

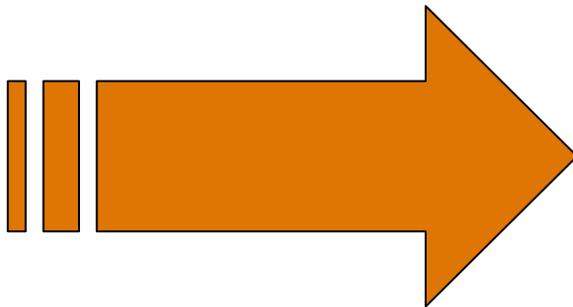


transport

Department:  
Transport  
REPUBLIC OF SOUTH AFRICA

## DRAFT NATIONAL LEARNER TRANSPORT POLICY

MAY 2015



## **MINISTERIAL FOREWORD**

Transportation of learners to their respective schools has always been a key challenge confronting government in South Africa. The department has through various studies, such as the National Household Travel Survey of 2013, and the interactions with affected stakeholders, noted that most learners have difficulty in accessing schools in both urban and rural settings.

The development of this learner transport policy aims to address the challenges of accessibility and safety of learners. The National Learner Transport Policy was developed in collaboration with the Department of Basic Education and other stakeholders.

This policy recognizes the need to bring a uniform approach to the transportation of learners and the fulfilment of the constitutional mandate of the department to provide a safe and efficient transport system. National Learner Transport Policy will further assist to achieve the objectives of the United Nations Decade of Action for Road Safety 2011-2020.

The development of this National Learner Transport Policy falls within the context of National Transport Policy. The policy seeks to support on-going efforts by Government to address the socio and economic development of the country through standardised implementation plans and alignment of strategic frameworks such as the Medium Term Strategic Framework (MTSF) 2014-2019 and the National Development Plan (NDP) 2030. In this regard the transport of learners must happen within the broad public transport policy framework. The Public Transport Strategy and Action Plan of 2009 ushered an integrated plan to deliver quality and reliable public transport infrastructure and services in terms of Integrated Public Transport Networks. The transport needs of learners will be addressed through this programme.

In the short-medium term, urgent measures will be implemented to improve on the performance of the subsidised learner transport programme in terms of its efficiency and effectiveness. Furthermore, proactive and targeted law enforcement will be undertaken to clamp down on the illegal learner transport operations that continue to affect the transportation of learners. In the medium to long term, measures will be implemented to ensure that learners transport is integrated into the mainstream public transport.

The development of this learner transport policy would not have been realized without the maximum participation of various stakeholders in both governmental and non-governmental sectors through various platforms during the formulation process. We trust that through this

policy, we as the Department of Transport, together with the Department of Basic Education and in consultation with various stakeholders, would address the challenges of access, safety and inefficiencies within the subsector. This will ensure that even learners in disadvantaged communities and deep in rural areas of the country, have access to schools and become part of the active economy in the near future.

**Ms Dipuo Peters**

**Minister of Transport**

## DEFINITIONS

In this policy -

**“bus”** means a motor vehicle designed, or modified to carry more than 35 persons (including the driver) as defined by the National Road Traffic Act 1996 (Act 93 of 1996);

**“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);

**“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”** any person receiving education or obliged to receive education in terms of South African Schools Act (Act 84 of 1996);

**“midibus”** means a subcategory of a bus, designed or modified solely or principally for the conveyance of more than 16 and not more than 35 persons (including the driver as defined by the National Road Traffic Act 1996, No. 93 of 1996);

**“minibus”** means a motor vehicle designed or modified solely or principally for the conveyance of more than nine, but not more than 16 persons, including the driver; as defined by the National Road Traffic Act 1996, No. 93 of 1996;

**“mode of transport”** Different types of transport – e.g. road or rail; maritime or aviation.

**“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;

**“public transport vehicle”** means a motor vehicle conveying persons for reward and operating in terms of an operating licence issued in accordance with the provision of the National Land Transport Act, No.5 of 2009 and as defined by the National Road Traffic Act, No. 93 of 1996;

**“Regulatory entity”** means the National Public Transport Regulator, a Provincial Regulatory Entity, or a municipality to which the operating licence function has been assigned in terms of the National Land Transport Act, No.5 of 2009;

**“School”** means a public school in terms of the South African Schools Act;

**“Universal design”** means the design of infrastructure, products, environment, programmes and services to be usable by all people, to address diversity of people including those with functional limitation.

## ACRONYMS

DBE	Department of Basic Education
DOT	Department of Transport
IDP	Integrated Development Plan
ITP	Integrated Transport Plan
IPTN	Integrated Public Transport Network
KM	Kilometres
KPI	Key Performance Indicators
LDV	Light Delivery Vehicle
MEC	Member of the Executive Committee of a Provincial Government
NLTSF	National Land Transport Strategic Framework
NRTR	National Road Traffic Regulations
NLTR	National Land Transport Regulations
NLTA	National Land Transport Act
OLS	Operating Licence Strategy
PDE	Provincial Department of Education
PDOT	Provincial Department of Transport
PJPC	Provincial Joint Planning Committee
PrDP	Professional Driving Permit
PLTF	Provincial Land Transport Framework
PRE	Provincial Regulatory Entity
SASA	South African Schools Act
SGB	School Governing Body
RTMC	Road Traffic Management Corporation

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## **EXECUTIVE SUMMARY**

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 resulting from 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 and security, as well as the cost of learner transport. Learners have difficulty accessing educational institutions due to inadequacy of learner transport and insufficient provision of schools in areas where they live. The situation is compounded by the transportation of learners in unroadworthy vehicles which results in high rate of accidents.

The implementation and management of learner transport has also taken different forms in the various provinces. In order to address the problems mentioned above, the Department of Transport (DOT) together with the Department of Basic Education (DBE) recognized the need to develop the National Learner Transport policy and change the current learner transport environment. The policy provides a uniform framework and an enabling environment for government and other stakeholders to address learner transport challenges.

The primary objectives of this National Learner Transport Policy is to provide uniform approach, norms and standards, 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 operational safety and efficiency, broad based access, equity and redress, operational sustainability and multi-modal integration. The target group of the policy for subsidised transport are learners who attend school from grade R to 12 and live in areas where they cannot access public transport services and schools and walk long distances to school.

The learner transport policy was developed in line with, and reinforces, other national transport policies and legislative prescripts including White Paper on National Transport

policy of 1996; National Land Transport Act of 2009; National Road Traffic Act of 1996 and its supporting regulations.

The learner transport policy articulates an institutional framework to facilitate the provision of learner transport in order to ensure that learner transport provision is rendered in an appropriate and co-ordinated manner. The policy recognises that the function is shared between the Departments of Transport and Basic Education and that proper intergovernmental relations mechanisms must be put in place to effectively implement learner transport programmes.

Furthermore, the policy articulates measures to address issues of safety, accessibility, management and monitoring. The list of policy areas is outlined below.

- Learner Transport Planning
- Learner Transport Safety and Security
- Criteria for Learner Transport Beneficiaries for subsidised services
- Service Design for learner transport
- Procurement of learner transport services
- Remuneration of learner transport operators
- Funding
- Modal integration
- Universal Design

Due to the shared responsibility of the function of learner transport at national and provincial levels, an effective inter-governmental mechanism to coordinate the provision of learner transport is vital. In this regard, a National Inter-Departmental Committee (NIDC) and Provincial Joint Planning Committees (PJPC) will be established. The institutional arrangement shall strengthen oversight and integrated reporting on the implementation of the policy.

Furthermore, Key Performance Indicators (KPIs) will be developed by the Department of Transport in collaboration with the Department of Education and other stakeholders to monitor and evaluate the implementation of the policy.

## SECTION 1

### 1.1 INTRODUCTION

1.1.1 South Africa endeavours to have a standardised approach in the planning, management and provision of learner transport services. The need for a uniform implementation approach with regard to learner transportation has influenced the need to develop a learner transport policy to address the challenges that learners face on a daily basis. This challenge was compounded by numerous factors ranging from road traffic accidents, the use of un-proclaimed Light Delivery Vehicles (LDVs), bad road conditions, un-roadworthy vehicles and over-loading. In addition, it was found that most of the operators cannot sustain their operations due to a differentiated tariff structure and delays in paying operators. This has impacted negatively on learners and in certain instances has violated the terms and conditions of the contracts on learner transport operations.

1.1.2 Provincial Education Departments have been providing learner transport to learners who do not have access to the nearest school within their communities. The purpose of this is to improve access to education and to ensure that learners are able to reach their schools in healthy and safe conditions, which enable effective learning.

**The NDP outlines six interlinked priorities, being:**

- Uniting all South Africans around a common programme to achieve prosperity and equity;
- Promoting active citizenry to strengthen development, democracy and accountability;
- Bringing about faster economic growth, higher investment and greater labour absorption;
- Focusing on key capabilities of people and the state; and

1.1.3 In a quest to improve efficiency in the provision of learner transport, alternative and innovative ways have been identified to better implement learner transport

- Encouraging strong leadership throughout society to work together to solve problems

operations. Inter-modal network planning and alignment of transport services is seen as a vital solution to the challenges outlined above. This planning takes into consideration the transportation needs of a learners and beyond as it focuses on the life-cycle of any transport user. Planning of learner transport is being informed by long-term transport user requirements and is in accordance with the principles of the National Development Plan (NDP).

1.1.4 The National Learner Transport policy would provide a guideline for a uniform remuneration of services to guide budgetary requirements. In addition, learner transport safety norms, standards and operational guidelines are being developed.

1.1.5 In the absence of a national learner transport policy framework, there is no uniform way of managing and operating learner transport. In some provinces, Provincial Departments of Education (PDOEs) collaborated with Provincial Departments of Transport (PDOTs) in an endeavour to improve learner transport services. However, this endeavour has led to fragmentation in management and resultant implications of poor coordination, as well as diverse funding methods. In addition to this some operations have collapsed due to unsustainable remuneration frameworks. The implementing departments will develop policy implementation strategies and plans in consultation with key learner transport stakeholders.

**Walking time for SA learners (according to the 2013 NHTS results:**

- 6,6 million learners across South Africa walk to get to their first transport
- 93,6% walk between 1 – 15 minutes; 5,4% between 16- 30 minutes; 1,4% walk 31 minutes or more to get to first transport
- 94,7% wait between 1 – 15 minutes; 54,5% between 16- 30 minutes; 10,8% walk 31 minutes or more to get to first transport
- 94% walk between 1 – 15 minutes; 54,3% between 16- 30 minutes; 1,6% walk 31 minutes or more to get to first transport

1.1.6 The Department acknowledges that learner transport should be integrated into public transport system as provided in the National Land Transport Act and the White Paper on Transport Policy. It is therefore paramount that this long term vision be considered in determining the roles and responsibilities of learner transport. The interim perspective is

to guide the management in terms of inter-governmental relations and to ensure that safe, reliable and cost effective learner transport solutions are provided.

1.1.7. The policy highlights, among others, the following challenges:

- Unsustainable operations through uneven mechanisms of compensating operators. The method of compensation for operators is not uniform throughout the provinces;
- Lack of co-ordinated planning between the Provincial Departments of Education and Transport and local authorities. The service is currently provided by one line function without much consultation with the other line function;
- 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 are involved in accidents as they are sometimes not roadworthy;
- The demand for learner transport is more than the current supply and this can be attributed to limited funding.

## **1.2 LEGISLATIVE AND POLICY CONTEXT**

1.2.1 The Constitution of the Republic of South Africa, 1996 Section 85(2) (b) mandates the Department of Transport to develop and implement transport policy. This mandate places a huge responsibility on the Department's role to ensure that transport policy development addresses the mobility needs of all citizens. It is in this context that the Department had to develop the first overarching learner transport policy for the country.

1.2.2 This learner transport policy is guided by the White Paper on National Transport Policy (1996), the National Land Transport Act, Act 05 of 2009, the National Land Transport Strategic Framework, the National Development Plan (NDP) and other legislations such as the National Road Traffic Act, Act 93 of 1996, South African Schools Act and the Child Act.

1.2.3. The National Development Plan (NDP) is a broad strategic framework. It 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. An effective and efficient transport system for learners play pivotal role in the realisation of the objectives of the NDP.

One of the objectives is that the proportion of people who use public transport will expand significantly and, by 2030, public transport will be user-friendly, less environmental damaging, cheaper and integrated or seamless.

The **NDP** has prioritises investment in the public transport (of which learner transport is a key component) through “public transport infrastructure and systems, including the renewal of the commuter rail fleet, supported by enhanced links with road-based services

1.2.4. The NDP requires that the Department of Transport consolidates and expands infrastructure with key focus on public transport infrastructure and systems, including the renewal of the commuter rail fleet, supported by enhanced links with road-services. Furthermore, the NDP calls for substantial investment to ensure safe, reliable and affordable public transport.

1.2.5. The development of a learner transport policy occurs within the national transport policy context. The 1996 National Transport White Paper puts forward the vision for the South African transport system as to:

Provide safe, reliable, effective, efficient and fully integrated transport operations and infrastructure which will best meet the needs of freight and passenger customers at improving levels of service and cost in a fashion which supports government strategies for economic and social development whilst being environmentally and economically sustainable.

1.2.6. The purpose of National Land Transport Act, No 05 of 2009 and its regulations is “to prescribe national principles, requirements, guidelines, frameworks and national norms and standards that must be applied uniformly in the provinces and other matters contemplated in section 146(2) of the Constitution.

- 1.2.7. 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 drivers and fitness of vehicles. The implementation of the policy shall take into cognisance the provision of the National Road Traffic Regulations.
- 1.2.8. 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.
- 1.2.9 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 General Education and Training (GET). Other than legal instruments, South Africa's overall development imperative suggests that quality senior secondary education should be accessible to all eligible learners.

### **1.3 SCOPE AND APPLICABILITY OF THE POLICY**

- 1.3.1 This policy is applicable for the transportation of learners from Grade R to Grade 12 including learners with disabilities as defined by the South African Schools Act of 1996.

### **1.4 VISION**

A safe, reliable and integrated transport service that caters for the needs of learners.

### **1.5 MISSION**

The mobility needs of learners shall be met through the provision of a safe, secure, reliable and affordable learner transport service to support social development and enhance future economic growth.

## **1.6 RATIONALE FOR THE POLICY**

1.6.1 The rationale for the policy is to improve access to quality education by providing safe, decent, effective, integrated and sustainable learner transport.

1.6.2 Learners, especially in rural communities experience transportation challenges in accessing educational centres. This policy seeks to define a holistic approach in the planning and management of learner transport services and to provide a regulatory framework through which learner transport would be best implemented and to attain the desired outcomes of effective learning.

1.6.3 A range of desired outputs as outlined below are essential for collaborative implementation of learner transport programmes. This collaborative implementation would provide a coherent solution to both the learner services and operators who find it difficult to sustain their operations due to an un-regulated fee structure, inadequate subsidies as well as inaccessible road networks and high operating costs.

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

- Timeous delivery of service;
- Rate of road accidents reduced;
- A coordinated approach in relation to planning and implementation;
- Learner transport operators that adhere to road traffic regulations;
- Viable and sustainable operations;
- Uniformity of services and tariff structure;
- A coherent performance monitoring system.

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

## **1.7 STRATEGIC OBJECTIVES**

1.7.1 To guide the implementation of a shared vision to improve access to quality education through a coordinated and aligned learner transport system.

1.7.2 To improve the planning and implementation of an integrated learner transport service.

**1.7.3** To ensure an effective management of learner transport system.

1.7.4 To provide reliable, safe and secure transport for learners through co-operation and collaboration with law enforcement authorities.

1.7.5 To provide for an effective institutional framework to coordinate the implementation of policy.

## **1.8 GUIDING POLICY PRINCIPLES**

This policy will be guided by the following broad principles:

1.8.1 Equity and redress,

1.8.2 Quality and effectiveness,

1.8.3 Operational safety and efficiency,

1.8.4 Operational sustainability, and

1.8.5 Multi-modal integration

## SECTION 2:

### 2.1 INSTITUTIONAL FRAMEWORK FOR LEARNER TRANSPORT IMPLEMENTATION

2.1.1 The implementation of learner transport policy will be undertaken in line with the provisions and principles set out in Chapter 3 of the Constitution in terms of Cooperative Governance. This is as result of the recognition that learner transport planning and implementation requires multi-sectoral coordination approach where various government departments will play significant roles. Coordination and cooperation between the departments and other stakeholders; fostering of friendly relation; supporting and consulting of one another are the cornerstones for the successful implementation of the policy.

2.1.2 Furthermore, the Intergovernmental Relations Framework Act of 2005 provides a framework for all spheres of government and other organs of state to facilitate coordination in the implementation of policy including effective provision of services, monitoring implementation of policy and realisation of national priorities.

2.1.3 National government will oversee the implementation of the policy in consultation of relevant stakeholders including provinces, municipalities and School Governing Bodies (SGBs). In this regard a National Inter-Departmental Committee (NIDC)

will be established to oversee and monitor the implementation of the policy in line with the key performance indicators developed. The NIDC shall comprise of the representatives from the National Department of Transport, National Department of Basic education and provinces. The NIDC will report to the Ministers of Transport

Section 4 section 41(1)(h) of the **RSA Constitution, Act No. 108 of 1996**, as amended, state that: "All spheres of government and organs of states within each sphere must cooperate with one another in mutual trust and good faith by-

- (i) fostering friendly relations;
- (ii) assisting and supporting one another;
- (iii) informing one another of, and consulting one another on, matters of common interest;
- (iv) co-ordinating their actions and legislation with one another;
- (v) adhering to agreed procedures; and
- (vi) avoiding legal proceedings against one another.

Section 4 of the **Intergovernmental Relations Framework Act, No. 13 of 2005** states the object of the Act as being to facilitate co-ordination in the implementation of policy and legislation, including:

- a) coherent government;
- b) effective provision of services;
- c) monitoring implementation of policy and legislation; and
- d) realisation of national priorities.

and Basic Education on the overall implementation of the learner transport programmes.

2.1.4 At the provincial and local level, institutional mechanism will be established to foster integrated planning, effective monitoring and delivery of learner transport services. These institutional mechanisms will endeavour to achieve the objectives set out in this policy. All relevant stakeholders must be part of these structure including the provincial Departments of Transport and Education, School Governing Bodies (SGBs), municipalities and law enforcement authorities.

2.1.5 Planning of learner transport must be discussed at provincial and municipal planning structures to ensure that it is integrated within the provincial strategies and municipalities in terms of the Provincial Land Transport Frameworks (PLTFs) and Integrated Transport Plans (ITPs). These must take into account road safety measures, transport infrastructure and operational matters that have an impact on the delivery of learner transport services.

## **2.2 TYPES OF LEARNER TRANSPORT SERVICES**

2.2.1 There are various service types through which learner transport can be provided. The provision of dedicated learner transport may take some time to be fully rolled-out. The mainstream public transport must be used to transport learners where possible including Integrated Public Transport Networks and conventional municipal bus services and midi/minibus type services. The service types include:

### **2.2.1.1 Dedicated Learner Transport Service**

- **Subsidized group:** These are operators who are providing a dedicated learner transport service and are receiving subsidy from the Department of Education and or Department of Transport. Learners are picked up and dropped off at designated points.
- **Non-subsidized group:** These are operators who are rendering a dedicated learner transport service and who are not receiving subsidy.
- **Class i:** These operators enter into contractual agreements with the parents and are performing a door-to-door service. Changing and fixed fees as agreed.

- **Class ii:** These operators have special arrangements with the learners who organize themselves into groupings and are picking up and dropped off at designated points. Learners pay fares on a per trip basis.

#### 2.2.1.2 Non-dedicated Service

- **Subsidized group:** These are operators who are providing general public transport services and are transporting learners with special subsidized tickets.
- **Non-subsidized group:** These are operators who are rendering a non-dedicated learner transport service and transporting learners without any government subsidies

2.2.2 The implementation of the national policy takes into account the distinct operational differences of these types of services. Challenges in the area of privately dedicated learner transport operations remain one of the issues that the policy is addressing. These issues includes amongst the use of unauthorised operators to transport learners; unroadworthy vehicles and the use of Light Delivery Vehicles (LDVs).

2.2.3 In the long term, the policy seeks to ensure that learner transport is integrated into the mainstream public transport services in terms of the Integrated Public Transport Network (IPTN) in both rural and urban areas. Dedicated subsidised learner transport services will continue to be implemented in areas where there are no public transport services.

2.2.4 The provisions of this policy in as far safe transportation of learners will apply in all types of services. The legislative requirements in terms of the National Land Transport Act (NLTA), National Road Traffic Act (NRTA) and its regulations are applicable to this services pertaining to the fitness of drivers and vehicles.

2.2.5 The implementing authority after consultation with relevant stakeholders will determine the type of services that is appropriate for their area of jurisdiction and for the beneficiaries. These operators shall comply with all the requirements of Learner Transport they shall display livery on their vehicles.

## **SECTION 3: POLICY FOCUS AREAS AND STATEMENTS**

### **3.1 Policy focus area 1: Learner Transport Planning**

Planning is fundamental to the success of learner transport provision. Inadequate planning could result in problems such as insufficient allocation of resources, wastage of resources and ultimately ineffective implementation of learner transport services. While there is evidence of planning for learner transport provision and co-ordination thereof in some provinces, the practice has not been uniform across the country. Therefore, there is a need for adequate learner transport planning and co-ordination across all spheres of government.

#### ***Policy Statements***

- 3.1.1 Implementing Departments including provinces and municipalities in consultation with relevant stakeholder are responsible for learner transport planning.
- 3.1.2 A joint planning committee on learner transport with representatives of the Provincial Department of Transport (PDOT) Provincial Department of Education (PDE), Municipalities will be established. Learner transport planning must start with determination of transport needs including safe and secure transportation of learners, transport infrastructure and facilities, drop-off and pickup points and others. This information should feed into the development of provincial learner transport strategies and Municipal Integrated Transport plans to ensure alignment and integration with other public transport programmes.

### **3.2 Policy focus area 2: Learner Transport Safety and Security**

The safe and secure transportation of learners is one of the pillars of this policy. Exposure to external factors that may pose a threat to safety of learners must be minimized. The security of learners will have to address factors such as hijackings, rape, violence and other potential life threatening incidents.

General and public transport legislation currently regulates learner transport as part of the broader transport system. The NLTA also pronounces on learner transport and regulations that have been issued by the Department of Transport. There is however, a need for a more inclusive and holistic approach regarding learner transport to comprehensively address learner transport in terms of safety and security.

### ***Policy Statements***

- 3.2.1 Learner transport vehicles used to transport learners have to meet the safety requirements of the National Road Traffic Act (Act No. 93 of 1996) applicable to the transportation of passengers.
- 3.2.2 Dedicated learner transport vehicles need to be marked and be easily identifiable. This shall make it easy for law enforcement agencies and other road users to notice vehicles transporting learners in terms of regulation 42 of the NLTA.
- 3.2.3 The implementing authorities, in collaboration with relevant stakeholders shall ensure that adequate safety and security measures are developed and taken whilst learners are in transit. Safety and security measures should be in line with applicable legislation.
- 3.2.4 The approach to learner transport safety must involve a set of different safety measures ranging from vehicle characteristics, the promotion of other safety measures, driver qualifications, measures to protect learners against sexual offenders; training and education to publicity and awareness actions aimed at all the stakeholders (learners, parents, teachers, drivers and authorities).
- 3.2.5 Learner transport operators are subject to comply with the provisions of the National Land Transport Act, No 05 of 2009 that no person is allowed to operate a road-based public transport without an operating licence and a PrDP in accordance with the National Road Traffic 1996 (Act No.93 of 1996).
- 3.2.6 Provincial Departments of Transport, National Traffic Police Unit and municipalities shall ensure that there is sufficient and efficient law enforcement to monitor these operators. Punitive measures shall be taken against operators that transport learners without regard to the National Road Traffic Regulations in unroadworthy vehicles and overloading. Provincial Departments of Transport must work closely

with Local Government to ensure that operators comply with the safety measures provided in the National Road Traffic Regulations (NRTR) and National Land Transport Regulations (NLTR) legislated by the Department of Transport.

3.2. 7 The Department of Transport together with the Department of Basic Education shall develop code of conduct for drivers and learners. The code of conduct shall contain details of the expected behaviour and measures for dealing with non-complying drivers and learners, procedures and responses in the case of emergencies including accidents, theft, hijackings and when a learner is seriously ill.

### **3.3 Policy focus area 3: Criteria for Learner Transport Beneficiaries for subsidised services**

Identification of learners who will be provided with subsidised learner transport is a crucial aspect in the provision of learner transport as this feeds into the planning process as well as the actual implementation of those plans. This is to ensure that learners that qualify to receive learner transport are provided with such services.

#### ***Policy Statement***

3.3.1 Provincial departments of Education shall be responsible for the selection of learners to benefit from the subsidised learner transport service. Learners shall be integrated to public transport system or Integrated Public Transport networks (IPTNs) wherever is available. Criteria shall not discriminate against gender and race, and will not deny access for learners from disadvantaged communities. Principals, after consultation with the School Governing Bodies (SGBs) must identify learner transport beneficiaries in line with the following criteria:

- Beneficiaries for subsidised learner transport must be a needy learner from Grade R to Grade 12 as prescribed.

- Learner transport must be to the nearest appropriate school. Parental choice of schools must not be subsidised. Parental choice refers to when parents prefer to enrol their children at schools other than the nearest suitable school.
- Priority must be given to learners with disabilities considering the nature of the disability as well as primary schools learners who walk long distances to schools.
- The inclusion of a learner into the subsidised services scheme must take into account existing learner transport services and that no learner transport must be provided in areas where public transport is available to avoid duplication of services and resources.

#### **3.4. Policy focus area 4: Service Design for learner transport**

The service design of learner transport services is a complex and detailed process which must ensure that coverage of the service area is adequately addressed. This process requires extensive consultation with other relevant stakeholders to ensure a fair distribution of learner transport services. The learner transport service designs should contain detailed route descriptions, vehicle types, timetables, trip cost, trip length, travel time, stops and ranking information.

##### ***Policy Statement***

- 3.4.1 The implementing departments in consultation with other relevant stakeholders must 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. This service designs should contain detailed route descriptions, vehicle types, timetables, trip cost, trip length, travel time, stops and ranking information.

#### **3.5 Policy focus area 5: Procurement of subsidised learner transport services**

Contracting of subsidised services need to be co-ordinated in order to ensure a uniform learner transport system for the entire country. Contracting authorities shall adhere to the procurement processes and procedures in securing learner transport service.

##### ***Policy Statement***

3.5.1 The implementing department must ensure that learner transport services are undertaken according to procurement legislation and Treasury regulations. The process must take into account the following:

- Only authorised operators with approved types of vehicles may be contracted for the learner transport provision.
- The duration of learner transport contracts should to a large extent be aligned to the one contemplated in the National Land Transport Act, No 05 of 2009. Contract duration may vary from short to long term depending on the merit of the services.
- A standard contract, to serve as a guide, shall be developed by the Department of Transport.

### **3.6 Policy focus area 6: Remuneration of subsidised learner transport operators**

There are various methods in which operators are remunerated depending on the nature and type of services rendered. These types of services include dedicated/subsidised and dedicated/non-subsidised. Public transport contracts specify the method of payment for services rendered.

#### ***Policy Statement***

3.6.1 A standardised measure of remuneration for subsidised learner transport shall be based on total kilometres travelled. Factors such as road conditions and travel distances shall determine the cost of a service.

### **3.7 Policy focus area 7: Funding**

Funding is critical to ensure that learner transport services are rendered on an on-going basis. Adequate and sustainable funding is critical for the provision of learner transport services. The Provincial Treasury currently provides funding to both Provincial Departments of Education and Transport.

#### ***Policy Statement***

3.7.1 Learner Transport will be funded through fiscus from the relevant treasuries' allocations

### **3.8 Policy Area 8: Integration**

One of the main problems confronting public transport is the lack of modal integration. This problem is often exacerbated by competing modes of transport and fragmented spatial settlement planning. This development has proved to be expensive and unsustainable. This also impacts negatively on the ability of learner to access educational institutions.

#### **Policy Statement**

**3.8.1** Implementing authorities must promote the use of all modes in the transportation of learners, including cycling, walking. Measures must be taken to ensure that the all modes are integrated and complement one another. Planning authorities and transport advisory committees are essential in integrating public transport services and land use patterns.

### **3.9. Policy focus Area 9: Universal Design**

Current learner transport does not make sufficient provision for the transportation of learners with physical disabilities to ensure the attainment of universal access to transport services.

#### ***Policy Statements***

3.9.1 Vehicles transporting learners must adhere to the requirements and principle of universal design, especially those that are transporting learners with disabilities.

3.9.2 All processes involved from planning to implementation must take cognisance of learners with disabilities and meet the required support.

### **3.10 Policy focus area 10: Law Enforcement**

The provision of learner transport needs to be properly regulated and policed to ensure compliance by operators and users. Municipal and provincial traffic law enforcers will play a major role in ensuring that the requirements and prescriptions

of this policy are met by learner transport service providers. The law enforcement strategies and plans must be focused the safety of learners in terms of fitness of drivers and vehicles transporting learners.

### ***Policy Statement***

3.10.1 The relevant law enforcement authorities shall ensure that there is sufficient and efficient law enforcement to monitor these operators. Punitive measures should be taken against operators that transport learners without regard to the national road traffic regulation in unroadworthy vehicles and overloading. Provincial Departments of Transport must work closely with Local Government to ensure that operators comply with the safety measures provided in the NRTR and NLTR legislated by the Department of Transport.

## **4. MONITORING AND EVALUATION**

4.1 The relevant structures at national, provincial and local shall perform monitoring and evaluation of the implementation of the policy objectives. Furthermore, an independent assessment shall be undertaken every three years on the impact of programme implementation. The key performance indicators of the National Learner Transport Policy will be developed by the Departments of Transport in consultation with the Department Basic Education and other stakeholders. In assessing the overall performance of the programme, safety transportation of learners, efficiency and effectiveness of the programme will be assessed.

4.2 Department of Transport, Basic Education and provincial departments of Transport and Education shall be responsible for promoting and communicating the objectives of the policy to public and other spheres of government.

## **5. REVIEW OF THE POLICY**

5.1 The Minister of Transport in terms of section 11(a) of the NLTA and the Minister will after consultations with the relevant stakeholders review the National Learner Transport Policy.

## **6. CONCLUSION**

- 6.1 This policy provides a uniform and integrated national framework of norms and standards regarding the governance and management of learner transport in South Africa. An incremental approach shall be followed as some provisions of the policy have to be gradually implemented to realise fully the National Development Plan's objectives.
- 6.2 Provinces must develop provincial learner transport implementation plans and strategic aligned with the national learner transport policy objectives but specific to their own environments. Local government's integrated transport plans should also be aligned with the provincial strategies in order to provide for a single platform of coordinated planning. Enforcement of this policy and other legislative prescripts that regulate safety transportation of learners is critical towards the realisation of the policy objectives.
- 6.3 The planning guidelines and management of learner transport plans shall conform to the National Land Transport Act requirements in terms of integrated transport planning approach. The provincial strategies and local government plans must be approved by the MEC and submitted to the Department of Transport at specified times. The department shall in turn submit the performance reports and related budget needs to Treasury. Provinces should not embark upon the formulation of policy or the adoption of practices that run contrary to the implementation of this policy.
- 6.4 The Department of Transport (DOT) in conjunction with the Department of Basic Education (DBE) shall through a National Inter-Departmental Committee facilitate and coordinate the smooth implementation of this policy. Likewise, provinces in conjunction with municipalities and other stakeholders must establish provincial intergovernmental structures to ensure the coordinated approach in the planning and implementation of the policy.
- 6.5 A framework for the implementation of the learner transport system will be provided. Those elements of the policy which require only administrative action will be implemented immediately. Those elements of the policy which require major

changes from existing practice may require phased implementation. Provinces should not embark upon the formulation of policy or the adoption of practices that run contrary to the implementation of this policy. The Department of Transport (DOT) in conjunction the Department of Basic Education (DBE) will facilitate the smooth transformation and implementation of this policy.

- 6.6 A national policy advocacy programme must be developed. The advocacy programme must clearly define the roles of the DOT and other stakeholders. Communication material to be used on national and provincial level must be developed by the DOT in conjunction with the Department of Basic Education (DBE) and provinces. The various target groups must be clearly defined. These should range from other relevant government departments, service providers, schools, parents, and local government structures.
- 6.7 In spite of the fact that the safety and service standards prescribed by this policy will contribute towards a safe and reliable learner transport service, involvement from stakeholders such as learner transport operators, communities, parents, local governments, schools, learners and teachers is critical. The smooth implementation of the standards could be ensured through:
- the promotion of school travel plans
  - road safety programmes in conjunction with the Road Traffic Management Corporation (RTMC)
  - training and education for learner transport drivers
  - active participation of all stakeholders in the planning process
- 6.8 Provinces must develop provincial learner transport plans and strategies aligned with the national learner transport policy. These plans, after approval by the MEC, must be submitted to the DOT at specified times which will allow the DOT in turn to submit the national learner transport budget to Treasury on time.

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