



## FAO: Department for Transport

### CPT proposals regarding the scope of “closed door” school services within Bus Open Data requirements

#### Background

Bus open data is part of the Government's plans to improve information about services and encourage greater use; the general principles are supported by CPT and its members. The Public Service Vehicles (Open Data) (England) Regulations 2020 require operators of registered local services in England to provide specified data to the Bus Open Data Service (BODS) and failure to do so is an offence, as outlined under [Section 155 of The Transport Act \(2000\)](#). The maximum penalty, which may be imposed by a Traffic Commissioner for failure to comply is £550 per vehicle authorised under the Operator Licence held by the operator.

All local services need to be registered, unless covered by an exemption. Key exemptions in this context are those provided by a Local Education Authority under the Education and Inspections Act 2006, and those designated as privately organised trips under the Public Passenger Vehicles Act 1981.

Implementation guidance, published by the Department for Transport (DfT) in October 2019, provided that:

*“Services that are out of scope of legal requirements for data publication include those operating under Section 19 or Section 22 permits, coach services, tour services, **dedicated school services** and heritage vehicles. Demand Responsive Transport is out of scope, but Hail and Ride sections of otherwise fixed route local bus services are in scope.”*

And that:

*“Our overall ambition is to improve the information available to bus passengers, **making it easier for them to make informed travel decisions** based on complete, accurate and timely data.”*

During 2020, operators of school services and heritage vehicles were made aware that no such exemption existed. All registered services, unless operated by a Section 22 permit holder, are in scope of the regulations.

This means that all, “dedicated” (dictionary definition - exclusively allocated to or intended for a particular purpose) school services, which meet the classification of being a local service ([Section 2 of the Transport Act 1985](#)) and which are registered in accordance with [Section 6 of the Transport Act 1985](#), are in-scope of BODS requirements. The requirements mirror those for all other registered local bus services (which are typically open to the public).

Closed-door schools, and many closed-door works services will not benefit from growth through passengers being able to make “informed travel decisions” through their inclusion in BODS data, as they are provided to a captive client base.



## Costs & benefits of BODS

We understand and support the ambition of BODS to improve the information available to bus passengers, making it easier for them to make informed travel decisions. However, this benefit does not apply to services which members of the public cannot use. In general, there are no opportunities to grow the passenger base through BODS as the closed-door group is 'fixed' and brought together privately. Furthermore, confusion may be caused where members of the public see a closed-door service on an app because of BODS and expect to be able to use it.

Removing the requirement for details of all closed-door services to be published to BODS is likely to encourage new school services due to the lowering of costs and reduction in bureaucracy.

The costs of compliance with BODS for a small coach operator are estimated to be more than £1000 per in-scope vehicle operated, per year, when factoring in the purchase cost for vehicle technology, ongoing subscription costs, and back-office administration costs.

One CPT member, with a peak vehicle requirement of 26 and 43 registered services, has been forced to employ a part-time member of staff for the purpose of BODS administration at a cost of circa £25,000 per year.

## Operator compliance

Although app-based solutions are now available, some school service operators were forced, initially, to purchase smart ticketing equipment. Both of these methods used to comply with location data requirements have an initial, and ongoing subscription cost, which is passed on to passengers.

Punctuality compliance issues can also arise through the need for BODS to be adhered to on closed school services, and where punctuality is determined through use of the data. Variations to these services are often made at short notice, at the request of the school or local authority. Examples of this are at the end of term, where a school may decide to close at lunch time rather than mid-afternoon. Similarly, some schools, as frequently as on a daily basis, will not "release" a vehicle until it is loaded. This could be due to events such as afternoon assemblies over-running, or certain groups of children not being ready for other reasons. Operators are quite willing to accept such changes, working hand in hand with educational establishments to ensure that the best service possible is given, and ensuring that no passengers are left. Punctuality, particularly on an afternoon school service, is, within reason, much less important than ensuring that all students who need the service are able to travel.

Where amendments are made to services to suit customer (educational establishment) needs, systems like [Analyse Bus Open Data \(A-BOD\)](#) and other third-party systems that process data to account for punctuality are unable to account for these, which are often requested at the last-minute. On occasions where a service operates outside of the window of tolerance for punctuality (no more than 1 minute early or 5 minutes late), then systems will show it as having not run punctually. Such reports may be detrimental to an operator where customers, enforcement bodies, local authorities (LAs) or other relevant stakeholders view them.



### CPT member example / case study - school services (LA and commercial)

A CPT coach operator member runs four services to a Norfolk school. Three of the services are commercial, one is a local authority contract. The contracted service is exempt registration under Section 6 of The Transport Act 1985, and therefore exempt BODS requirements.

The three commercially operated services are correctly registered with the Traffic Commissioner. These services are therefore in-scope of BODS.

Due to the cost, mainly that associated with providing AVL feeds, the CPT member initially took the decision to withdraw the commercial services. The member was concerned that another local operator may take on these services and would simply not register them as local services. The member would have therefore not only lost this regular income stream, but another operator could have gained from it. These circumstances would go against the intention for BODS, to provide growth to the bus and coach sector and may lead to lesser levels of compliance.

This case shows the disparity between closed-door services provided commercially, and those administered by local education authorities in relation to the registration requirements. Effectively, in this case, three services are required to register and are in scope of BODS, one isn't, yet all four services cater for the same passenger group.



## Types and scope of services

The table below provides some examples of how similar closed-door school services may be organised, though due to service classification and / or exemptions, some are out of scope of BODS

<b>Service provided/arranged by</b>	<b>Type of fares</b>	<b>Does BODS apply?</b>	<b>Reason</b>
A Local Education Authority	Any	No	Although it is a local service by definition, is exempt registration under Section 6 of Transport Act 1985
A school	Flat	No	Classed as Privately Organised Trip (as opposed to Local Service) under Sch 1 Pt III of Public Passenger Vehicles Act 1981
A school	Based on distance	Yes	Classed as local service and requires registration as does not meet the full criteria for Privately Organised Trip under Sch 1, Pt III of Public Passenger Vehicles Act 1981
A group of parents	Flat	No	Classed as Privately Organised Trip (as opposed to Local Service) under Sch 1 Pt III of Public Passenger Vehicles Act 1981
A group of parents	Based on distance	Yes	Classed as local service and requires registration as does not meet the full criteria for Privately Organised Trip under Sch 1, Pt III of Public Passenger Vehicles Act 1981
An operator	Any	Yes	Is a local service with no exemption from service registration requirements under Transport Act 1985, and does not meet the terms of a Privately Organised Trip under Sch 1 Pt III of Public Passenger Vehicles Act 1981

## Member feedback on “live tracking” (AVL) of dedicated school services

CPT members have concerns over vehicles being “live tracked” through the availability of open location data. Those concerns mainly relate to safeguarding of (child only groups of) passengers.

Parents and guardians who wish to track their children can do so inexpensively, using their smart phones, or devices like Apple Air Tags. Apps like “Find my I-Phone” and “Life 360” are readily available and serve this purpose.

AVL suppliers like Ticketer allow their data to be fed in to educational establishments own apps and websites, giving private access to tracking for those eligible to see it, without the information being made available to the wider public. Many other suppliers provide similar services to parents and educational bodies.



## Other considerations

### Linked legislation

Linked legislation for Accessible Information equipment (next stop displays and announcements) that came into force from October 2023 provides explicit exemption for “closed-door home to school transport services”.

CPT has made representations to the review of The Public Service Vehicles Accessibility Regulations (2000), calling for a pragmatic approach to accessibility for closed-door services. Until 2026 (and within set terms), exemptions apply for non-compliant fleets.

In both legislative cases above, the actual application of legislation is considered with a view to a pragmatic approach because these services are not open to the wider (general) public, and because (regular) passengers and their needs are usually known in advance.

### Contractual arrangement issues

In some cases, where services do not qualify as privately organised trips and are therefore in scope of BODS, operators have had difficulties in establishing the fares charged. An example being where a private school contracts in PSV operators and transport is paid for via school fees. If the school will not disclose the fees or fare element of the fees to the operator, then the operator is unable to publish the “fares” to BODS and is liable to sanctions under [Section 155 of the Transport Act 2000](#). If fare levels are withheld, it cannot be right that an operator is either liable for sanctions or must give up the work.

### Other services that may benefit from consideration of exemption from BODS

- Many closed-door works services which take dedicated groups of passengers to a singular closed place of work should also be considered for exemption from BODS, or even from registration.

## Options for change and CPT UK recommendations

There are a number of ways that closed-door services could avoid the BODS requirements. These include (but are not limited to):

- Exemption of closed-door (school) services from registration requirements with amendment to Section 6 of The Transport Act 1985 or;
- Explicitly exempt all closed-door (school) services from Bus Open Data requirements under the Public Service Vehicles (Open Data) Regulations 2020 or;
- Amend [Schedule 1, Part III \(and Part IV\) of The Public Passenger Vehicles Act 1981](#) to broaden the scope of “privately organised trips”. A privately organised trip is not a Local Service (under [Section 2, \(4\)\(a\) of the Transport Act 1985](#)). If operators were able, for example, to arrange the service, charge differing fares and / or advertise the service via their, or a school website, more services would qualify under the legislation



## Advantages to exemption

The exemption of "closed-door" school services from BODS requirements and / or registration will lead to:

- Better compliance through less burdensome requirements for operators of these services.
- No detriment to the wider travelling public, these services not being available to them anyway.
- Easier access to the school service market for PSV operators.
- More opportunities for commercial closed-door school services to be implemented.
- A more level playing field through easier compliance.
- Cheaper fares through operators not being required to invest in AVL services, use time and expense in uploading fare and timetable data and in submission of registrations.
- The ability to provide BODS data voluntarily if there is a need to.
- Removal of the safeguarding issue where members of the public can currently track closed-door services full of children.
- More consistency and logic across different types of closed-door services, regardless of how they are organised

**The Confederation of Passenger Transport UK urges the UK Government to consider changes as outlined, in order to improve compliance, and avoid undue additional costs to passengers.**

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