

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. 997

23 OCTOBER 2015

NATIONAL LEARNER TRANSPORT POLICY

JUNE 2015



TABLE OF CONTENT

FOREWORD BY THE MINISTER OF TRANSPORT	3
DEFINITIONS	5
ACRONYMS	7
EXECUTIVE SUMMARY	8
SECTION 1	
1.1 INTRODUCTION	10
1.2 LEGISLATIVE AND POLICY CONTEXT	12
1.3 SCOPE AND APPLICABILITY OF THE POLICY.....	14
1.4 VISION	14
1.5 MISSION	14
1.6 RATIONALE FOR THE POLICY	14
1.7 STRATEGIC OBJECTIVES FOR SCHOLAR TRANSPORT.....	15
1.8 GUIDING POLICY PRINCIPLES	16
SECTION 2	
2.1 INSTITUTIONAL FRAMEWORK FOR LEARNER TRANSPORT IMPLEMENTATION	17
2.2 TYPES OF LEARNER TRANSPORT SERVICES	18
SECTION 3 – POLICY FOCUS AREAS AND STATEMENTS	
3.1 LEARNER TRANSPORT PLANNING	20
3.2 LEARNER TRANSPORT SAFETY AND SECURITY.....	20
3.3 CRITERIA FOR BENEFICIARIES OF SUBSIDISED LEARNER TRANSPORT SERVICES	22
3.4 SERVICE DESIGN FOR LEARNER TRANSPORT	22
3.5 PROCUREMENT OF SUBSIDISED LEARNER TRANSPORT SERVICES	23
3.6 REMUNERATION OF SUBSIDISED LEARNER TRANSPORT OPERATORS..	23
3.7 FUNDING.....	24

3.8 MODAL INTEGRATION 24

3.9 UNIVERSAL DESIGN 25

3.10 LAW ENFORCEMENT 25

4. MONITORING AND EVALUATION 25

5. REVIEW OF THE POLICY 26

6. CONCLUSION 26

REFERENCES 28

FOREWORD BY THE MINISTER OF TRANSPORT

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 (NHTS) of 2013, and interactions with affected stakeholders noted that most learners have difficulty in accessing schools in both urban and rural settings.

The National Learner Transport Policy was developed in collaboration with the Department of Basic Education (DBE) and other stakeholders and aims to address the challenges of accessibility and the safety of learners.

This Policy recognises the need to have a uniform approach to the matter of transportation of learners and the fulfilment of the constitutional mandate of the Department to provide a safe and efficient transport system. Furthermore, the National Learner Transport Policy will assist in achieving the objectives of the United Nations Decade of Action for Road Safety 2011-2020.

The development of the National Learner Transport Policy falls within the context of national transport policy; it seeks to support on-going efforts by government to address the socio-economic development of the country through standardised implementation plans and the 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, 2009, ushered in an integrated plan to deliver quality and reliable public transport infrastructure and services for integrated public transport networks (IPTN).

In the short to medium term, urgent measures will be implemented to improve on the performance, i.e. efficiency and effectiveness, of the subsidised learner transport programme. 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 learner transport is integrated with mainstream public transport.

The development of this Policy would not have been realised 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 (DoT), together with the DBE and in consultation with various

stakeholders, will address the challenges of access, safety and inefficiencies within the system. This will ensure that even learners in disadvantaged communities and deep in rural areas of the country will have access to schools and become part of the active economy in the near future.



Ms Dipuo Peters

Minister of Transport

08/10/2015

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 No. 93 of 1996), hereinafter referred to as the "NRTA";

"certification of roadworthiness", in relation to a motor vehicle, means certification of roadworthiness in terms of section 42 of the NRTA;

"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 as defined by the National Land Transport Act, 2009 (Act No. 5 of 2009), hereinafter referred to as the "NLTA";

"learner" means any person receiving education or obliged to receive education in terms of the South African Schools Act, 1996 (Act No. 84 of 1996), hereinafter referred to as the "SASA";

"midibus" means a subcategory of bus designed or modified solely or principally for conveying more than 16 but not more than 35 seated persons, including the driver, as defined by the NLTA;

"minibus" means a motor vehicle designed or modified solely or principally for the conveyance of more than nine but not more than 16 seated persons, including the driver, as defined by the NLTA;

"mode of transport" means method or way of travel, e.g. by bus, taxi, train, bicycle or on foot;

"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 as defined by the NLTA;

"public transport vehicle" means a motor vehicle conveying persons for a fare or any other consideration or reward and operating in terms of a licence issued in accordance with the provision of the NLTA and as defined by the NRTA;

"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 NLTA;

"school" means a public school in terms of the SASA; and

"universal design" means the design of infrastructure, products, environments, programmes and services to be usable by all people and address the diversity of people, including those with functional limitations.

ACRONYMS

DBE	Department of Basic Education
DoT	Department of Transport
ITP	integrated transport plan
IPTN	integrated public transport network
KPI	key performance indicators
LDV	light delivery vehicle
MEC	Member of the Executive Committee
NDP	National Development Plan
NIDC	national interdepartmental committee
NHTS	National Household Travel Survey
NRTR	National Road Traffic Regulations
NLTR	National Land Transport Regulations
NLTA	National Land Transport Act
NRTA	National Road Traffic Act
SASA	South African Schools Act
SGB	school governing body

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 apartheid practices that ensured that the majority of society was placed in areas that were largely inaccessible, and 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 get to school, threats to their safety and security and the cost of transport. Learners have difficulty accessing educational institutions due to the inadequacy of learner transport and insufficient schools in areas where they live. The situation is compounded by the transportation of learners in unroadworthy vehicles, which results in a high rate of accidents. The implementation and management of learner transport has also taken different forms in the various provinces.

The DoT together with the DBE recognised the need to develop a national learner transport policy to address the problems mentioned above and to 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 Policy are to provide a uniform approach to norms and standards, promote coordination and cooperation among stakeholders, and provide a framework for monitoring and evaluation of learner transport services. Learner transport will be provided based on 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 for subsidised transport is learners who attend grade R to 12 and live in areas where they do not have access to public transport services and have to walk long distances to school.

The Policy was developed in line with, and reinforces, other national transport policies and legislative prescripts, including the White Paper on National Transport Policy of 1996, the NLTA, and the NRTA and its supporting regulations.

The Policy articulates an institutional framework to facilitate the provision of learner transport in order to ensure that learner transport is rendered in an appropriate and coordinated manner. In

addition, the Policy recognises that the function is shared between the DoT and the DBE 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 Policy focus areas are listed below.

- Learner transport planning
- Learner transport safety and security
- Criteria for beneficiaries of subsidised learner transport services
- Service design for learner transport
- Procurement of subsidised learner transport services
- Remuneration of subsidised learner transport operators
- Funding
- Modal integration
- Universal design
- Law enforcement

Due to the shared responsibility for learner transport at national and provincial levels an effective intergovernmental mechanism to coordinate the provision of learner transport is vital. In this regard, a national interdepartmental committee (NIDC) and provincial joint planning committees will be established. The institutional arrangement will strengthen oversight and integrated reporting on the implementation of the Policy.

Furthermore, key performance indicators (KPIs) will be developed by the DoT in collaboration with the DBE and related 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 to the planning, management and provision of learner transport services. The need for a uniform approach 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 unproclaimed light delivery vehicles (LDVs), bad road conditions, unroadworthy vehicles and overloading. In addition, it was found that most of the operators could not sustain their operations due to a differentiated tariff structure and delays in payment. This has had a negative impact on learners and in certain instances has violated the terms and conditions of the learner transport operations contracts.

1.1.2 Provincial education departments have been providing transport to learners who do not have access to their nearest school. The purpose of this is to improve access to education and to ensure that learners reach their schools in healthy and safe conditions in order to enable effective learning.

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 operations. Intermodal network planning and alignment of transport services is seen as a vital solution to the challenges outlined above. This form of planning takes into consideration the transportation needs of learners but goes further as it also focuses on the life cycle of any transport user. Planning of learner transport is informed by long-term transport user requirements and is in accordance with the principles of the NDP.

The NDP sets out the following six interlinked priorities:

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

1.1.4 The National Learner Transport Policy emphasises the need for a uniform remuneration regime for services in order 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 collaborated with provincial departments of transport in an endeavour to improve learner transport services. However, this had unintended consequences that led to fragmentation in management, poor coordination and diverse funding methods. In addition, some operations have collapsed due to unsustainable remuneration frameworks. Therefore, implementing departments will develop policy implementation strategies and plans in consultation with key learner transport stakeholders.

1.1.6 The Department acknowledges that learner transport should be integrated with the public transport system as provided in the NLTA and the White Paper on National Transport Policy (1996). It is therefore paramount that this long-term vision be considered in determining the roles and responsibilities of role players. The interim perspective is to guide management with regard to intergovernmental relations and to ensure that safe, reliable and cost-effective learner transport solutions are provided.

Walking and waiting time for SA learners, according to the 2013 NHTS results:

- 5,5 million learners across South Africa walked to get to their first transport; 93,6% walked for up to 15 minutes; 5,1% walked for 16-30 minutes; 0,3% of learners walked for more than 60 minutes.
- 5,3 million learners waited for their first transport to arrive; 94,7% waited for up to 15 minutes; 4,5% waited for 16-30 minutes; 0,8% of learners waited for more than 30 minutes.
- 5,1 million learners still had to walk a distance at the end of the trip; 94,0% walked for up to 15 minutes; 4,3% walked 16-30 minutes; 0,2% walked for more than 60 minutes.

1.1.7 The Policy highlights, among others, the following challenges:

- Unsustainable operations because the method of compensation for operators is not uniform throughout provinces;
- Lack of coordinated planning between the provincial departments of education and transport, and local authorities;

- Lack of clarity between departments of education and transport on roles, responsibilities and functions within provinces;
- Road safety, since many vehicles are involved in accidents as they are sometimes unroadworthy; and
- Demand for learner transport is more than the current supply; 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 DoT to develop and implement transport policy. Therefore, the Department must 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 The National Learner Transport Policy is guided by the White Paper on National Transport Policy (1996), the NLTA, the National Land Transport Strategic Framework, the NDP and other legislation such as the NRTA, the SASA, and the Children's Act, 2005 (Act No. 38 of 2005).

1.2.3 The NDP is a broad strategic framework that sets out a coherent and holistic approach to confronting poverty and inequality. One of the main priorities of the NDP is to improve the quality of education, skills development and innovation. Another objective of the NDP is that the proportion of people who use public transport will expand significantly; by 2030 public transport will be user-friendly, less environmentally damaging, cheaper and integrated or seamless. An effective and efficient transport system for learners therefore plays a pivotal role in the realisation of the objectives of the NDP.

The **NDP** has prioritised investment in 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 the DoT to consolidate and expand 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 White Paper on National Transport puts forward a vision of a South African transport system that will:

"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 the NLTA and the regulations made under the Act 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 The aim of the NRTA is to provide for road traffic matters which will apply uniformly throughout the Republic and for matters connected therewith. Matters concerned refer to registration and licensing of motor vehicles, and fitness of drivers and vehicles, among others. The implementation of the Policy must take into consideration the provisions of the National Road Traffic Regulations (NRTR), 2000.

1.2.8 The National Education Policy Act, 1996 (Act No. 27 of 1996), empowers the Minister of Basic Education to determine national norms and standards for educational planning, provision, governance, and monitoring and evaluation. The DBE is responsible for formulating policy, setting norms and standards, and monitoring and evaluating all levels of education.

1.2.9 Section 3 of the SASA, provides for a compulsory general education phase for learners from the age of seven until the age of 15 or grade 9, whichever occurs first. Provincial members of the Executive Committee (MECs) are responsible for ensuring that there are enough school places so that every child of eligible age can attend school and

receive the compulsory general education and training. 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 to the transportation of learners from grades R to 12, including learners with disabilities as defined by the SASA.

1.4 VISION

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

1.5 MISSION

To meet the mobility needs of learners 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 to the planning and management of learner transport services, 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 learner transport services and operators who find it difficult to sustain their operations due to an unregulated fee structure, inadequate subsidies, inaccessible road networks and high operating costs.

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

- Timeous delivery of service;
- Reduction in the rate of road accidents;
- Coordinated approach in relation to planning and implementation;
- Adherence to road traffic regulations by learner transport operators;
- Viable and sustainable operations;
- Uniformity of services and tariff structure; and
- Coherent performance monitoring system.

1.6.4 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 thrust of the Policy is to ensure that learners, schools, parents, communities, planners and law enforcement authorities are governed by a uniform set of priorities and regulations.

1.7 STRATEGIC OBJECTIVES

The strategic objectives of the Policy will be:

- 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 effective management of learner transport system;
- 1.7.4 To provide reliable, safe and secure transport for learners through cooperation and collaboration with law enforcement authorities; and
- 1.7.5 To provide for an effective institutional framework to coordinate implementation of the 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 the National Learner Transport Policy will be undertaken in line with the provisions and principles of cooperative governance as set out in Chapter 3 of the Constitution. This is as a result of the recognition that learner transport planning and implementation require a multi-sectoral coordination approach where various government departments play significant roles. Coordination and cooperation between departments and relevant stakeholders foster friendly relations; support and consultation with one another are the cornerstones for the successful implementation of the Policy.

2.1.2 Furthermore, the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), provides a framework for all spheres of government 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 with relevant stakeholders, including provinces, municipalities and school governing bodies (SGBs). An NIDC will be established to oversee and monitor the implementation of the Policy in line with the KPIs that will be developed as part of the implementation. The NIDC will consist of representatives from the DoT, DBE and provinces. The NIDC will report to the Ministers of Transport and Basic Education on the overall implementation of learner transport programmes.

Section 41(1)(h) of the **Constitution of the Republic of South Africa, 1996**, states 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) coordinating 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, 2005**, states that the object of the Act is "to facilitate coordination 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."

- 2.1.4 Institutional mechanism will be established at provincial and local level to foster integrated planning, effective monitoring and delivery of learner transport services. These mechanisms will endeavour to achieve the objectives set out in this Policy. All relevant stakeholders must be part of these structures, including provincial departments of transport and education, SGBs, municipalities and law enforcement authorities.
- 2.1.5 Planning of learner transport must be discussed by provincial and municipal planning structures to ensure that it is integrated with provincial strategies and municipalities in terms of provincial land transport frameworks 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 but it may take some time to fully roll-out the provision of dedicated learner transport services. Mainstream public transport must be used to transport learners where possible, including IPTNs, conventional municipal bus services and midi/minibus type services.

The types of learner transport services include:

2.2.1.1 Dedicated learner transport services

- **Subsidised group** – Operators who are providing a dedicated learner transport service and are receiving subsidy from the DBE and or DoT. Learners are picked up and dropped off at designated points.
- **Non-subsidised group** – Operators who are providing a dedicated learner transport service but are not receiving subsidy.
- **Class i** – Operators who enter into contractual agreements with parents and perform door-to-door services.
- **Class ii** – Operators who have special arrangements with learners. The learners organise themselves into groupings and are picked up and dropped off at designated points. Learners pay fares on a per trip basis.

2.2.1.2 Non-dedicated services

- **Subsidised group** – Operators who are providing general public transport services and are transporting learners with special subsidised tickets.
- **Non-subsidised group** – Operators who are providing a non-dedicated learner transport service and are transporting learners without any government subsidies.

2.2.2 The implementation of the National Learner Transport Policy takes into account the distinct operational differences between these types of services. Challenges in privately dedicated learner transport operations remain one of the issues that the Policy intends to address. These issues include, among others, the use of unauthorised operators to transport learners, unroadworthy vehicles and the use of LDVs.

2.2.3 In the long term, the Policy seeks to ensure that learner transport is integrated with mainstream public transport services according to the 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, as far as safe transportation of learners is concerned, will apply to all types of services. The legislative requirements in terms of the NLTA, NRTA and the regulations made under these Acts are applicable to 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 service that is appropriate for their area of jurisdiction and for the beneficiaries in that area. These operators must comply with all the requirements of the National Learner Transport Policy and must 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 and coordination of learner transport provision in some provinces, the practice has not been uniform across the country. Therefore, there is a need for adequate learner transport planning and coordination across all spheres of government.

Policy statement

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, provincial department of education and 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, and drop-off and pickup points. This information should feed into the development of provincial learner transport strategies and municipal ITPs 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. Therefore, exposure to external factors such as hijackings, rape, violence and other potential life threatening incidents that may pose a threat to the safety of learners must be minimised.

General and public transport legislation currently regulates learner transport as part of the broader transport system. The NLTA affirms the National Learner Transport Policy and regulations that have been issued by the DoT. There is, however, a need for a more inclusive and holistic approach regarding learner transport to comprehensively address the matter of learners' safety and security.

Policy statement

- 3.2.1 Vehicles used to transport learners have to meet the safety requirements of the NRTA applicable to the transportation of passengers.
- 3.2.2 Dedicated learner transport vehicles need to be marked to be easily identifiable. This will make it easy for law enforcement agencies and other road users to notice vehicles transporting learners in terms of regulation 42 of the Regulations made under the NLTA.
- 3.2.3 The implementing authorities, in collaboration with relevant stakeholders, must ensure that adequate safety and security measures are in place while learners are in transit. These safety and security measures should be in line with applicable legislation.
- 3.2.4 The approach to learner transport safety must involve a range of safety measures, including vehicle characteristics, promotion of other safety measures, driver qualifications, measures to protect learners against sexual offenders, training and education, and publicity and awareness actions aimed at all stakeholders (learners, parents, teachers, drivers and authorities).
- 3.2.5 Learner transport operators are subject to comply with the provision of the NLTA that no person is allowed to operate a road-based public transport service without an operating licence and a professional driving permit in accordance with the NRTA.
- 3.2.6 Provincial departments of transport, the National Traffic Police Unit and municipalities must ensure that there is sufficient and efficient law enforcement to monitor these operators. Punitive measures must be taken against operators who transport learners in unroadworthy and overloaded vehicles, without regard to the prescripts of the NRTR. Provincial departments of transport must work closely with municipalities to ensure that operators comply with the safety measures in the NRTR and National Land Transport Regulations (NLTR) legislated by the DoT.
- 3.2.7 The DoT together with the DBE must develop a code of conduct for drivers and learners. The code of conduct will contain details of the expected behaviour and measures for dealing with non-complying drivers and learners, and 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 beneficiaries of subsidised learner transport services

A crucial aspect of the provision of learner transport services is to identify learners who will be provided with subsidised services. This information feeds into the planning process and the actual implementation of those plans to ensure that learners who qualify for subsidised learner transport services are provided with such services.

Policy statement

3.3.1 Provincial departments of education will be responsible for selecting learners who will benefit from subsidised learner transport services. Learner transport will be integrated with public transport systems or IPTNs wherever they are available. The selection criteria must not discriminate on the basis of gender and race and must not deny access for learners from disadvantaged communities. Principals, after consultation with the SGBs, must identify beneficiaries of subsidised learner transport services in line with the following criteria:

- Beneficiaries must be needy learners from grade R to 12 as prescribed;
- Learner transport will be subsidised to the nearest appropriate school only and not to a school of parental choice (parental choice means parents prefer to enrol their children at schools other than the nearest suitable school);
- Priority must be given to learners with disabilities, taking into considering the nature of the disability;
- Priority must be given to primary schools learners who walk long distances to schools;
- Existing learner transport services must be taken into account when identifying beneficiaries as no learner transport services will be provided in areas where public transport is available in order to avoid duplication of services and resources.

3.4. Policy focus area 4: service design for learner transport

Service design for 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 design should contain detailed route

descriptions, vehicle types, timetables, trip costs, trip lengths, travel times, 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 road infrastructure, pick-up and drop off points (stops) and signage for the safe transportation of learners. This service design should contain detailed route descriptions, vehicle types, timetables, trip costs, trip lengths, travel times, stops and ranking information.

3.5 Policy focus area 5: procurement of subsidised learner transport services

Contracting of subsidised services needs to be coordinated in order to ensure a uniform learner transport system for the entire country. Contracting authorities must 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 following must be taken into account during the procurement process:

- Only authorised operators with approved types of vehicles may be contracted for learner transport provision;
- Learner transport contracts' duration should to a large extent be aligned to the duration contemplated in the NLTA; contract durations may vary from short to long term, depending on the merit of the services.

A standard contract, to serve as a guide, will be developed by the DoT.

3.6 Policy focus area 6: remuneration of subsidised learner transport operators

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

Policy statement

- 3.6.1 A standardised form of remuneration for subsidised learner transport will be based on total kilometres travelled. Factors such as road conditions and travel distances will 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 ongoing 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 focus area 8: modal integration

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

Policy statement

- 3.8.1 Implementing authorities must promote the use of all modes of transport available to learners, including cycling and walking. Measures must be taken to ensure that all modes of transport 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

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

Policy statement

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

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

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. Law enforcement strategies and plans must be focused on the safety of learners in terms of fitness of drivers and vehicles transporting learners.

Policy statement

3.10.1 The relevant law enforcement authorities must ensure that there is sufficient and efficient law enforcement to monitor these operators. Punitive measures must be taken against operators who transport learners in unroadworthy and overloaded vehicles, without regard to the prescripts of the NRTR. 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 DoT.

4. MONITORING AND EVALUATION

4.1 The relevant structures at national, provincial and local government level must monitor and evaluate implementation of the Policy objectives. Furthermore, an independent assessment must be undertaken every three years on the impact of programme implementation. The KPIs of the National Learner Transport Policy will be developed by the DoT in consultation with the DBE and other stakeholders. In assessing the overall

performance of the programme, safe transportation of learners, and efficiency and effectiveness of the programme will be assessed.

- 4.2 The DoT, DBE and provincial departments of transport and education will be responsible for promoting and communicating the objectives of the Policy to the 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 will, after consultation 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 will be followed as some provisions of the Policy will have to be gradually implemented to realise fully the NDP's objectives.
- 6.2 Provinces will develop provincial learner transport implementation plans and strategies aligned with the objectives of the National Learner Transport Policy but specific to their own environments. Municipalities' ITPs should also be aligned with provincial strategies in order to provide a single platform for coordinated planning. Enforcement of this Policy and other legislative prescripts that regulate safe transportation of learners is critical to the realisation of the Policy objectives.
- 6.3 The planning guidelines and management of learner transport plans must conform to the NLTA requirements in terms of integrated transport planning. The provincial strategies and local government plans must be approved by the MEC and submitted to the DoT at specified times. The Department must 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 DoT in conjunction with the DBE must, through an NIDC, 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 a coordinated approach in the planning and implementation of the Policy.

- 6.5 A framework for the implementation of the National Learner Transport Policy will be provided. The elements of the Policy that require only administrative action will be implemented immediately, but those that require major changes to 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 DoT in conjunction with the DBE will facilitate the smooth transformation and implementation of this Policy.
- 6.6 A national policy advocacy programme that clearly defines the roles of the DoT and other stakeholders will be developed. In addition, the DoT in conjunction with the DBE and provinces must develop communication material to be used at national and provincial level. The various target groups must be clearly defined and should include 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:
- promotion of school travel plans,
 - road safety programmes in conjunction with the Road Traffic Management Corporation,
 - training and education for learner transport drivers, and
 - 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.

REFERENCES

Department of Transport. 1996. National Road Traffic Act, 1996 (Act No. 93 of 1996). Government Printers. Pretoria.

Department of Transport. 1996. White Paper on National Transport Policy. Government Printers. Pretoria.

Department of Transport. 2000. National Land Transport Act, 2009 (Act No. 5 of 2009). Government Printers. Pretoria.

Republic of South Africa. 1996a. Constitution of the Republic of South Africa, 1996. Government Printers. Pretoria

Republic of South Africa. 1996b. National Education Policy Act, 1996 (Act No. 27 of 1996). Government Printers. Pretoria.

Republic of South Africa. 1996c. South African Schools Act, 1996 (Act No. 84 of 1996). Government Printers, Pretoria.

Republic of South Africa. 2010. National Development Plan, 2030. Government Printers. Pretoria.