

# DÁIL ÉIREANN

---

## AN COMHCHOISTE UM OIDEACHAS AGUS SCILEANNA

### JOINT COMMITTEE ON EDUCATION AND SKILLS

---

*Dé Máirt, 25 Meán Fómhair 2018*

*Tuesday, 25 September 2018*

---

The Joint Committee met at 3.30 p.m.

---

#### MEMBERS PRESENT:

Deputy Thomas Byrne,	Senator Maria Byrne,
Deputy Kathleen Funchion,	Senator Robbie Gallagher,
Deputy Catherine Martin,	Senator Paul Gavan,
	Senator Lynn Ruane.

In attendance: Deputies Bobby Aylward, Declan Breathnach, James Browne, Michael Collins, Danny Healy-Rae, Martin Kenny, Charlie McConalogue, Eamon Scanlon and Robert Troy and Senator Rose Conway-Walsh..

DEPUTY FIONA O'LOUGHLIN IN THE CHAIR.

### **Business of Joint Committee**

**Chairman:** Apologies have been received from Deputy Jan O’Sullivan. Deputy Thomas Byrne was in contact. He will be present but only briefly as he has another commitment.

I propose that we go into private session to deal with a number of matters.

*The joint committee went into private session at 3.35 p.m. and resumed in public session at 4.10 p.m.*

### **School Transport Scheme: Discussion**

**Chairman:** I remind members and witnesses to turn off their mobile phones or switch them to flight mode because, as we know, they interfere with the sound system and make it difficult for the parliamentary reporters to report the meeting. Television coverage and web streaming are also adversely affected.

We now move to No. 4 on our agenda today. The purpose of this part of the meeting is to have an engagement with stakeholders on the operation of the school transport scheme, including any provisions stipulating that the service provider is required to have measures in place to ensure that customers are provided with adequate customer service, including easy and timely access to information. We also intend to discuss specific arrangements regarding the provision of this service to children and students with special needs. We had the opportunity last year to have a discussion on this, at which the Minister was present and we were given an assurance that everything would be sorted for this year and we would not need to return to this topic. Just as the students were returning to school, however, indeed when we had our own education committee summer school, the calls came in fast and furious about blips in the service. Some of these, thankfully, have been resolved; some have still not been resolved almost a month later. We want to give an opportunity to the witnesses here from both Bus Éireann and the Department of Education and Skills to discuss some of these issues and then an opportunity to the members of the committee to question the witnesses. We may be joined by other Members. We have Deputy Breathnach here from Louth.

On behalf of the committee I welcome Mr. Stephen Kent, who is the acting CEO of Bus Éireann, Ms Miriam Flynn, the chief schools officer for Bus Éireann, Mr. Richard Dolan, a principal officer from the Department of Education and Skills, and Ms Shirley Kearney, an assistant principal officer from the Department. We know Bus Éireann has the contract from the Department but that equally Bus Éireann must have its own contracts. I think about 90% of the work Bus Éireann does is contracted out to subcontractors, so we appreciate the complexity of the work that is done.

The format of this part of the meeting is that I will invite the witnesses to make brief opening statements of about three minutes each, which will be followed by engagement with members of the committee.

## JOINT COMMITTEE ON EDUCATION AND SKILLS

Before we begin, I draw the attention of witnesses to the fact that by virtue of section 17(2) (l) of the Defamation Act 2009, they are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by me as Chairman to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable. I also advise them that any opening statements they have made to the committee will be published on the committee website after this meeting.

I remind members of the same long-standing parliamentary practice.

Without further ado, I call on Mr. Stephen Kent from Bus Éireann to make his opening statement.

**Mr. Stephen Kent:** With me today is my colleague, Ms Miriam Flynn, who is our chief schools officer. We are here at the invitation of the committee to address matters relating to the operation of the scheme and to provide an overview of the customer service and information specifically on the provision of our service to children with special needs.

I should say at the outset that we administer the school transport scheme on behalf of the Department of Education and Skills and only in accordance with the scheme's rules and guidelines. It is also subject to the policy and the instruction of the Department in all cases. We do not exercise discretion in respect of the policy, and all applications are simply dealt with in accordance with the rules and guidelines. It is also important to note that the operation of the scheme at present is for us highly complex and the scheme is administered only on a cost recovery basis. That is how we do it.

The operation of a safe school transport service, provided in an efficient and effective manner, is the highest priority for Bus Éireann in its management of the school transport scheme. In respect of ensuring the highest standards of safety, we always work with all the relevant stakeholders, including the Road Safety Authority, RSA, and the Health and Safety Authority, HSA, to ensure we improve the safety standards across all the national public service vehicle fleet. We apply very strict compliance criteria to all the contractors who operate on our behalf throughout the scheme.

Over the past decade in particular, the scheme has expanded dramatically in terms of vehicle numbers as the amount of services provided under the scheme has increased from 1,700 contractor vehicles in 1998 to almost 4,500 vehicles today. This year in the region of 300 new services were introduced by Bus Éireann on behalf of the Department of Education and Skills. The vast majority of these are implemented to cater for children with special educational needs. All the newly sanctioned services are opened to public tender. We must do it that way. In this respect, procurement of contractors can sometimes prove difficult in certain catchment areas, primarily as the economy recovers and alternative employment is made available. This factor has impacted our ability to deliver a very small number of services on time this year.

We manage the scheme impartially and uniformly on behalf of the Department nationally and do not have unilateral discretion to make local decisions that may be inconsistent with national policy. The eligibility criteria that must be satisfied by students who wish to avail of the service are set out under the guidelines of the scheme and implemented accordingly as re-

## SCHOOL TRANSPORT SCHEME: DISCUSSION

quired by the Department. A key focus of the recent media attention has been pupils who were ineligible not being accommodated on a service. The rules state that pupils who are eligible for school transport and who have completed the application process on time must be and are accommodated on school transport services where such services are in operation. We have confirmed that there is no shortage of places for these eligible children who have completed the application process and paid on time. Children who are not eligible for school transport but who completed the application process on time are considered for spare seats that may exist after the eligible children have been facilitated. These seats have been referred to as concessionary seats. Where the number of these applications for school transport exceeds the number of seats available, tickets are allocated using a random selection process. Under the terms of the scheme, the availability of transport for children who are not eligible varies from year to year, but this can only be based on the capacity of the buses operating on all the various routes. Capacity requirements are calculated according to the number of eligible children who qualify for the service. This is not expanded for concessionaries as this is not within the scheme's remit. We always prioritise the provision of places for eligible children, but sometimes there can be an excess of demand over supply for non-eligible places. It is worth noting that 27,500 tickets of this kind have already been issued this year.

Regarding special needs requirements, the principle of this scheme is applied not only where children in wheelchairs are concerned but to the transport needs of children attending the wide range of special schools and classes we serve in conjunction with the Department. We currently utilise over 2,500 vehicles every day to provide services for 12,700 children with special educational needs. The vast majority of these vehicles provide services door to door. This year has been different because we have received almost 2,800 new special educational needs, SEN, applications or requests for amendments to school services and this increase has certainly proved challenging in certain instances for the team at Bus Éireann.

There is a significant amount of work involved in many new special needs applications as the route must be newly established, tendered out, an award made and then an escort provided, in some cases by the school. Our staff are hugely committed to ensuring that any sanctioned service is provided as quickly as possible, but at times it has been a challenge to organise the combined availability of a suitable vehicle, a suitable driver and an escort, who must also meet the vetting criteria, for a specific case in a specific location. I assure the committee that we persist on this front and our dedicated staff always strive to ensure that the needs of every child sanctioned by the Department are met as soon as practicably possible.

This year we set up in conjunction with the Department a full programme of communications to try to improve our customer service provision. This included a dedicated call centre to assist parents with queries. An email was sent to all Deputies and Senators with information on the scheme addressing many of their frequently asked questions. This also included mobile numbers for all our regional school transport managers and our chief schools officer. We put in place a dedicated email, [reps@buseireann.ie](mailto:reps@buseireann.ie), monitored daily to ensure we get back to the public representatives. This year we have set up four email reminders to all the applicants to remind them of the closing date for payments. A fifth email was also sent to all eligible applicants who had not paid by the closing date. In addition, we deployed social media channels and a website to provide additional reminders, trying to ensure we got all the applications in on time.

We have been operating this scheme and carrying the children of the State for over 50 years now. We are passionately committed to providing the service and want to do so for many years to come. We welcome the expansion of the special needs scheme in recent years but we must

also continue to refine strategically our own resources, processes, procedures and technology to ensure we support the growing needs of the scheme in close liaison with the Department of Education and Skills. I thank all the members for the opportunity to address the committee. We are happy to deal with any questions.

**Chairman:** I thank Mr. Kent. I now ask Mr. Richard Dolan, principal officer in the Department of Education and Skills, to address us.

**Mr. Richard Dolan:** I thank the Chairman and the committee for this opportunity to address it on the subject of school transport. The school transport scheme is an administrative scheme established in 1968, as the committee is aware. It was created to facilitate access to primary and post-primary education for those children who, because of where they reside, might otherwise have difficulty in attending school regularly. School transport is a significant national operation managed by Bus Éireann on behalf of the Department. During the 2017-18 school year more than 117,000 children, including more than 12,700 children with special educational needs, were transported daily to primary and post-primary schools throughout the country. This involved over 4,500 vehicles covering over 100 million km. Growth in the numbers of children with special educational needs seeking school transport is a notable development in recent years. In 2017, the total cost of providing school transport amounted to almost €190 million. This includes direct transport services and grant payments. It also includes funding schools for the employment of school transport escorts to accompany children with special educational needs whose care and safety needs require this support.

The purpose of the Department's scheme is, having regard to available resources, to support the transport to and from school of children who reside remote from the nearest school. The key eligibility criterion for the school transport scheme is attendance at the nearest school, subject also to meeting the requisite distance criteria. Families of eligible children living in areas where it is uneconomic to provide a transport service are eligible for the remote area grant towards the cost of making private transport arrangements. A number of non-eligible children are also transported in those circumstances in which bus places are available after all eligible children are catered for. This transport is provided in the interests of maximising the utilisation of the existing fleet and providing a service to families where the capacity exists to do so. Since the number of spare places available is dependent on the number of eligible children requiring transport, there can be no guarantee from year to year of a place for those who do not meet the eligibility criteria.

Changes to the mainstream school transport scheme were announced in budget 2011. These were based on the recommendations of a comprehensive value-for-money review of the scheme. The changes announced included the cessation of the closed or central school rule at primary level, the cessation of the catchment boundary area system to determine eligibility at post-primary level and an increase from seven to ten in the minimum number of eligible children required to establish or retain a service. Cognisant of the fact that an immediate application of the changes would result in withdrawal of service from a significant number of children, a number of ministerially approved policy measures were put in place to mitigate the effect on children for the duration of their school cycle. The effect of these measures has been to facilitate significant numbers of ineligible children availing of school transport over recent years. The provision of such transport comes at a cost as it means we have not restructured the fleet to cater more optimally for eligible children.

The purpose of the Department's school transport scheme for children with special educational needs is, having regard to available resources, to support the transport to and from school

of children with special educational needs arising from a diagnosed disability. In general, such children are eligible for school transport if they are attending the nearest recognised mainstream school or unit that is or can be resourced to meet their special educational needs under the Department's criteria. Eligibility is determined following consultation with the National Council for Special Education through its network of special educational needs organisers. Decisions on transport eligibility are based on the prevailing circumstances at the time of first enrolment. The Department and Bus Éireann are very conscious of the specialised nature of transport provision for children with special educational needs. This is reflected in the standard of service provided and by Bus Éireann's factoring the individual requirements of the child concerned into the planning of these services, which generally operate on a door-to-door basis. Eligible children are exempt from school transport charges on this scheme. A special transport grant towards the cost of private transport arrangements may be provided in certain situations, such as where Bus Éireann is not in a position to provide a transport service; a child's age, behavioural difficulties or medical needs are such as to make the provision of a transport service impracticable; or an escort is considered necessary and the provision of such support is not feasible.

As indicated earlier, the scheme has grown significantly in recent years. The number of children availing of the special educational needs scheme has increased by 3,512 from more than 9,000 in 2013-14 to almost 13,000 in 2017-18, and the overall cost of the scheme, including grants, payments to contractors and funding in respect of school transport escorts, has risen by over €27 million from €64 million to over €91 million over the same period.

At a current cost of €190 million, school transport represents a significant expenditure of taxpayers' money. The scheme is under financial pressure from increasing demographics at primary and post-primary level and from the increase in the numbers of children with special educational needs being transported. As reflected in the 2011 value-for-money review and consequent 2012 rule changes, current policy is to move to a more optimal structure of the transport fleet in order to deliver value for money while ensuring that demographic pressures among the growing cohort of eligible children are catered for. The policy and the available Exchequer allocation do not support the provision of additional transport services for ineligible children. At an operational level, the Department is currently engaged with Bus Éireann in examining existing route provision to ensure that eligible children are as well served as possible in respect of their transport needs. Similarly, the Department is engaged with Bus Éireann in looking at how the entire process of ticketing and seat allocation can be streamlined such that parents and children know on a timely basis the availability of places on school transport.

**Chairman:** I thank Mr. Dolan for that. I will now open the debate to the members. I ask Deputy Thomas Byrne to address us first.

**Deputy Thomas Byrne:** I apologise but I will have to leave after I ask my questions because there is something else I have to go to. I am certainly very interested in the answers to the questions. I have some very specific ones, as do many of my colleagues here. Are there exceptions in practice to the ten-pupil rule? Is it fixed or are there exceptions here, there and everywhere? Are some late applications accepted? These questions may be for Bus Éireann and the Department because it seems that some are accepted. Perhaps the delegates might confirm if that is the case.

I wish the Minister was here because I have some serious criticisms which I would not like to direct at the officials. They are really directed at the Minister, but, unfortunately, the officials have to answer them.

There is language used with regard to children with special needs to the effect that the numbers are growing and that the cost is rising, which is a problem. I find the use of such language disturbing. It describes the scheme as being under financial pressure, yet nobody says the State pension scheme or the carers' allowance scheme is under financial pressure. Why is this service deemed to be under financial pressure?

My Fianna Fáil colleagues will speak about the issues surrounding eligibility and catchment areas. I want to ask the delegates about the transport service provided for children with special needs, about which many excuses are given. Some of them are that it takes a long time to organise the tender documents, escorts and so on. Is it also the case that a huge number of applications were not even sanctioned at the beginning of the school year? I received an email from a constituent on 13 September stating she had just received notification that the provision of school transport had been approved. This puts the school principal in a position where they have to seek to hire an escort and Garda clearance. I tabled a parliamentary question about the number of applications for school transport that had not been dealt with for children with special needs. At the start of the year there were 500 cases. Will the delegates confirm if there were still applications in the system?

It has been put to me by parents who were told by Bus Éireann staff that some individuals within Bus Éireann who dealt with the provision of transport for children with special needs had been seconded for the Papal visit. Will the delegates indicate if the answer is "Yes" or "No"? If it is "No", I absolutely accept it, but more than one parent was told that they had, which is why they was such frustration.

I pay tribute to the Bus Éireann staff with whom we deal in seeking answers to representations. It seems they are few in number. We receive emails at all hours of the day and night and it concerns me whether Bus Éireann has the necessary resources to deal with queries and issue responses. There is a particular individual from whom I receive emails even on a Sunday morning. This is a tribute to her, but it is also an indictment of Bus Éireann and the Department that there are not enough staff to deal with these issues. Perhaps the officials might tell us how many staff in the Department deal with school transport issues.

**Chairman:** I thank the Deputy.

**Deputy Catherine Martin:** It is important that the delegates are present because as we approached the start of the new school term in September, many of us were receiving telephone calls from distraught parents who did not know how their children would get to school such was the level of uncertainty. As the delegates said, I appreciate that the delivery of the school transport service can be highly complex, but it is also very frustrating for parents. In his presentation Mr. Kent referred to the call line, but when I received telephone calls from parents in August, my office contacted the call centre and the average waiting time on hold on the line was 20 minutes. Sometimes one was left on hold for 30 or 35 minutes. When we eventually got through, we were told by the operator that we needed to be put through to the central office, to which they had no direct line; rather, we had to hang up and they got back to us when they had got through to the central office. I do not believe that is the way it should operate. Two days later, having been called back, we managed to get a telephone number for head office. We rang it 15 times over two days, but the number rang out every time without going to voicemail. One can imagine the frustration experienced by a parent. I am present as a representative, not as a parent with only days to go before his or her child goes to school. Something needs to change before next year.

## SCHOOL TRANSPORT SCHEME: DISCUSSION

I shall give as examples two schools in my area to demonstrate the frustration felt by parents. Mr. Richard Dolan has been exceptionally helpful in getting one of the issues deservedly over the line, for which I thank him. Finally there was someone in the Department to whom we could talk. One could not make it up. One case turned into a two-year saga. There was a Gaelscoil that had every right to a bus service. Two years ago I met the Minister of State, Deputy John Halligan, and departmental officials to discuss the matter, but a different Gaelscoil in the area which had not applied for a bus service received one. We started from square one again earlier this year and were told that the school would definitely receive a bus service. Come August, however, there was no bus service. We found out that Bus Éireann had a bus, but it appeared that the school had been confused with the other Gaelscoil. I had parents crying on the telephone to me because for two years the two Gaelscoileanna had been confused. It was a strange scenario. A parent who had been crying on the telephone had a next door neighbour who had said to her “Guess what? We got a bus for we had not even asked. It is amazing.” Fool me once, shame on you; fool me twice, shame on me. The same mistake was made twice within two years. Something needs to be done.

The second case involves the Ballinteer Educate Together school which is temporarily co-located with a second level school in Dundrum. It moved last year to a different campus in Churchtown and meets the distance criteria and so on. There is a need for greater communication between Departments when schools move as they await planning permission for a permanent home. They should automatically receive a school bus service if they move to an area more than 4 km away. The school applied, backed up with a spreadsheet listing some 100 physical applications and containing information on all of the applicants and the distances involved to support its claim. The Department confirmed receipt of the application and confirmed that it had relayed it and the supporting spreadsheet to Bus Éireann. The school then received notification that its application had been deemed to be unsuccessful. The letter stated: “Bus Éireann has confirmed that a total of 19 children are eligible for school transport, but of the 19 eligible children, only eight have actually applied for school transport”. The school has still not been able to get to the bottom of the matter and has no idea what happened. Because of data protection regulations there is no way to find out who applied. There is utter confusion.

The school applied again for a bus service in the 2018-19 school year and encouraged parents to apply again through the online application service. More than ten were told on the site that they had been deemed to be eligible to apply. However, they all received rejection notices. One parent appealed the decision and was awarded the remote travel grant. Parents have reached the stage where they are so frustrated that they do not even feel like appealing the decisions made. How can we have trust that Bus Éireann will have the resources in place to deal properly with the allocation of school transport services for all? More importantly, how can we justify having a system in place that seems to just chip away at everybody who engages with it, to the point where parents just give up and the Department does not have to deal with them anymore? That has been the way in cases with which I have dealt in my constituency in the past few years.

In the case of the Gaelscoil, had it not been for the persistence of five mothers who just would not give up, who were in tears on the telephone in describing their personal circumstances and indicating why they needed a service, they got their applications over the line. In the case of the other school, however, the parents are beyond exhausted. They have other circumstances with which to deal in having to move to a temporary location and do not know if there will ever be a permanent school building. Given the mess that has been made in dealing with applications, how can the Department restore faith in the system?



**Deputy Kathleen Funchion:** I am delighted to have the chance to deal with these issues because finally there are real human beings on the other side of the room at whom we can look and with whom we can raise them. There are serious problems in the Kilkenny area that are currently ongoing and unresolved a month into the school year. In the areas of Gowran, Paulstown, Ballyhale, Thomastown and Inistioge there are about 30 children who currently have no way of getting to school. Deputy Aylward will back me up on this. I am really disappointed that the Minister is not here himself.

There is a major issue with the fact that the two Ministers with responsibility in this are city based. They have no idea what it is like to be from a rural area. They have absolutely no sympathy with kids in rural communities trying to get to school and parents who have taken leave from work or are trying to get to their own jobs and get their kids to school. The parents have done a huge amount of research and in a lot of cases there are spaces on the buses that are passing by these children in the morning. It is not a case of needing an additional bus. I understand Ballyhale does need an additional bus but there are between ten and 12 children affected in that area. It is not a case of one or two kids, and even if it was, they would need to be accommodated. There are huge numbers of children unable to get to school. Parents cannot get answers. The Minister did a disappearing act and nobody could get him - he went down to his constituency office. I sent these details in to the Department and got onto the Minister directly and I still have not heard anything back. I sent all the details, the names, addresses and PPS numbers of all the individual children and we are still waiting on information as to what exactly is going to happen. It seems to be okay with the Department if these kids just drop out at fourth and fifth class because obviously nobody has any interest in providing transport for them.

It is so unacceptable it is hard to find the words for it. If parents were not sending their children to school through some fault of their own, we would be down on them like a tonne of bricks. However, when parents are saying they want to send their kids to school and that they want to try to go to work themselves, there is absolutely no support. They cannot even get a human on the end of the phone line or responding to emails to answer any of their questions. Are the witnesses aware of those situations? I would be shocked if they were not. What is being done for those kids and when will they have school transport? Please do not say it cannot be done because we have just heard that the Department has provided 300 additional spaces this year. Common sense has to prevail at some point. Somebody has to say it is not acceptable for at least 30 children in a county not to have access to school transport. It is just not acceptable.

The other issue I want to raise is the lady who had to go to the media with her story. She had to spread her whole life and that of her family and her son over the airwaves to get any sort of support or help. I met with her last week and she was saying that during the whole process there was no single contact person for her. She was ringing up and telling her story again and again from the start, repeating all the information to a new person each time. When the transport was sanctioned, the home support was taken away from the child yet the bus was not provided. He went the best part of a year without any schooling. Something needs to be done there. While the bus might be sanctioned, the home school support should not be taken away until the bus is provided. I want to know how come there was a miracle in that case and the very next morning they were able to provide a bus. That seems like someone dropped the ball somewhere and the bus had been available long before the lady was told about it. There is no way something happens at 2 p.m. on a Tuesday and by 9 a.m. on a Wednesday there is a bus, a bus escort and everything ready to go. It is just unbelievable. That child will have suffered from not being able to attend school. There are all the effects it has on a child's mental health. Is there any follow-up service with the Department for that child to get the additional supports he is going

SCHOOL TRANSPORT SCHEME: DISCUSSION

to need for having missed out on the social aspect of school and the knock-on effect of that?

**Chairman:** To clarify, the Minister was not invited to this meeting. This meeting is purely to-----

**Deputy Kathleen Funchion:** I am sure he knows the meeting is on.

**Chairman:** It is purely to establish the facts; we will be reporting to the Minister and making recommendations.

**Deputy Kathleen Funchion:** I think the Minister should be here.

**Chairman:** Just in case there was a sense that he had not turned up, I want to make it very clear that he was not invited to this meeting. I am sure he is aware through the Department that the meeting is on. We will in the next stage of the process be issuing recommendations and a report. I just want to clarify that.

I will go back to the witnesses and invite them to respond to the three members.

**Mr. Stephen Kent:** I will comment on the customer service aspect. I regret if somebody has not got through. It is not for lack of trying and we will have to do better. That is all I can say, and we commit to trying to review it every year. We looked at this last year. We do not want to find ourselves on this side of the fence having to defend this position, that is the reality. Last year we listened to a number of issues that arose to see if we could improve on it. We tried to put in place a system that we thought could address a lot of the queries that were going to come in. It is compressed into such a short time and we end up experiencing a huge volume. In trying to predict what that volume would be, given the situation, we obviously did not clear the hurdle.

We took 35,000 calls into our centre and put in 15 extra people to be able to receive the calls. Their job was to liaise within the individual functions, deal with the cases and ensure a response was issued. That was happening and in addition to that we had our own call centre. In the last few weeks coming up into August they were taking 1,200 calls a day. We were trying to deal with it also in our central office, where we dealt with about 10,000 emails on individual cases. I could give the committee all the statistics it wants but I know it would not provide the answer. The reality is that it was hugely compressed into a two to three week period when we had to deal with that volume. It was not for lack of resource; we just obviously believed that the resource we were putting in place might have been adequate. In this instance, we have obviously fallen short. We will just have to take that as a learning for next year and see if we can improve on it.

On the close-off date for mainstream, we made huge efforts to get all of those applications in by 27 July. That allows us a brief window to get our services and the routes set up and, if necessary, tendered. It is a very brief window to try to deal with all the queries that come in. They do not come in sequentially but all in different places with different schools. We are still charged with a responsibility to the State and to the scheme to make sure that we are not doing it inefficiently so we are trying to load those buses and make sure there are sufficient people on every bus and we are utilising the vehicle and driver to the best of our ability. There is always juggling in respect of trying to load up, maximise the capacity of eligible children on those buses and make sure we deploy them efficiently and then, where we can, find out what we have to deal with on a concessionary basis.

I can only say that I regret the Deputy had certain instances where she had to call 15 times. That is certainly not what our provision is set up to do. We thought we would be in a much bet-

ter place in that regard and I ask the Deputy to bear in mind that we were, because we know how many are after being put on it. At the moment we have 101,000 people deployed. Out there travelling today are 115,000 children who were put on the buses by our staff and the people who were deployed to put in the customer service provision. We are charged with trying to get up in the morning to try to make sure that no child is left by the side of the road and we were successful in that for 115,000, which is about 98% to 99% of what came at us. Always, the game will be about trying to close that 1% and I think that is what we will strive to do better with next year.

**Deputy Catherine Martin:** I appreciate Mr. Kent saying he has regrets in respect of the call centre and that he will try to do better next year but what is being put in place to make sure it is better? If Bus Éireann took on 15 extra people and it was 1,200 calls a day or an extra 35,000 calls, is there an official review stating the demand in August 2018 and that 100 extra people will be needed next year? Who makes that call? When will the decision be made? I presume it is in the coming months.

**Mr. Stephen Kent:** We will do it - even last year, we did so much better last year with all of the email and the social media trying to get in as many applications and entries in advance of that. We were significantly ahead of where we had been. On certain days we were 30% up on last year. We actually closed in as we were coming towards the end of August; we regarded ourselves as being in the best position we have ever been in in the delivery of the scheme. That would not be just our view but the view of the Department as well. We were getting ourselves in a good position. In reality at the moment it is about discovering where we are. We will have a day by day tracker. Those metrics have been put in place for next year to see if we are tracking ahead of or behind that. This is information that we did not have in place in previous years. We were always scrambling around, trying to figure out what days, when it would arrive and when the peak two days would come. We know what happens when we trigger four or five emails and what it will take. One would hope that it would not take that many, but it does. We may end up having to trigger six or seven emails through next year, take the learning away and then deploy it. Will we need 15 or 20 next year? That is possibly where we may have to gear ourselves up to. We were doing well up to that particular point. There will be a learning because the learning was built in this year, to try to do it and we were much better. We will have to build on that for next year.

**Chairman:** I will ask Mr. Richard Dolan to respond.

**Mr. Richard Dolan:** I thank the Chair. Members posed a number of questions and I will do my best to cover them all. If I miss some, I ask the Chairman to remind me. Deputy Byrne asked a few specific questions related to minimum numbers. We do not establish a new service for ten or fewer users but because of ministerial decisions not to reduce the size of the fleet in recent years, there are some services around the country with fewer than ten children using them. I am sure committee members are aware of the overall Special Educational Needs, SEN, process but I will summarise it now. Applications come to the Department through the Special Education Needs Officer, SENO, and the National Council for Special Education, NCSE. We have a role in approving or refusing the application. Once approved, we pass the application through to Bus Éireann which looks at current transport services in operation and determines the most effective method of transporting the child. That can be done in a number of ways. If there is an existing service with spare capacity that is suitable for the child, it will be used. In some cases, however, Bus Éireann will come back to us for approval to establish a new service at X cost. At that point, Bus Éireann must go through all of the regular procurement processes. The SEN service is very much based around the child who is applying and the service may be

## SCHOOL TRANSPORT SCHEME: DISCUSSION

individualised so the process can be different in some cases. In response to the Deputy's other direct question, the number of staff within the Department working on school transport is ten.

Deputy Funchion asked about the supports available to a child within a school. To be honest, I am not aware of the individual circumstances. The Department has a range of supports available to children within schools but I would not know about the specific supports available to any individual child within the system. I am sure that supports within the school will be made available to the child.

The number of children who are still not on transport services relates to the concessionary issue. All children who are eligible for school transport are either on services or are in receipt of the remote area grant. The children who are not on services are concessionary passengers. They are ineligible-----

**Deputy Kathleen Funchion:** I am sorry to cut across Mr. Dolan but some of the children to whom I refer are not ineligible. They are going to the nearest school.

**Mr. Richard Dolan:** If there are eligible children who are not on a service, we will certainly look at that.

**Deputy Kathleen Funchion:** I sent that information into the Department but have not received any response. I have been told that the Department will look into it but have not been given any answers and we are a month into the school term now.

**Mr. Richard Dolan:** All I can say now is that I will look into that to see if the children involved are eligible because eligible children should be on a service at this point. In terms of the children who are not eligible, the challenge for us is that we cannot incur additional costs on a scheme for people who are not eligible for that scheme. Concessionary passengers are in a different position but if the children to whom the Deputy refers are eligible, we will look into that and get back to her as soon as possible.

**Deputy Kathleen Funchion:** Thank you.

**Chairman:** It is obvious that we need to have clear and consistent communication. The level of queries around the school transport system indicates that there is something radically wrong. It appears that there is insufficient information on the Department's website and that parents are not sure if their child has a place on a service. While I accept that steps were taken after the difficulties last year, there is obviously still something wrong with communication, given the number of queries submitted again this year.

**Mr. Richard Dolan:** As Mr. Stephen Kent has said, we accept that we have to work hard on the communications with Bus Éireann. That is something we can always improve. There is a challenge with any scheme involving 117,000 children. I am not quite sure how many families that translates into but the entire communication effort is compressed into a very tight timeframe. We have to try to run as effective and efficient a service as possible but that means that we have to ramp up our communications to a very high level for a very short period of time. We then have to let it calm down again. We cannot have a huge call centre on site all year round when we are only really dealing with a large volume of queries for four to five weeks of the year. I accept the Chairman's point on communications but am just trying to outline to the committee some of the challenges involved in running a national scheme.

**Chairman:** I will allow Deputy Martin back in but only for clarification purposes.

**Deputy Catherine Martin:** My question on Ballinteer Educate Together national school was not answered. There were 100 applications submitted but no one knows what happened to them. The follow on is that for 2018-19, people applied online and they were all deemed to be eligible but every single one of them received a rejection notice. The parents do not know what is going on. They believe theirs is a hopeless cause but I do not think they should give up because something went wrong with the process. How can more than ten people apply online and be deemed eligible only to then receive a rejection notice?

**Mr. Stephen Kent:** I am not familiar with the case to which Deputy Martin refers but if she gives us some time, we will look into it and get back to her within a couple of days.

**Deputy Catherine Martin:** Okay. Thank you.

**Chairman:** Deputy Byrne also asked about secondments in the context of the papal visit. He also asked about the number of children with special educational needs on the waiting list.

**Mr. Stephen Kent:** On the papal visit, I can say that we contracted some additional services for our Expressway routes but these would have been large capacity vehicles only, on dedicated services-----

**Chairman:** So it should not have impacted-----

**Mr. Stephen Kent:** They were not school transport vehicles that were deployed. Additional services were also contracted by the NTA but they too would have had strict vehicle requirements. It was not school transport.

**Senator Lynn Ruane:** I think the question was on the staff rather than the actual vehicles.

**Chairman:** I felt it was about vehicles with staff on them. We can ask Deputy Byrne to come back in later on that. I ask for data on the number of children with special needs who are currently waiting.

**Mr. Richard Dolan:** There are more than 450 waiting at the moment. It is very hard to give a definitive number because we have received 270 applications since 1 September. In total, it is about 470 but we can supply more detailed statistics if required. The figure effectively changes on a daily basis. There was a time when we tried to have a cut-off point for the special needs scheme around 1 May to enable us to ensure that children had transport on 1 September but we are very conscious of the pressures that families are under and will now accept a special needs application at any time of the year and will try to get the child onto a service as soon as possible.

**Chairman:** I thank Mr. Dolan for that clarification. Senator Gallagher is next.

**Senator Robbie Gallagher:** I welcome the witnesses to the meeting. This issue must be viewed from the perspective of the Department in terms of how the scheme is drawn up and administered and also from the perspective of Bus Éireann which is responsible for actually transporting children to school. I will start with the Department. In my view, the scheme as it is currently designed is simply not working. That is not a criticism of Mr. Dolan and indeed, it is unfortunate that the Minister is not here today. The main problems seem to have arisen after 2011. The changes that were introduced at that time seem to have caused a lot of the problems that we are discussing today and which we also discussed last year and in 2016. A review was promised two years ago. What is the status of that review? Why has its implementation been delayed? I would go as far as to say that the design of the school transport scheme is anti-rural

## SCHOOL TRANSPORT SCHEME: DISCUSSION

Ireland. From my experience of dealing with this issue in recent years, it is anti rural Ireland. There does not seem to be an understanding of what living in rural Ireland is all about.

I am dealing with a small school, Scoil Mhuire, Latton, County Monaghan, which is the only school in the parish. There is one GAA club and one school and life is centred on the parish. In some cases, even though they are all going to the one school in the parish, because of the current school transport rules, some pupils are not eligible because there might be a school in a neighbouring parish with which they have no association but which is closer to where they live. That does not make sense. As a starting point, any child from a rural parish should be accommodated in the school in the parish. It is unfortunate that the witnesses are in the firing line for decisions that were not taken by them.

I look forward to the witnesses' response on the status of the review. We need to start again because the scheme is clearly not working. We could have been here this time last year having the same conversation on school transport because the problems are the same but are now in different parishes.

I have a number of points on the implementation of the school transport scheme. From my experience of dealing with the staff on this issue, they seem to be completely overwhelmed by the process. I know there is a very tight timeframe. The staff have my sympathy because they seem to be stressed out, as my colleague, Deputy Thomas Byrne, outlined earlier. Emails are sent out late on Saturday night or on Sunday. Deputy Catherine Martin referred to ringing Bus Éireann and getting no response. It reminds me of a girlfriend I used to have many years ago, whom I used to keep ringing and leaving messages, but she never returned my call.

**Deputy Robert Troy:** How long did that go on for?

**Senator Robbie Gallagher:** I was beginning to think in recent times that she had taken up employment with Bus Éireann. On a more serious note, there is a problem which needs to be addressed. I acknowledge that Mr. Kent is taking this on board. If we were looking at this problem from a business perspective, this should not be happening. If there were problems last year that are being repeated this year, that is not good enough. It is not down to the staff working in Bus Éireann. It is down to the workload.

In regard to the problem in Scoil Mhuire in Latton, we met the inspector and she was very helpful, but her hands were tied in that the way the school transport scheme is designed seems to be very rigid. Three buses carry students from different parts of the parish to the school. What is very annoying and frustrating is that there is capacity available on all three buses, yet the buses pass by children who are waiting on the roadside. On the first day back at school, a Bus Éireann inspector refused children access to the bus and they were left standing on the side of the road. These same children were accommodated last year. They had paid their money and contacted Bus Éireann and yet they were refused access. Imagine the effect of that on a child who sees his or her pals on the bus but him or her left on the side of the road? That is very insensitive. It never should have got to that position.

There are serious problems with the scheme. We need to be honest and admit that the scheme as designed is not working and we need to fix it. That is why I will be looking forward to the response to the review.

On the question of the transport of children with special needs, surely it is desirable that all children, where possible and practical if they are going to a mainstream school, should be ac-

commodated on the bus. Surely it is better for a child with special educational needs and his or her school friends to be on the same bus? Will the witnesses share their opinion on that? We raised this issue with the Minister of State, Deputy Halligan, last year and he promised to look into it. Unfortunately, we are now having the same conversation. I attended a meeting where the parents from the school in Latton gave an outline of how they felt when their child was left on the side of the road. It was heartbreaking to listen to them. These people are trying to do their best, but with both parents working, they are dependent on school transport and they could do without the stress and trauma of their child not being accommodated on the bus.

We can discuss the issue of school transport until the cows come home. The scheme is not working and we need to admit that to ourselves. We need to design the scheme so that every single child in rural Ireland who wants to go to school is accommodated on school buses. That is our starting point. If we make that our starting point, we will not be back here next year.

**Senator Maria Byrne:** I thank the witnesses for their presentations. I, too, am frustrated by the school transport scheme. I know Ms Flynn is aware of the issues in the Caherconlish, Donoughmore, Ballyneety and Fedamore area, where there is 500 m of a difference between the distance from that area to the local school of John The Baptist community school in Hospital and the distance from that area to the GPO in Limerick, yet if one goes to the GPO in Limerick, one still has another 2 km to 3 km to get to some of the schools that are claimed to be nearer to where the students live. I know that 20 students are without a bus in that area, ten of whom travelled on the bus last year under concessionary terms, but this year all 20 students have no place. It is a big inconvenience.

Senator Gallagher referred to rural versus urban services. Most of these students would have come from small rural primary schools.

In Limerick city, there is a common application system for secondary education and it is very difficult to get the school of choice. Admission is subject to meeting the criteria of the different categories, for example, brothers and sisters in a higher class. Sometimes students end up with a place in the school that is their ninth choice. The school transport scheme does not work when a common application system is applied. Will the witnesses respond to this problem?

**Senator Paul Gavan:** I thank the witnesses for their presentation. The figure of 450 children with special needs waiting for school transport is shocking. That speaks to a failure of the system. I take on board the point that Mr. Dolan made that a number of applications came in after 1 September 2018. Even so, we are nearly a month into the school year. We have come across one case in County Tipperary of a child with autism who was used to getting the school bus, but because there is a new autistic unit set up in Birdhill, he does not have a place on the bus. The child suffers the trauma of no longer having this routine. When Bus Éireann was asked what the issue was, their response was that the tender had not been sorted and there was a problem with the tender. That should not be happening at this stage of the year. The issues should have been dealt with.

I agree with my colleague, Senator Gallagher, that the system is clearly broken. I would not want to allocate blame to any of the individuals who are appearing today. I accept what the Chair said in terms of the Minister, but there are policy problems at the heart of this issue. It is another aspect of this piecemeal education system that we have had since independence, which fails on so many levels when it comes to access and equality.

I wish to share one other brief point. Senator Byrne mentioned Caherconlish. What is even

## SCHOOL TRANSPORT SCHEME: DISCUSSION

more bizarre is the matter my colleague, Deputy Quinlivan, raised about the accident involving a school bus in Caherconlish last year. Thankfully, there were no fatalities. However, one of the children on that bus has been denied a place on the bus this year. She has been offered a place on another bus and asked to get on the other bus at the exact point where the accident took place. One really could not make this up. Let us think about the amount of trauma that these children suffered at the time. The girl had to be encouraged to get back on the bus afterwards and now the system has asked her to not get that bus with her school friends, wait for a separate bus and access the bus at the point where the accident took place. When the issue was raised with the authorities they said there was nothing they could do. The line beyond common sense has been breached in this instance. I appreciate that it is not fair, in one respect, to use this example but I must do so because it shows that the system is fundamentally broken. It strikes me that the resources must not be right. It strikes me that a unit in the Department comprising ten people is not enough but beyond that there is an issue of common sense. I accept that the witnesses may not be aware of the inverse situations. I ask them to take these away because there are real people waiting for real solutions and it is unacceptable for this situation to continue.

I will finish by asking a couple of broad questions. We have spoken about a review of the school transport system. The Minister of State at the Department of Transport, Tourism and Sport, Deputy Halligan, has committed to conduct a review of school transport in parts of Donegal. Does the Department believe that the entire system and seat allocation needs to be reviewed in order to make the scheme more equitable?

Last year, the Minister of State addressed the issue of children with medical cards and said that the scheme needs to be examined. Has the issue been examined yet? He also mentioned the unacceptable journeys that people and children with special needs must undertake or the excess journey time. I know that the matter is still an issue. Has the Department conducted a review of excessive journey times for teenagers and children with special needs and produced additional guidelines?

**Deputy Bobby Aylward:** I wish to inform the Chairman that I have tabled a Topical Issue that will be taken at 5.20 p.m. so must leave the meeting shortly. Can I ask a final question?

**Chairman:** Deputy Breathnach has just mentioned the Topical Issue debate to me. To be honest, I was not aware of the matter. Normally, we allow all of the members of the committee to comment first.

**Deputy Bobby Aylward:** I know and understand that position.

**Chairman:** Senator Ruane is a member of the committee and is the next to speak. Would she mind if Deputies Breathnach and Aylward asked brief questions so they can leave to attend the Topical Issue debate in five minutes?

**Senator Lynn Ruane:** Go ahead.

**Chairman:** I thank the Senator. I call Deputy Breathnach as he was here first.

**Deputy Declan Breathnach:** I thank the Chair and Senator Ruane for allowing me to comment.

**Chairman:** I urge the Deputy to be brief.

**Deputy Declan Breathnach:** I came here to listen to this debate because Deputies Aylward



and I have tabled questions on school transport as part of the Topical Issue debate. I hope that the Minister for Transport, Tourism and Sport will turn up for the Topical Issue debate.

I believe that the scheme is broken, as other members have said. The scheme cost €190 million and there has been an increase of €27 million. Is this a demand-led scheme or not? I would like clarification on that matter. Did the introduction of transition year generate opportunities?

Finally, but not least, is the issue of demographics and special needs. Like the Chair, I was a schoolteacher and I taught for 35 years. The Chair has said that there is a communication problem and everybody seated around this table has said the same. It must be possible to plan long in advance, particularly the transition from primary to secondary school in terms of where parents send their children, and it should not be a stop-go situation. What degree of planning takes place? We all know which children will need special needs assistance. As a primary schoolteacher, I knew who needed special needs assistance, certainly years before the bus transport scheme would come onstream. Is there a planning issue in terms of readjusting the dates? I am sorry that like Deputy Thomas Byrne I cannot wait for the answers. I came here to listen to what others had to say. I hope that the Minister will get the necessary resources, particularly if they are required, because it is clear the sum of €190 million is not sufficient to run the scheme.

**Deputy Bobby Aylward:** I thank Senator Ruane for indulging our requests.

**Senator Lynn Ruane:** That is a city girl for you. It sounds like the rural people have a lot more to say than I do.

**Senator Paul Gavan:** That is a first.

**Senator Lynn Ruane:** The members are welcome to attend committee meetings on these important issues.

**Deputy Bobby Aylward:** We are sorry for walking out of here as we would have liked to have spent more time in the Senator's good company. I thank the committee for giving my colleague and I the opportunity to speak even though we are not members of the committee. I am a member of other committees and know that it is normal practice for committee members to speak first.

**Chairman:** If the Deputy had indicated that he had to attend the Topical Issue debate I would have asked the other members to allow him to comment earlier. I was only made aware of his situation literally a minute ago.

**Deputy Bobby Aylward:** It is just that we have a Topical Issue debate that is due to take place at 5.20 p.m. and that is the reason we must depart early.

I welcome all of the officials to the meeting. Much of what I want to say has been said and I do not want to repeat anything. As Senator Gallagher has expressed, school transport is a greater problem for rural areas than urban areas because most towns and urban areas have two or three schools within walking distance for students. School transport is a problem in rural Ireland and that is one of the reasons we are here. The system and the way it is rolled out are not fit for purpose anymore. I firmly believe that the scheme must be reviewed because the system is broken and I urge the Minister to wake up to this issue. School transport has had on-going problems since I returned to the Dáil in 2015. For the past three years at this time of year I have argued with him about school transport. The situation has worsened every year. The demographics have changed in country areas because of the good times enjoyed in the 2000s

## SCHOOL TRANSPORT SCHEME: DISCUSSION

and people built more homes in these areas as a result. The number of people who seek places on buses that travel via towns and villages have increased and we must take that fact on board.

Funding amounting to €190 million is a lot of money. Today, we have talked about the number of children who have concessionary tickets. Prior to the 2016 election my party conducted research that revealed it would cost €3.2 million to cover the cost of concessionary tickets. This week my party conducted research that revealed it would cost €4 million to cover all of the concessionary tickets, and tickets for all of the students who have been left out of the scheme. A sum of €4 million sounds like a lot of money but it is small when compared with the overall budget. We need €4 million to fix the problem. I ask the Department officials to comment on the matter. I ask them and the relevant Minister to consider providing €4 million. My party's research produced a figure of €4 million. We did not have the full information but we have been told that a sum of €4 million will suffice, and includes the cost of concessionary tickets.

In modern society both parents must work. In the past it was possible for one parent to go out to paid work while the other parent stayed at home to mind their children and afford to keep a family car but those days are gone. All parents must now go out to work in order to pay a mortgage and earn a living. Unfortunately, children are left without anyone to put them on a bus and no bus to transport them. This is a serious issue. As my colleague, Deputy Kathleen Funchion, has said here, there are a lot of problems in Kilkenny. In my parish alone there are 11 students without bus transport but the area has had school transport, when their parents and grandparents attended school, since 1969 until a change was made in 2011 and the students were categorised as concessionary. People in the area received a bus ticket without an issue for a period that spanned three generations. Unfortunately, people have been told that students must travel to a neighbouring parish. Access is fierce important in country areas. People in these areas are very parochial and will not travel to neighbouring parishes. That situation has got to do with hurling, in our case, sport and religion. One's parish defines where one comes from and what one stands for. To tell people that they must travel to a neighbouring parish and attend a school that their parents or grandparents never went near is not on and will not work. That is why I think the system is broken. We need a new bus service rolled out in country areas and the sooner that happens the better. My party following research believes that €4 million will resolve the issue. If the Minister is worth his salt he will approach the Cabinet table and demand €4 million extra to sort out this problem. The overall roll-out of the system should be considered over the next couple of years.

Like my colleague, Deputy Breathnach, I want to know whether the system is demand-led. If so, then the Government is obliged to provide the service just like it does with social welfare. If the school bus system is demand-led then every student should have their transport needs looked after, particularly in a good, open society and democracy like we have.

I wish to outline statistics on appeals that I received following a Dáil question. Since 2015, 558 appeals have been submitted at a cost of almost €60,000 and not one of them was upheld. How come not one of the 558 appeals was upheld by the Department? That sounds crazy to me. There must be one or two appeals at least that could have been accepted. To me, the appeals system is not fit for purpose and has not solved the problems.

I apologise for speaking so fast. I wish to mention the hoarding of seats. A month ago parents of students in Kilkenny conducted a survey on one bus for a week and I shall not name the area. The survey showed that one third of the seats on the bus were not availed of in the morning and evening. In other words, parents had applied for tickets but their children did not avail of them so a third of the bus was left empty. Buses are passing by 11 or 12 children who are

left on the side of the road. but one third of the seats are empty. That is ludicrous. A bus should not be making a journey with one third of the seats empty because they have been allocated to children who are not using them. Something must be done about this.

**Chairman:** I thank Deputy Bobby Aylward. I also thank Senator Lynn Ruane for her indulgence.

**Mr. Richard Dolan:** I apologise if I fail to deal with any of the multiple issues which have been raised.

From an overarching point of view, this is predominantly a rural scheme which we think is working. A total of 117,000 children are transported twice a day, at a cost of €190 million, as has been said. It is certainly working for these children. Some of the issues raised by members about rural issues at a local level such as GAA clubs, religion and so on highlight the challenges in designing a national scheme with set criteria that apply in all local areas. We certainly accept that designing such a scheme that will work in every parish in the country is a significant challenge.

Several members asked if the scheme was demand led. Yes, it is. Everybody who is eligible for school transport should either have a place on a school transport service or be in receipt of the remote area grant. From that point of view, it is certainly demand led.

The issue of special needs children travelling on buses was raised. Where possible, we encourage special needs children to travel on a mainstream school bus with their siblings. In fact, the special needs scheme stipulates that one should only apply if one cannot avail of mainstream school transport. Therefore, we are in agreement on that point.

I think the review mentioned is the concessionary review which was published in the summer of 2016 by the Minister of State, Deputy John Halligan. It is on our website, but we can distribute it to members.

**Chairman:** That is fine. I ask that it be sent to me and the clerk to the committee and we will circulate it.

**Deputy Bobby Aylward:** The review did not change anything. I read it and was a member of the committee that queried it.

**Mr. Richard Dolan:** I acknowledge that it did not result in the rules of the scheme been changed.

On planning for special needs children and journey times, the special needs scheme is an individual service. We are very conscious of this and that what works for one child may not work for the next. On journey times and so on, if we become aware of excessive journey times, we work with the NCSE and its special needs adviser to ensure a service is within guidelines and suitable for the child. If there is a specific case or detail about which the Deputy is concerned, he can come back to us and we will look into it.

On the appeals process, I acknowledge the point about the number of appeals not granted. However, as part of the appeals process, we write to parents and ask if there is any new information between the point of application, which could have been some weeks previously and the point of the decision, particularly in the case of special needs children. If parents do have new information, we take it on board and the appeals board may refer the case back to us on that ba-

## SCHOOL TRANSPORT SCHEME: DISCUSSION

sis. We will consider it as a different application if new information has come in. Although the appeals board may not allow the appeal, it is referred back to us because there is new information and we might want to make a different decision. The appeals board plays a very valuable role in the area of school transport.

I think I have addressed most of the issues raised. Mr. Kent or Ms Flynn may wish to contribute. I apologise if I have missed anything.

**Ms Miriam Flynn:** I thank the committee for giving us the opportunity to address the matter. Senator Maria Byrne referred to the bus crash in Caherconlish. I attended the scene on the day of the accident and we are very grateful that no one was seriously injured. In the aftermath of the incident, the Department of Education and Skills, Bus Éireann staff on the ground and the principal of the school tried to provide whatever support and services were needed by the children.

With regard to concessionary pupils who have not been facilitated this year, a significant number of such pupils have been facilitated in travelling to school. There is a large number of concessionary pupils overall. It came down to the demand for places being greater than the number of places available. As I stated, that is the issue at several of the locations throughout the country mentioned by Deputies and Senators. From the perspective of Bus Éireann, our obligation is to ensure we apply the rules of the scheme uniformly across the country. That is the issue. We made as many concessionary places as possible available. Our staff on the ground try to make arrangements such that if one service is not available, they try to offer another or accommodate as many children as they can. That is always the case.

On the hoarding of seats, safety is the number one priority in our school transport and road passenger operations. We must ensure we only issue the number of seats corresponding to the capacity of a vehicle on any route. A parent may decide that his or her child will only use the bus two days per week or in the morning but not in the evening. However, from a safety and management perspective, we must ensure the capacity of the bus reflects the number of tickets issued. Although I accept that parents may note five or six empty seats on a bus in the morning and the evening over a period of time, in managing the overall system and from a safety perspective we must ensure the number of tickets corresponds with the capacity of the bus.

Several members referred to the timeframe and volume of work involved in trying to process applications. That issue was addressed by Mr. Kent and Mr. Dolan. We provide school transport for 115,000 children. The closing date for the receipt of applications and payment is 27 July. There is a huge volume of work involved in getting pupils scheduled and services up and running by the time the new school year commences on 28 August. The fact that our staff are trying to respond to as many queries as possible and answering emails on Saturdays and Sundays when they get some time to try to clear the backlog is indicative of the dedication of our team who are trying to provide these services. In an effort to improve on overall communication from last year, we provided mobile numbers for our school transport managers and my direct contact details for all Deputies and Senators. That was intended to open communication channels such that queries received by Oireachtas Members could be dealt with. In general, it has worked well. We have within a short period received more than 10,000 emails related to locations throughout the country. We have 11 area offices that administer the school transport service. It is a short timeframe and a sizeable and complex scheme.

Mr. Kent and Mr. Dolan referred to the special educational needs scheme. We would love to say all of the approximately 2,900 applicants this year have transport. More than 900 of the

applications were received since 1 July, which highlights the fact that we continually accept applications. We recognise the specialised nature of the scheme and do whatever we can to try to facilitate children on a 12 month basis in conjunction with the Department. There is a time period involved. We try to work through it as best we can, but there is a time lag involved related to the procurement of services and processes we are obliged to go through under EU legislation. The processing of so many applications puts us under pressure, but we will continue to review the position with the Department ahead of next year to see if we can alleviate the concerns of parents.

**Senator Lynn Ruane:** My questions are aimed at getting a logistical understanding of what happens. Most of the emails that come to me relate to transport for special education rather than mainstream transport issues. I was supporting a couple of mothers in connection with the former issue. It was very difficult to understand who was responsible for Garda vetting. I was told there was a gap of four months following the allocation of a place for a child in a special school and the child being allocated a space on a bus, but then the parents were told that because there were no escorts in place there would have to be a Garda vetting process. The delay lasted months. Whose responsibility is Garda vetting and why does it take so long? I am aware there is a process involved but I am interested in hearing whether there is planning for the year ahead and the reason a child would have to miss four months of school because there is no escort. What provisions are put in place to ensure that escorts are Garda vetted?

Another thing I do not understand relates to eligibility. Some children will be eligible every year so why does the issue come up annually? Why is there not a multi-annual system of admission for school transport rather than having a 12-month cycle? The situation of children with special needs who are attending a special school is definitely not going to change and I do not understand why they are not given a three-year pass, for example, rather than dealing with the same applications over and over again and then the system could pick up on the more problematic issues that fall through the cracks.

My other concern relates to customer service. Is it only in place for a certain part of the year? Given that children with special needs must sometimes wait until January, for example, before they are given a place in a special school is a customer service process in place to deal with late applications?

**Ms Miriam Flynn:** Yes.

**Senator Lynn Ruane:** That is good.

My questions are about the Garda vetting process, and whose responsibility it is to make sure that escorts are in place and Garda vetted. Senator Gavan referred to the 450 children with special needs who are currently waiting. How long are they waiting? I accept it was said that some came in late, but if the system is used to year-round applications why are children waiting and what is the biggest barrier to them getting a place on a bus?

**Senator Rose Conway-Walsh:** I have a few questions. I am sorry that I had to pop out earlier. I have been focusing on school transport since 2009 when the then Minister, Mary Coughlan, carried out a review of the school transport system. The problems commenced thereafter. I have seen families split - in that siblings are not taken on the same bus - and the splitting of communities. The schools have not moved and the homes have not moved but the rule has been introduced that one must attend one's nearest school. Traditionally, one half of the Ballycroy parish went to school in Belmullet and the other half went to Achill. Suddenly, people were told

they could not do that and siblings have been separated.

I have a question about repeat leaving certificate students. It is not possible for them to make applications until after 15 August. Could provision be made for them? They should not be called eligible late applicants, particularly as it is not their fault that they must apply late.

What legislation is needed to bring some common sense to the situation? We get replies from Bus Éireann which indicate that there is nothing it can do about the situation because it is given direction by the Department of Education and Skills. What legislation is needed to allow for flexibility in the system? I refer, for example, to issues concerning the nearest school route or the other common problems. It is the same across the country. There is a commonality with many of the problems. I do not want to come back before the committee time and again presenting the same problems and when we leave people are still left dealing with the problems.

Do the witnesses sincerely think that the school transport system is designed for working parents? Why are working parents excluded from it in the main? Their children are considered for concessionary places. Working parents are not eligible for a medical card in many cases due to the threshold being so low. We are saying to working parents that the school transport system is not for them unless they can pay.

I raised a matter in a Commencement debate last week on school transport. There has been a refusal to put on a bigger bus on a route even though there are a number of concessionary tickets involved. I hate categorising children in such a way. The Minister of State, Deputy Halligan, indicated:

Routes cannot be altered under the scheme and nor will additional vehicles will be introduced. Neither larger vehicles nor extra trips using existing vehicles will be provided to cater for children who are not eligible, as additional State costs would be incurred by covering the cost of providing school transport for children who are eligible for it.

It comes down to cost. I cannot understand the approach when the company can provide a bigger bus. Is it legislation that we need or a combination of legislation and resources that would allow children, in particular from working families, who would have to pay between €300 and €600 anyway, to be provided with a school transport service? They are not asking for the service for free. I know families that paid €600 in June for their children to get on the bus, only to be told the week before they went back to school that a seat was not available on the bus. Last year, the Minister of State, Deputy Halligan, promised that there would be a seat on the bus for everybody and he has not fulfilled his promise. I am not sorry that he is not here because he had no answers whatsoever. Perhaps the people who are dealing with the matter could help us to solve the problems so that we are not coming back time and time again with the same issues across the board.

**Chairman:** I thank Senator Conway Walsh. To be fair to the witnesses who are present, they are implementing the existing policy and they do not put it in place. That is a political decision for the Government of the day. I appreciate that the witnesses will be precluded from commenting on policy. However, we are open to the possibility of hearing about improvements that could be put in place. Deputy Scanlon is next and I will then go back to the witnesses.

**Deputy Eamon Scanlon:** I am pleased to have the opportunity to raise an issue. I thank the witnesses for attending. I have many dealings with the staff in Sligo and they are very co-operative and good, particularly the bus inspector who has rung me at 8 o'clock at night or on a Saturday or Sunday. I wish to acknowledge that fact.

I do not know whether the witnesses are familiar with the N17 road, especially between Tobercurry and Ballynacarrow. No doubt Mr. Dolan has travelled it. The road is a single-lane national primary road. The yellow line along the road is tight up against the grass margin. Seven children are collected at the Aurivo store and the bus must go 1.5 km past the store in order to turn and come back to collect the children. The children in question live on the N17 road between the Aurivo store and the Woodside Inn where there is a very safe place for the bus to turn and to safely collect the children and bring them to school. The problem is that the Woodside Inn is located 500 m inside another school catchment area. Children's lives are more important than catchment areas. The road is a death trap. It is not safe for an adult to walk on, never mind for seven children. It may not be seven every day, but certainly it is four or five. They are walking on the grass verge of this national primary road, which is a single carriageway with the yellow line up against the grass margin. They are walking on the grass along the ditch. I note that there was a fatality on that road a number of years ago when a school child died. For the sake of an extra 2 km each way and the safety of the children, the bus should go the distance. It has to go 500 m into another school area to turn and because of that, it is reluctant to go that far. This should be looked at seriously and the children should be picked up on the route. It is a place the bus could turn more safely in fact and it would stay on the main road all the time. I ask Bus Éireann to look at that situation and revert to me.

**Mr. Stephen Kent:** We will certainly do that. If there is any safety concern, we will look at it immediately and revert straight away.

**Deputy Eamon Scanlon:** I thank Mr. Kent.

**Deputy Robert Troy:** I will keep my comments brief as a lot of the points have been made already. My concern, which I raised during the summer months when a report was provided through freedom of information to RTÉ, relates to issues with the roadworthiness of vehicles being used to transport public passengers. The figures obtained by RTÉ from the Department do not cover school transport exclusively. They relate to all public transport. Let us be clear about that. However, there is an element of the figures which covers school transport. In the correspondence between the Road Safety Authority and Bus Éireann, the chairperson of the former targeted and pointed to concerns albeit she acknowledged that some progress was being made. However, she said that progress was slow and that concerns remained as to the roadworthiness of certain vehicles being used to transport students. At the time, I wrote to the Minister, Deputy Ross, who has responsibility for transport, albeit he does not always realise that. I wrote to him about looking to Bus Éireann to carry out a complete assessment of all buses, not only those within its own fleet but also those buses contracted to provide school transport. If that were done, parents of children could be safe in the knowledge that every bus used has a valid, up-to-date roadworthiness certificate. Can Mr. Kent confirm that every bus contracted by the State to carry school children has an up-to-date, valid roadworthiness certificate? Can he also confirm whether in circumstances, for example, in which Robert Troy Coaches Ltd. applied for a contract to provide a service and I supplied a brand new bus for the purposes of obtaining the contract, there is anything to prevent me, having obtained the contract, from using another bus within my fleet which might not be of the same standard at a later stage? Finally, how is it that there are buses out there that the Road Safety Authority has concerns about regarding their quality and roadworthiness? It is so concerned that it has taken the time to write directly to the chairperson of Bus Éireann about the issue?

I am not sure if the following point was raised earlier. It is about circumstances where there is spare capacity on a bus servicing a town. I am talking here about Mullingar and my home

village of Ballinacarrigy where some children are attending post-leaving certificate courses in Mullingar Community College but cannot qualify for a discretionary bus pass even though there is ample space on the bus. Is that something which could be looked at favourably?

**Chairman:** We have another set of questioners but for now, I will go back to the witnesses.

**Mr. Stephen Kent:** I will touch on the safety matter and the media reports on that. We took a lot of the survey extremely seriously. Actions we took straight away included writing to a number of transport spokespersons to advise them on a lot of the activities, safety regime and protocols we try to put in place and follow and which we also try to ensure apply to our contractors. We also wrote to all of our individual contractors reminding them of all of the criteria and stipulations within the contract and raising any issues regarding what they have to do. I will mention a couple of things that were done. When we put contracts in place, there are strict criteria which have to be met. We ensure the necessary insurance and certificates of vehicle roadworthiness are in place for every vehicle operating under the scheme. We ensure that all of the paperwork complies absolutely with what the RSA requires and that there is a valid public licence certificate and evidence of tax clearance. We try to ensure that everything is in place. Every contractor is also asked to perform in the same way that Bus Éireann operates in relation to its own vehicles. In other words, we look for maintenance programmes with checking intervals of not greater than six weeks to ensure that those are in place for contractors' vehicles. The critical point is that every contractor is responsible for the safety and maintenance of their own vehicles. At any point in time, we are still relying on somebody, as with a car which has gone through its test. It is tested at a point in time and it comes back after six weeks.

One has to have a culture and regime and the discipline to ensure one's vehicle is safe. We try to put that in. However, as a safeguard we undertake a number of independent checks. We contract an agency to ensure that one in five of those vehicles which are contracted on our behalf are tested. A quality assurance check is in place to ensure that everything in the contract on the condition and roadworthiness of the vehicle is addressed. If it is not and a vehicle is found through a test not to comply with the contract, a check is requested immediately. In fact, we go further and say that if the contractor does not do it, we are prepared to terminate the contract. We take the safety regime extremely seriously. In addition, we do a great deal with the drivers. We ensure that there is a safe delivery of the service under the scheme. As such, all contractors must have medical checks.

We liaise with the RSA directly on compliance and we have a very good relationship with the authority. We have engaged with the RSA in the months since the survey to ensure mitigation and an action plan are in place that the authority is also happy with. By and large, we continue to do that. It is a combination of ensuring vehicles within our scheme are safe and roadworthy. Our maintenance programmes adhere to that. We ensure that protocols are followed for all contractors. Since that letter, we have written individually to every contractor acting on our behalf to remind them of the safety issues in relation to the survey and of our expectation that they meet the standards. If a contractor is ever stopped by an RSA inspector, there is an obligation to advise us of any risk of which we should be aware. In relation to our own supervision, I note that people have referred to road inspectors. Road inspectors board vehicles on our behalf and perform vehicle checks right throughout the country. If they become aware of any issue, it is brought to our attention straight away. We bring that up straight away in the context of the enforcement of the contract to ensure those vehicles are there. We are trying to enforce the whole culture of safety awareness, safety enforcement and making sure that everything complies with the legislation in all respects. That is what we try to do.



**Deputy Robert Troy:** May I interject very briefly?

**Chairman:** Through the Chairperson, yes.

**Deputy Robert Troy:** Mr. Kent is talking about times when everything is going well. He said there are a number of Road Safety Authority, RSA, requirements which have to be met at the time contracts are issued. Quite clearly, those requirements are not being met. If they were, there would not be a number of buses that have failed and fallen into the category that they did when they were inspected by the RSA in the past 12 months. I do not want to tar all private contractors with one sweeping brush but there are some that are failing to adhere to their obligations. From what Mr. Kent is saying, the contractors need to provide all the necessary documentation at the outset to obtain the contract. They cannot substitute an inferior bus at a later stage to maintain the contract. What are the consequences for those who break those guidelines or regulations?

**Mr. Stephen Kent:** There have been a number of instances this year when Bus Éireann has put terminations in place when a contractor has been found to be in default and not adhering to the criteria that Bus Éireann wants. We have done that. There is no issue. Bus Éireann is not one bit equivocal about that. If there is an issue, we stand them down.

**Chairman:** Is that okay?

**Deputy Robert Troy:** Yes.

**Chairman:** Does Mr. Dolan want to come back in? Other members had asked questions also.

**Mr. Richard Dolan:** Senator Ruane asked a number of questions and other members asked questions too. On the issue of eligibility, the Senator is right that it does not change from year to year. The Department does not reassess eligibility in a given year, and certainly not on the special needs scheme, unless there is some substantive change. The Department would not look at the child's eligibility once he or she has been assessed. For instance, the child can change schools and things like that. Mr. Kent and Ms Flynn can come in on this, but what happens from year to year is that the Department does not reassess eligibility but new children are constantly coming into the scheme. Bus Éireann is tasked with running the most effective network possible. It will see if the new children can be put on current services. If there is an influx of eligible children, services might have to be split and things like that. That is why it changes from year to year.

**Senator Lynn Ruane:** Is it only new applicants every year, or does an application still have to be sent in to get a child back on the bus the next year?

**Mr. Richard Dolan:** Is the Senator referring to those with special needs?

**Senator Lynn Ruane:** No, in the cases of other children.

**Ms Miriam Flynn:** If children are on a school transport service, Bus Éireann would have a roll-over of applicants. It would use that database to try to contact families by sending out emails, as Mr. Kent referred to, advising families when payment is due and sending them reminders. That is how it works, in general. That is the communication process for existing pupils. For example, on a post-primary scheme, children's eligibility is determined in their first year. That would change if they moved house and had a new address or submitted different

details. They would then get reminders from Bus Éireann about payment deadlines and any communication that would be sent to them.

**Mr. Richard Dolan:** The applications for the special needs scheme are year round. The number of applications for that scheme has increased significantly in recent years and that is for a whole host of reasons. The Department is trying to ramp up its response to meet that increased demand. In recent years, applications have been coming in all the time. The Department tries to have a cut-off, but it is sympathetic to these applications, so it will take them all year round. There have been 270 applications since 1 September and that is a challenge that we need to meet to get those applicants on services as soon as possible.

Senator Conway-Walsh mentioned the splitting of families and different families. The rules changed in September 2012 and that did result in all new applicants for school transport being assessed under a new set of criteria. However, the Minister made a decision at the time that all children registered for transport should retain their eligibility and that is the reason certain families would have different eligibility. This September is the first September that everybody at post-primary level now is on the new criteria and there will still be an element of that dual eligibility on the primary scheme for another two years or so.

In the case of repeat leaving certificate students, that is a challenge. The Department works with Bus Éireann to make every effort to get repeat leaving certificate students on a transport service. If there is no place available, there would be significant extra cost for putting an individual on transport because we are effectively putting on a new service at whatever that costs per day.

We spoke earlier about the concessionary issue and eligibility. Ms Flynn and Mr. Kent dealt with the safety issue, but the Department, Bus Éireann and the Road Safety Authority meet regularly to discuss road safety. We are acutely aware that this is something that, while we think it is in a good place, needs to get better and we need to keep working with the RSA, whose input we welcome.

**Deputy James Browne:** I welcome the witnesses and thank them for being here today. I appreciate the witnesses are not responsible for policy but are merely implementing it. The people whom I have spoken to in Bus Éireann have been very helpful in giving information but they are very much stuck with the rules. Nonetheless, Mr. Kent and Ms Flynn are here and I have questions to put.

There is a lot of interest in this throughout the country. That is reflective of the deep frustration, anger and exasperation of many parents from Donegal to Kerry, to Wexford, and everywhere in between. My office has been inundated with calls, texts, and messages on Facebook, as has the office of every Deputy and Senator. The same things come up repeatedly. For example, in the case of a rural primary school that has 30 children living near it, of those 30, 28 are going to one secondary school but two are told that, because their Eircode has them living 0.3 km closer to another town, they are sent to that town and a school away from all their school friends, even though there is no bus on that route. That is frustrating not just for the parents but for the children to have that separation forced on them and to have to go to what may be a perfectly good town but one with which they are unfamiliar. I think of Kiltealy and Ballymurn in the Enniscorthy district, both of which form a triangle, as it were. The school is at one end but there are people living at the bottom of the triangle who went to the primary school but now have to go in another direction for secondary school.

It is very worrying and distressing to hear that up to one third of buses have major or dangerous defects. If the witnesses find that children have been travelling on a bus with a major or dangerous defect, aside from taking the bus off the contract, is that ever reported to An Garda Síochána?

Why is there no *de minimis* rule applied in terms of distance if someone is 0.1 km, 0.2 km or 0.3 km outside the distance outlined? It is a rule that is applied in regulations in many areas. Why is it not applied here?

Where someone who has been going to a school on a concessionary ticket for two or three years suddenly has it taken off him or her, is that purely a policy decision?

**Deputy Danny Healy-Rae:** I am glad to have the opportunity to speak on this very important topic. It could be construed by some that I have a conflict of interest here because I am a school bus operator, as was my father before me since 1956. I am proud to provide a service and to transport children safely to schools. That is what every contractor I know in Kerry does. I want the witnesses to confirm a few matters. It was very hurtful to many contractors throughout the county of Kerry, and let every man talk for his own area, to hear that buses being used by private contractors were not up to the required standard. Will the witnesses confirm that when a contract is issued or when a bus is checked during the year, it has to have an MOT certificate and that the bus is often checked by the Road Safety Authority, RSA? Bus Éireann can then call in the bus to be inspected by FTA Ireland, another outfit employed by Bus Éireann to check its bus contractors' buses. Contractors in Kerry have to go to Cahersiveen or Tralee to get their bus tested. I want the witnesses to confirm that.

The public service vehicle, PSV, inspector will check a bus before it goes on the road, and the bus dare not travel until one has the PSV licence. A bus operator also has to have a transport operator's licence. It is the first thing the operator has to get. Is it correct that the bus operator and the driver have to do CPC training for one day every year? That is part of the regime.

Many contractors have an issue with Garda vetting. It is proper and right that the bus driver has to be Garda vetted, but if, say, Deputy Eamon Scanlon's bus driver, who has been Garda vetted by him and is working for Bus Éireann, changes buses for some reason or goes to drive Deputy Charlie McConalogue's bus for a few days, Deputy McConalogue will have to have him Garda vetted as well even though he has already been Garda vetted by Deputy Eamon Scanlon down the road. That is a big problem because the Garda process takes time. If Deputy McConalogue's bus driver is sick, he cannot use Deputy Scanlon's bus driver even though he is working for the same company. That is ridiculous.

Will the witnesses confirm that there is such a thing as a 20 year rule? Any bus belonging to a private bus operator has to cease operating for school transport once the vehicle is 20 years of age. That is the position in Kerry. I do not know whether it is the case in every other county but those are the rules Bus Éireann operates in Kerry. The witnesses can confirm or deny it but there is a rumour going around that Bus Éireann is using buses that are older than 20 years. The rumour is that is the case in different areas of Cork and perhaps parts of Kerry.

I cannot understand how the RSA could write to the Department and say there are buses that are not up to standard because all contractors' buses in Kerry have to comply with all these regulations. I am sure that is the case throughout the country. It is very unfair. There are many good bus contractors who are providing a service but their contracts for the next five years have been cut to the bone. They are operating fewer services now than in the past five years. I do

## SCHOOL TRANSPORT SCHEME: DISCUSSION

not know how they will continue. Many of them will not because, as the witnesses know, fuel costs and many other costs are escalating every day. In terms of the price the contractor is getting, I do not know where that will end up. Their buses may be older and they would get newer buses if they were getting remunerated properly. Notwithstanding all that, their buses are being tested. They pass every hurdle in that regard, and I say that without fear or favour.

Many operators are very hurt by this RSA report because if there is a problem with a bus, the RSA demands that it must be sorted out. With the state of the roads, however, a spring on a bus can break any day and one has to get it repaired. The bus might leave whichever test centre it is in today, be it the MOT centre, the FTA test centre or the RSA test centre, and something can happen with the vehicle the next day. Mirrors are being blown off buses travelling up and down country roads, at €1,000 a pop to replace, and no one is doing anything about it. We highlighted the problem to our so-called Minister. If a load of hay is being carried down the road and it knocks a branch off a tree, it can easily fall on the bus or car following it. The wrong message was sent out in the middle of last month about private bus contractors and their operations. I am very interested to hear what the witnesses have to say about those issues.

Regarding concessionary tickets, every Deputy from every constituency knows there are people in poor financial circumstances and they are unable to pay the concessionary ticket until the last minute. This year, many of them found that they no longer had a place on the bus. That was very unfair.

My next question is for the Department.

**Chairman:** Is this the final point?

**Deputy Danny Healy-Rae:** Yes, and I am very grateful for being allowed to raise these issues. The Department has gone back on the promise it made, when it closed an outlying school, that the children would be transported to the central school in that parish. That is not happening in Scartaglen where the people were promised that they would be taken to the school in Cordal parish. They now have to travel themselves. It is very important for a person in a parish to retain their identity. The Department will provide them with a service to Scartaglen school but that is not their parish. It went back on the promise it made in that regard, and it has happened in every parish and county in Ireland. That is very unfair because there are so many services being taken from parishes, including post offices, Garda stations and so on. These people will have to pay someone or take their children to school themselves. That is what happening. The Department went back on its promise. I am not blaming the witnesses personally but the Department.

**Chairman:** I have to cut the Deputy off because other members are waiting to contribute.

**Deputy Danny Healy-Rae:** I am sorry.

**Chairman:** I would make the point that Garda vetting is an issue for the Department of Justice and Equality and the witnesses cannot comment on the RSA or its procedures. I call Deputy McConalogue who will be followed by Deputy Martin Kenny.

**Deputy Charlie McConalogue:** I thank the Bus Éireann and Department of Education and Skills officials for coming in today. It is important to raise an issue of which I know the Department and Bus Éireann are aware. These are issues affecting the Termon and Kilmacrennan area of Donegal. Students attending secondary school in the Milford area are without school bus places. The Minister met Oireachtas Members from County Donegal last week and I discussed

this matter with him this morning, so I know the Department is working on the issue. What is unique to this case, however, is that the vast majority of the 33 students affected are eligible for the scheme. They are not concessionary students and are, therefore, entitled to school transport. Some of the parents filled out the application form on the website but because they did not have the students' medical cards to hand at the time, they were unable to submit certain details. Having reached the end of the online application process, they were informed by the website that they were registered. They believed, therefore, that the process had been completed and their applications accepted. As a result, approximately 25 students who are eligible for school transport do not have a seat on the school bus, which is obviously distressing to their parents. There is capacity in the rules of the school transport scheme to provide for these students and ensure an additional bus is provided promptly to enable these students to travel to school this year on a school bus.

How promptly can the Department complete its deliberations on this matter and revert to the committee? The Minister indicated that he hopes to meet Oireachtas Members again to update us on the Department's considerations of this matter. I emphasise, however, that the case I highlighted is special because up to 25 of the students in question qualify as eligible rather than concessionary, meaning there is a case for providing an additional bus to cater for them in this school year.

Other members raised the issue of students affected by the nearest school rule. Deputy Browne noted the lack of logic applied in some circumstances. I have dealt with a number of cases involving students who were told that if they chose to attend the school attended by all of their neighbours, they would be regarded as concessionary students, which means having to pay a fee and only getting a seat if there is one to spare. The reason given was that they lived closer to another school, even though the distance involved was less than 100 m. In many cases, there is no school transport service available to the closer school because there is no tradition in the area of attending that school. In such cases, the students have to make their own way to school or, as in one case this year in Drumfries in Donegal, travel several miles to join the nearest school bus route, despite another bus passing the top of their lane which they cannot board without paying the fee. Similar circumstances have arisen in Newtowncunningham, Muff and Glenealy in Donegal and arise in Termon and Kilmacrennan every year. Dealing with these cases would involve no additional cost as there may already be capacity on the buses in question. The students are being told, however, that if they want to travel to the school that people in their area have always attended, they must pay a fee. This is despite the fact that if they opted to go to the other school, they might not be close to the route of the school bus. In addition, because they would also travel for free on the bus to the closest school, resolving the problem would not impose a net cost on the Department. These students are missing out because of the lack of logic in the implementation of the rules.

This matter must be reviewed to bring a degree of common sense to the application of the rules in order that people living in these areas will not face the same problem in each school year.

**Chairman:** I thank Deputy McConalogue and call Deputy Martin Kenny.

**Deputy Martin Kenny:** I thank the Chair for the opportunity to contribute and the witnesses for attending. I live in rural County Leitrim where the issues are very similar to those that have been raised. Almost every year we have a crisis in some parish or another where children are considered concessionary and cannot get a seat on the bus or families who have sent three of their children to a particular school find there are no seats on the school bus for younger

children. These changes arose from a review of the school transport service in 2009 or 2012. There has to be an acceptance that, politically, these changes have failed. Someone needs to recognise this and get to grips with the issue. The Government is abdicating its responsibility to provide the service that people in rural areas need.

A point was raised about people who are working and do not qualify for a medical card. People often ask why others are not in employment if there are jobs available. It does not make sense for a working family in rural Ireland to take up a low-paid job as they will not get anything out of it. This issue needs to be dealt with and we need to find solutions to all of this. The big solution is to review the scheme and sort it out. In the meantime, however, and working within the parameters of the current rules, my experience is that not enough flexibility is given to the Bus Éireann organiser on the ground who sorts out the routes. I often deal with the organiser in my local area and a number of others in other areas and they are prepared to come up with solutions. When they find a problem with a school bus route they say they would change things around somewhat but they have to get permission first from up the line. Nine times out of ten they will be shut down and told that they cannot change anything. Some of these problems would be solved if more flexibility were given. It would not provide an overall solution but it would certainly go some way towards it. I stress that this needs to happen as quickly as possible.

We need to enable people to live in rural areas. The nearest school bus route has kicked all of this out. There needs to be some flexibility on this issue because without it, we will have a serious problem. To give an example from County Leitrim of the concessionary problem, there is a bus that runs from Greagh Crossroads to Cloone village. There are six vacant seats on the bus and if it were to take a detour of 4 km, the seats would be filled with children eligible for concessionary school transport. It does not do that, however, because somebody calculated that such a move would cost a certain amount more per year. If the fact that these concessionary students would pay for their seats were considered, it would not have cost anything. For some reason, however, somebody in high office shut down the local organiser on the ground who would have seen the common sense of doing this. A level of common sense has to be applied here and the people employed should be trusted. It is my experience, and the experience of most elected representatives, that if people are trusted to do their jobs, they will do so very adequately and cater very well for the communities they live in. This needs to happen as quickly as possible.

**Chairman:** I will have to limit the contribution of Deputy Michael Collins because we were just about to conclude when he popped in. I will allow him an opportunity to raise some points.

**Deputy Michael Collins:** I thank the Chair. Much of what I have to say has already been said. At the beginning of September, I was inundated with calls from constituents right across from Bandon to Bantry, from people in Kilcrohane trying to get to school in Schull and from people in Coomhola trying to get into Bantry. It is terrible when parents who have two children on a bus are told their third child will not be taken. That is unacceptable. While there is a concessionary ticket, people who have to pay for tickets for two or three children are finding it difficult to find that kind of money. I may be confused in my dates, but I believe the deadline falls on 25 April. Parents with two or three children might have to pay up to €1,000. This is extremely difficult for parents and it may be May or June before they can pull together the children's allowance or whatever else to be able to pay for this. Unfortunately, children are then told they have no place on the bus.

The whole school transport system has to be reviewed. From what I can gather, some of the

bus operators have been asked to provide bigger buses for the same money. These bus operators are already stretched to the limit, given the expense of running a bus, carrying out repairs and so forth. In rural communities damage can be done to buses that costs a lot of money to repair. The whole school transport service must be reviewed. Many of the agreements made back when certain schools were closed years ago are now being thrown in the bin.

The closest school rule is a very serious issue. I would like to think the Department and Bus Éireann would work with us to find solutions. We are picking up the pieces in our constituencies over issues for which they have far more answers than we have. We are pleading with local people on the ground who are being controlled above. Unfortunately, many of the people who make representations to us are not being catered for. They are now paying for taxis to get their children to school. This is incredibly difficult for parents and I pity them. They are not a priority but they should be. It would be interesting to hear what the witnesses have to say on the matter.

**Chairman:** I will make some points related to national issues and, if members will forgive me, others relating to my constituency of Kildare South. We have had a robust debate and I certainly agree with the vast majority of what my colleagues have said. It is certainly the case that these issues are impacting right across the country. Mr. Kent said he could not exercise discretion in relation to the policy and I understand that. He said all applications had to be dealt with in accordance with the rules and guidelines of the Department. I know he has to be circumspect in his answers but does he believe it would be better if Bus Éireann was in charge of the scheme in its entirety? It might be more streamlined and it might give us the opportunity to set up a system that operated better.

M. Kent also mentioned cost recovery. Does this put Bus Éireann under financial pressure to administer the scheme? It obviously has an impact. He said ten people administered the scheme and that there are times when there is a bubble. If that is the case, why not stagger applications? We could do this for some older children or when we are 100% sure which school a child will attend the following September. Instead of 27 April being a cut-off point, there should be system that can start before Easter.

There are 450 people with special educational needs on a waiting list for the provision of transport. It was said that eligibility was determined following consultation with special educational needs organisers but this seems to be a cumbersome approach. Does the Department have any plans to review eligibility or to make the process more efficient? In one case, a young man I know called Conor, from Rathangan, was in a unit within a mainstream primary school not in his own town, because none was available there. Bus Éireann provided transport to this young man for eight years and everything worked like a dream but when he had to leave the primary school there was a very hard-fought battle to get him a place. Unfortunately, there was none in a mainstream school so he has gone to another special school in the area. Three weeks later, even though Bus Éireann knew he was in a wheelchair, no transport has been provided for him. His mother has to put all other responsibilities aside and take a 50 km round trip to ensure Conor has the opportunity to attend education. It seems ridiculous that he availed of Bus Éireann for eight years but the company was not told he needed wheelchair access. I have sent several emails about this but I will send them directly to the Department to make sure it is dealt with. This sort of thing causes a lot of frustration for people.

The same issues present this year as presented last year. I accept some communications provisions were put in place. I have found the system for Deputies and Senators useful and people have come back to me about my queries in most cases. There are some cases, one of which is

## SCHOOL TRANSPORT SCHEME: DISCUSSION

Conor's, on which nobody has come back but generally we have been able to resolve issues.

Parents are not getting responses and Deputy Catherine Martin outlined some of the issues there have been with phone calls. I have also heard that, when parents are contacted by email or phone, they do not get responses. These parents pay a lot of money for their children to avail of the transport scheme and a number of them have complained about it. I believe the cost is quite high, in addition to all the other extra costs involved in going to school. If they are accepted but then cannot get into the system and are left without a place, there is a problem. Deputy Troy covered the issues around safety checks.

There are issues in my local areas of Suncroft and Nurney. In Suncroft two children, who have to travel 9 km to their secondary school, had a place last year but have been told there is no place for them this year. A father of three daughters in Nurney contacted me. Two of his daughters were in the secondary school in Kildare last year and had places and a third is starting this year but they have been told there are no places for them. It is a one-car family. The dad is, thankfully, working but he needs the car to take his daughters to school. How are children expected to go to a school 9 km away without transport? It is good to encourage young people to walk and cycle to school when it is safe to do so but 9 km is quite a distance and it is on busy roads. A councillor in Kildare has spoken of a system where students have a walking bus, though they do not live too far away. She is looking further into this. It is like a cardboard cut-out of a bus but it is actually a safe way for children in urban areas to go to school. I would be interested to hear the witnesses' comments on that.

There are issues around changing bus routes and bus drivers and there is a particular issue on a route into the Gaelscoil. The bus driver had a very good relationship with everybody but he was changed to a route 20 miles away for no apparent reason. It is difficult for small children, especially junior and senior infants, to get used to a new driver and, in this instance, the new driver was not given a route map and did not arrive on the first and second days. The inspector had to come out and the old bus driver had to come back to show the route to the new driver. Things like this happen but they should not happen and there should be a dummy run a week before the school starts. Going back to school can be stressful and we should not leave children behind just because there is a new driver. It is important that all drivers have a good level of fluency and communication skills. I understand that has not always been the case. If there is a good reason for a bus route to change, we and the parents should be told. It is a problem when routes are changed for no apparent reason.

I am aware that the Minister of State at the Department of Transport, Tourism and Sport, Deputy Halligan, has committed to a review of transport in parts of Donegal. I wonder if it would be useful in other parts of the country as well. He spoke to the Seanad in 2017 and was very surprised that children with special needs could be on buses for long periods. Many of us know of children with complex needs who are on buses for up to two hours. The Minister said he had not been aware of that and that it was not acceptable. Has this matter been reviewed?

Those are the comments I wish to make. I appreciate that we might have an opportunity to take up individual cases with the witnesses afterwards. I accept that the witnesses will not be able to respond to every individual case but if they could come back with regard to any of them, we would be delighted to hear from them. I will hand back to the witnesses for the final round of answers and comments.

**Mr. Stephen Kent:** The Chairman asked whether we could take on the scheme. I do not even have to be circumspect. We could not do it without the backing of the Department of Edu-



cation and Skills. It is so heavily subsidised that it could not be run as a commercial concern. The value we deliver to families and the tickets, even on a concessionary basis when it happens, could not be done commercially. It is a cost recovery from our point of view. This is how we must operate it and try to provide as many children with as many opportunities as we can under the rules of the scheme. Accepting some of the points that have been made, there are clearly difficulties in terms of everybody at the margins of the scheme but it is what it is. Everything we have stated has been about endeavouring to deliver the best we can and to be in compliance with the rules of the scheme. Much of this requires a significant amount of communication between us and the Department, including in the context of individual needs. This happens more than twice and three times daily. We will always strive to make sure that we get back to every individual case. Our commitment is that we are happy to do that. We do not want to leave any stones unturned and will see whether we can give everybody, if not the answer they always want, an answer that is in keeping with the scheme.

The Deputy asked about the cost of buses and whether it should be put in. Our piece in respect of that is that when we put routes out, and this may have been impacting in certain instances where a driver is reallocated, we may have retendered a route and sometimes another contractor has won that particular route. Due to the fact that we do everything under EU procurement laws, the prices are essentially set by the market and we try to put it in once all the compliance criteria are met. We could not administer the scheme without having so many good contractors throughout Ireland that deliver the scheme on our behalf and do an excellent job every day. It was disheartening to read the RSA findings. We wrote to the contractors and we know so many contractors are doing a good job and are in compliance with the rules. We have to continue reminding ourselves as part of the process that compliance happens and checks happen regularly. We probably cannot say it often enough. That is the truth. We have tried to enter into that in the spirit that has come out of the report, take it as being salutary for everybody and say that there is always a way in which we will have to continuously improve and deliver on that. Apart from that-----

**Deputy Danny Healy-Rae:** Through the Chair, if the RSA stopped a bus or had a problem with one, what would it do? My understanding is that it would march it off to do a full investigation and it does not go any further than that until things are put in order if something was found to be wrong. It is the same with lorries, even new lorries. Is that not correct? How is the RSA allowed to make a statement like this and hurt so many contractors? I cannot understand it. Am I correct in stating that the minute something is found to be wrong by the RSA, the bus or lorry goes no further but is directed to the depot or into-----

**Chairman:** The Deputy has made his point.

**Mr. Stephen Kent:** The RSA has statutory responsibility. It is very difficult for us to comment on that because the RSA has powers under legislation to do whatever it deems important. We are really operating the contract and are trying to make sure all of us under contract, including Bus Éireann, are in compliance with the legislation. That is probably all I can say on that matter.

**Mr. Richard Dolan:** A number of issues were raised earlier around the distance rule and why it is so exact. We take the point that there are other schemes with flexibility around the distance rule but if it is not 3.2, it is 3.21 or 3.23. There will always be somebody on the edge of the distance rule so for everybody we make happy, there will always be another cohort of people just on the border.

## SCHOOL TRANSPORT SCHEME: DISCUSSION

Regarding some of the concessionary non-eligible children who lose places from year to year, places available on any route for non-eligible children are based on the number of eligible pupils so if more eligible pupils come along in a given year, there are fewer places for those who are not eligible. That would be one reason people might lose places. We dealt with the rural issue and parishes earlier. We accept that this is an issue in local areas. It just highlights the challenges of designing a national scheme that fits every local area. Deputy McConalogue mentioned a specific case at which we will certainly look

.. If ten eligible children are not found, in other words, if we do not have enough to a route put in place, those children are eligible for a remote area grant so there is some assistance for them.

The closed school rule was mentioned. This rule is not part of the current scheme. It was part of the 2012 rules. The value-for-money review dealt with that in some detail. It was on foot of a recommendation from the review that the closed school rule ceased to operate. I know the Chairman had a number of issues as well and mentioned some specific issues we can certainly examine.

We are aware of issues around the special needs scheme in particular. It is something we hear from other people as well where a driver or even the colour of a vehicle changes and it can have an impact on the children in the scheme. Like Bus Éireann, we are bound by EU procurement rules and that is why a driver or vehicle might change. That is not to say that we cannot continue to work with families and schools to make sure they are at least aware of the change and why it might happen. We work closely with the NCSE on the special education scheme so if a child is too long on a service or two hours on a service, we would certainly look at that on a case-by-case basis. In effect, everything we do in the special education needs scheme is on a case-by-case basis. We look at all those applications specifically because they come through the Department, are assessed by somebody within the Department and are passed on to Bus Éireann. We will closely with the NCSE on those.

**Deputy Charlie McConalogue:** In respect of the Milford-Kilmacrennan school transport issue, the timeline involved and the Department assessing that, could Mr. Dolan elaborate on where the Department is with regard to that and the timeline in terms of coming back to the families concerned?

**Mr. Richard Dolan:** I am not sure about the timeline. Could I contact the Deputy directly tomorrow about it?

**Deputy Charlie McConalogue:** Okay.

**Chairman:** I thank our witnesses for their time and their very valuable contributions. We really appreciate them. All the members have gone but the non-members are here. There has been significant engagement in terms of non-members and I really appreciate their attendance because it is a very important issue. We talk about the importance of education, the importance of education in our communities and the need to provide free education but as we all know, education is costly in terms of children going back to school, uniforms, books, etc. Transport is an added cost but it is a cost that parents bear because they want to see their children get the best opportunities as close as possible to their own homes. There are still families that do not have cars and those where both parents and there is no car available. In that context, the witnesses can appreciate the stress and distress this causes within such families. I thank the delegates. We will be making recommendations to the Minister and the Department. We would also appreci-

JOINT COMMITTEE ON EDUCATION AND SKILLS

ate any follow-up with the delegates.

The joint committee adjourned at 6.40 p.m. until 9.30 a.m. on Thursday, 4 October 2018.