for parent to bring the child to the vehicle
- Passengers must be handed to Parents/Carers or School staff at all times
- When transporting passengers, especially when alone, remember it is important to keep to the agreed timetable route
- Call the passenger by their name only, do not use any terms that may be deemed unappropriated or misleading.
- Do communicate with passengers in a way that all can understand.
- Maintain clear appropriate boundaries and be professional
- Be aware that some passengers due to disabilities and medical conditions may require extra help and time
- Do report any delays in collection times ensuring your office is informed and onward reporting to parents, schools and Transport Commissioning
- Record and report all incidents of inappropriate or disruptive behaviour without delay via your employer. Where possible, the journey should be completed. In a case of serious incident, the vehicle should be stopped and the emergency services called. This must be reported on the day of incident
- If you should have any concerns that one of your passengers shows any signs of abuse, then you must record and report it to your office and onward reporting to Transport Commissioning
- Do report any cancellation of transport to your office for onward reporting to Transport Commissioning

### DO NOT:

- Do not exchange mobile phone numbers, email addresses. Full names, home addresses etc.
- Do not buy or give food or drink to passengers
- Do not accept or give gifts to passengers or parents/carers
- Do not use bad or inappropriate language
- Do not engage in conversation of a personal nature
- Do not enter into any contact via multimedia i.e. social media
- Do not under any circumstances take pictures of passengers
- Do not allow children to sit in the front of the vehicle
- Do not enter into any kind of relationship or have social contact with the passenger or their family
- Do not make unnecessary physical contact
- Do not allow food or drink to be consumed in the vehicle and consider if your clients may have any allergies related to food.
- Do not become involved in an argument. If challenged, please call either your office or the emergency services.
- Do not leave the vehicle unattended
- Do not smoke. It is not acceptable to smoke in any vehicle that is licensed under Transport for London as per their rules and regulations.
- Do not accept transport changes from you passengers parents or schools, these must come through your office, via Transport Commissioning
- Do not be afraid to ask for help. If a passenger's behaviour is causing a problem, don't struggle alone. Ask the school/centre or your employer for advice how to proceed.
- Do not transport students, wheelchairs without the proper seats or restraints
- Do not use mobile phones or other devices during the journey unless it is directly related to the provision of the service

**Remember: someone may misinterpret your actions, however well intentioned. Ask yourself are my actions fair, reasonable, warranted, proportionate, measured, safe and applied equally? If in doubt contact the Authority who will seek advice and give appropriate guidance**

# APPENDIX D – Covid 19 Driver and Passenger assistants instructions

Last updated 20 January 2020

## Covid 19 precautions – Instructions to drivers and passenger assistants working on Merton Council home to school transport journeys

Drivers and passenger assistants have the potential to spread Coronavirus to children who can in-turn spread the virus to other children and so on. It is also important to protect yourself in case a child is infected.

The following instructions follow a risk assessment undertaken by council officers in line with government guidance. It is essential that all drivers and passenger assistants follow these instructions.

The council has written to parents and schools to ensure they also undertake their role to protect everyone.

### Routine Testing

Merton Council has made Rapid Covid-19 (Lateral Flow Tests) tests available to drivers and passenger assistants to help protect themselves and the children and adults that they serve. We encourage all drivers and passenger to get tested on a regular basis, preferably at least once a week, and up to twice a week.

Tests are by appointment only through the internet on this link:

[https://self.merton.gov.uk/en/service/Book\\_a\\_lateral\\_flow\\_test](https://self.merton.gov.uk/en/service/Book_a_lateral_flow_test)

If you have no access to the internet you can call the council on 020 8274 5210 from Monday to Friday, 9am to 5pm and we can help.

### Whether you should be working

It is essential that drivers and passenger assistants must not transport children if:

1. You are required to self-isolate either because you have tested positive in a Coronavirus test or you know you have been in close contact with someone who has tested positive for Coronavirus e.g. a passenger. You should be informed under the government's Track and Trace process
2. If there is any sign of you displaying any of the following NHS published symptoms:
  - **high temperature** – this means you feel hot to touch on your chest or back (you do not need to measure your temperature)
  - **new, continuous cough** – this means coughing a lot for more than an hour, or 3 or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual)
  - **loss or change to your sense of smell or taste** – this means you've noticed you cannot smell or taste anything, or things smell or taste different to normal

If you are displaying any of the above symptoms or have tested positive from a Lateral Flow Tests you should visit GOV.UK to get a PCR test <https://www.gov.uk/get-coronavirus-test>

### Cleaning hands

Keeping hands clean is an important element to prevent spread of the virus and should be undertaken regularly. Government guidance is:

- It is essential that everyone washes their hands more often, using soap and water for at least 20 seconds. Hand washing with soap employs mechanical action that loosens bacteria and viruses from the skin, rinsing them into the drain. Drying hands afterwards makes the skin less hospitable to the virus. Hand sanitiser can be effective if soap is not available or the situation makes using soap less feasible (i.e. when outside) but using

hand sanitiser provides none of the virus-destroying friction that rubbing your hands together and rinsing with water provides")

### **PPE and face masks**

All Transport drivers and Passenger Assistants must wear facemasks when transporting children and in using them they must follow the London Councils' guidance in annex 1.

Other PPE is not required unless you are, by exception, requested to transport someone with coronavirus symptoms e.g. if a child with symptoms needs to get home from school safely. In this case full PPE will be required (fluid-resistant surgical face masks, disposable gloves, disposable plastic aprons and eye protection, for example a face visor or goggles)

Although most of those transported to school/college are children with special educational needs and so are not expected to wear face coverings so, some pupils may wish to do so. You should not assist them as this increases the risk of infection – pupils must be able to manage their own masks. If you note any issues in this regard you should contact your manager, who will then contact appropriate Merton Council staff.

### **Cleaning**

Drivers must undertake the following minimum cleaning regime:

- Inspection of vehicles before and after journey for any rubbish – clear and double bag
- Clean the vehicle before use by Merton pupils. In particular identify common touch areas in the vehicle for cleaning e.g. handles, windows, seat belts, backs of seats and head rest in front of where pupils, and specialist seating
- Consider use of anti-bacterial wipes for transport staff to use especially for longer journeys
- Wipes must be binned in line with the above

### **Ventilation**

Drivers must ensure that:

- The driver's windows to be open in vehicle wherever possible
- If not possible air conditioning should be set to take in outside air rather than just recirculate existing air (i.e. do not use anti-pollution setting etc.).

### **Pick up from home and arriving and exiting from school**

You should be vigilant to see if there are any signs from children and if in doubt you should not let them in your vehicle.

Where there is more than one child on a vehicle, there must be procedure for getting children on and off vehicles without close contact.

You should agree with the school safe places to drop off to minimise or avoid close contact. Schools have been asked to ensure there is not the risk of children queueing in close contact before entering the vehicle.

You may be asked to ensure children sit in designated seats to limit contact with other passengers, and distance in the vehicle as far as possible e.g. if possible children should not sit next to each other



### When do you need a face mask\*?

If you are in a vehicle helping to transport children or adults with physical or learning disabilities, and are within 2 metres of them (regardless of whether or not they are showing symptoms of COVID-19).

*\*Face masks do not need to be fluid-resistant.*

### Safe use and disposal of face masks

- Follow the guidance on how to safely put on/take off PPE.
- Only use masks once for each journey.
- Double bag the used mask to safely dispose.
- Set aside from other waste for 72 hours before disposal in general waste.
- Wash your hands after taking off the mask and handling waste.

## **APPENDIX E – Procedures for Crew allocation on Merton Council Routes**

- Service Providers are to interview each crew member by face to face contact or via a visual interface media, such as Skype video call, What's App video call or Zoom video call.
- Service Providers are to assess suitable English Language level, ensuring consideration is given that the crew member will need to communicate with parents, children, vulnerable adults, schools and other outside agencies and be able to articulate any information that may be necessary this would include being able to report on incidents or concerns relating to the job role..
- Service Providers are to assess the understanding that crew have related to Safeguarding – what area this relates to and assess if they have an understanding of how to respond when given a scenario based question
- Service Providers are to review all necessary documents as detailed below.

The documentation which is required to be reviewed is listed below for both Passenger assistant and Driver. In regard to the documents which must be produced for inspection, the Service Provider must ensure all documents are valid and in date and that they are the original document and not a copy.

### **PASSENGER ASSISTANTS – Documents required to be seen by Contactor – and copies to be sent to Transport Commissioning**

DBS, Proof of ID. Any training certificates relating to the work being undertaken, ie Safeguarding training, Epi Pen training, First Aid training. Pat's training. All paperwork must be originals

DBS documents are valid from the date of issue for a maximum of 3 years and must clearly show that the checks carried out covers both children and adults sections

PATs training certification are valid from the date of issue and will clearly show an expiry date

First aid certification are valid from the date of issue with a maximum period of 3 years at which time they are required to complete a refresher course.

Safeguarding Training to minimum of Level one standard are valid from the date of issue with a maximum period of 2 years at which time they are required to complete a refresher course.

Please also note any Positive Disclosures on a DBS – you will need to complete the Positive Disclosure document, giving full explanation as to the nature of the disclosure and how this person demonstrates their character since this disclosure. This will be reviewed by Senior Management before any agreement for this person to work for Merton.

### **DRIVERS – Documents required to be seen by Contactor – and copies to be sent to Transport Commissioning**

DBS, Proof of ID, Driver insurance documents, Driver PCO document and vehicle PCO documents, Driving Licence and Licence summary document ( which can be obtained from the DVLA online , please note this document is valid for a period of 3 weeks from the time of printing.) Any training certificates relating to the work being undertaken, ie Safeguarding training, Epi Pen training, First Aid training. Pat's training or Midas. All paperwork must be originals

Please also note any Positive Disclosures on a DBS – you will need to complete the Positive Disclosure document, giving full explanation as to the nature of the disclosure and how this person demonstrates their character since this disclosure. This will be reviewed by Senior Management before any agreement for this person to work for Merton.

DBS documents are valid from the date of issue for a maximum of 3 years and must clearly show that the checks carried out covers both children and adults sections

PATs training certification are valid from the date of issue and will clearly show an expiry date. If the driver transport passengers with wheelchairs the certification must include this section of certification) or equivalent Midas training which would incorporate this requirement.

First aid certification are valid from the date of issue with a maximum period of 3 years at which time, they are required to complete a refresher course.

Safeguarding Training to minimum of Level one standard are valid from the date of issue with a maximum period of 2 years at which time they are required to complete a refresher course.

## **APPENDIX F – Guidance on managing delays**

The Authority expects you to ensure that Service Providers' timings for transport are sufficient to allow for the usual variations in traffic volumes and that they review these where there are regular issues with late arrivals. The aim should be to arrive slightly early at the collection point or final destination.

In the event that there is an unavoidable delay (e.g. due to a traffic incident, vehicle problem, crew unavailability forcing a last minute change or, indeed, because the passenger has been delayed), prompt action needs to be taken to inform those affected as soon as possible and to advise the Authority's Transport Commissioning team.

Service Providers must ensure that crews inform their controllers/office staff as soon as they know they are running late or will be delayed – depending on the circumstances, Service Providers then need to notify anyone affected –

- Where the crew are going to be late picking up a passenger from home or dropping them back to home, the Authority would expect the Service Provider to inform the parent of the delay;
- Where the crew are going to be late picking up a passenger from or delivering them to school, college or other destination, the Authority would expect the Service Provider to inform the school or college, etc. of the delay;
- Where the delay affects a transport with more than one passenger, all parents affected must be informed.

The Service Providers' office teams rather than the crew should contact schools & parents.

Whenever there is a significant delay, the Service Provider also needs to inform the Authority's Transport Commissioning team as soon as possible.

Depending on the situation, the Authority will require the Service Provider to provide a written report detailing the circumstances giving rise to the delay.