Manual for the Administration of Devolved LTS Routes by Public Schools

1. General

1.1 The devolvement of the function to administer a LTS route on behalf of the WCED is granted to a school in terms of the section 21(1)(e) of the South African Schools Act 84 of 1996 ("SASA") read with section 8 of the Western Cape Provincial School Education Act 12 of 1997 ("the Provincial Act").[1]

1.2 LTS routes remain the responsibility of the WCED and the routes devolved only include the function to administer the LTS route. The implications of this are that schools must as part of the administration of a devolved LTS route comply with all WCED prescripts, requirements, operating procedures and other documentation and/or requirements issued by the WCED. Schools must note that aside from complying with SASA, the Provincial Act and any other requirements issued by the WCED, Schools are bound to ensure that the service providers appointed to render transport services on devolved LTS routes must comply with the National Land Transport Act 5 of 2009, National Road Traffic Act 93 of 1996 ("NRTA") and any other applicable legislation.

[1] Section 21 of SASA provides as follows –

"(1) Subject to this Act, a governing body may apply to the Head of Department in writing to be allocated any of the following functions:

(a) To maintain and improve the school's property, and buildings and grounds occupied by the school, including school hostels, if applicable;

(b) to determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy;

(c) to purchase textbooks, educational materials or equipment for the school;

(d) to pay for services to the school;

(dA) to provide an adult basic education and training class or centre subject to any applicable law; or

(e) other functions consistent with this Act and any applicable provincial law.

(2) The Head of Department may refuse an application contemplated in subsection (1) only if the governing body concerned does not have the capacity to perform such function effectively.

(3) The Head of Department may approve such application unconditionally or subject to conditions.

(4) The decision of the Head of Department on such application must be conveyed in writing to the governing body concerned, giving reasons.

(5) Any person aggrieved by a decision of the Head of Department in terms of this section may appeal to the Member of the Executive Council.

(6) The Member of the Executive Council may, by notice in the Provincial Gazette, determine that some governing bodies may exercise one or more functions without making an application contemplated in subsection (1), if—

(a) he or she is satisfied that the governing bodies concerned have the capacity to perform such function effectively; and

(b) there is a reasonable and equitable basis for doing so."

1.3 The approval of an application by a School to administer a LTS route, if approved by the Head of the WCED ("HOD") may be approved with conditions or unconditionally. If approved with conditions, such conditions will be set out in the communication to the School approving the devolvement and must be complied with by the School. All schools to which LTS routes are devolved must also comply with any relevant WCED Circulars or Circular Minutes.

1.4 Approval to administer a LTS route may in terms of the provisions contained in section 22 of SASA be withdrawn once the relevant procedures in section 22 have been followed.[2]

1.5 Officials from the relevant District Office, Circuit and Head Office will periodically conduct inspections at schools administering devolved LTS routes to monitor the delivery and administration of the transport service. Schools are expected to provide access to the relevant administration documents and vehicles for inspection purposes and are to ensure that any information requested in respect of the devolved LTS route is provided to any applicable WCED official.

1.6 The WCED will transfer funds to schools administering devolved LTS routes for the actual number of learners authorised to use the transport services, the actual number of kilometres on the route and the approved tariff, all of which will be communicated to the school by the WCED.

1.7 The income and expenditure relating to the funds transferred to the school must be reflected separately in the administering school's annual budget and the WCED 043 form.

[2] Section 22 of SASA provides as follows –

"(1) The Head of Department may, on reasonable grounds, withdraw a function of a governing body.

(2) The Head of Department may not take action under subsection (1) unless he or she has—

(a) informed the governing body of his or her intention so to act and the reasons therefor;

(b) granted the governing body a reasonable opportunity to make representations to him or her relating to such intention; and

(c) given due consideration to any such representations received.

(3) In cases of urgency, the Head of Department may act in terms of subsection (1) without prior communication to such governing body, if the Head of Department thereafter—

(a) furnishes the governing body with reasons for his or her actions;

(b) gives the governing body a reasonable opportunity to make representations relating to such actions; and

(c) duly considers any such representations received.

(4) The Head of Department may for sufficient reasons reverse or suspend his or her action in terms of subsection (3).

(5) Any person aggrieved by a decision of the Head of Department in terms of this section may appeal against the decision to the Member of the Executive Council."

1.8 All schools administering devolved LTS routes must make use of the standard form service level agreement ("SLA") attached hereto as Annexure "A" and are not permitted to amend the clauses thereof. The SLA has been prepared to protect both the WCED and the school and to ensure the efficient and effective administration of the LTS route, bearing in mind that the WCED maintains ultimate control over each LTS route. It is only the administration of the LTS route that is devolved to a school.

2. Delivery of Services

2.1 Schools administering and managing a devolved LTS route must either procure a transport service or deliver the service with their own vehicle(s).

2.2 Schools administering devolved LTS routes must comply with the requirements for the delivery of LTS transport services as set out in this LTS Standard Operating Procedures ("SOP"), all applicable law and any other requirements set by the WCED.

2.3 Schools that appoint a service provider to provide the services for a devolved LTS route must do so in accordance with the school's finance and/or procurement policy read with the Basic Financial System for Public Schools, must take steps to ensure that the process embarked upon is fair, equitable, transparent and cost-effective, and must ensure that the service provider is subject to the same standard operating procedures to which the school is subject.

3. Vehicles

3.1 Vehicles used on the LTS route must have sufficient seating capacity for all learners to be transported. Every Learner, irrespective of age, shall have a seat and no Learner may be standing in a vehicle whilst in motion. The number of Learners, plus the driver and Adult Supervisor transported in a vehicle, may not exceed the licensed seating capacity indicated on the license and roadworthy disc of the vehicle. The provisions of Regulation 231[3] of the National Road Traffic Regulations, 2000[4], which determines that in the case of Learners younger than 13 (thirteen) years, 3 (three) passengers shall be taken as requiring 2 (two) seats, will not apply when transporting Learners for the WCED.

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[3] Regulation 231 provides as follows regarding the manner in which children to be counted –

"For the purposes of establishing the number of persons that may in terms of these regulations, other than regulation 263, be carried on any vehicle, other than a motor cycle, motor tricycle, motor quadricycle or pedal cycle—

(a) any child under the age of three years shall not be counted;

(b) two children of three years or over but under the age of six years shall be counted as one person; and

(c) three children of six years or over but under the age of 13 years shall be counted as two persons:

Provided that in applying the provisions of this regulation, fractions shall be disregarded."

[4] GNR.225 of 17 March 2000: National Road Traffic Regulations, 2000, issued in terms of the NRTA.

3.2 The principal or his or her delegate must ensure the following before the commencement of services and throughout the duration of the devolvement agreement with the appointed service provider:

a) Each vehicle used must have a valid operating license for the transportation of learners on the route.

b) Each vehicle used must be licensed, in a roadworthy condition and well-maintained.

c) Each driver of a vehicle must be in possession of a valid driver's license for the relevant vehicle class as well as a valid Professional Drivers Permit (PDP).

d) The Sub-directorate: LTS at Head Office (ltsvehiclereplace@westerncape.gov.za) must be informed of the details of each vehicle to be used on the LTS route. Copies of the valid license and roadworthy documents for each vehicle must be submitted and copies of renewed documents must be submitted upon expiry thereof.

3.3 When a vehicle is replaced on a devolved LTS route, the service provider or the school (in cases where the school's own vehicles are used) must complete a vehicle Replacement form and submit it, along with copies of valid license and roadworthy documents, to the Sub-directorate: LTS at Head Office using the following email address: ltsvehiclereplace@westerncape.gov.za for approval. Where a replacement form is submitted by a service provider, the administering school will be consulted before approval is granted.

4. Conditions for schools making use of vehicles owned by the school

4.1 Conditions for the delivery of LTS transport services, as contained in the SLA, must be adhered to by schools making use of their own vehicles to deliver the transport service.

4.2 Schools will only be considered as using its own vehicle when such vehicle is registered in the name of the school. No vehicle used by the school registered in the name of any other entity, individual or third party will be considered as the school's own vehicle.

5. Conditions for schools making use of a contracted service provider

5.1 Guidelines for procuring a service provider and the awarding of a contract:

5.1.1 Schools are expected to source quotations and procure a transport service in line with the financial and/or procurement policy approved by the school as well as relevant WCED school financial management policies.

5.1.2 The procurement of a service provider for a devolved LTS route must be done in a manner that is fair, transparent, open, equitable and cost effective. The WCED recommends that aside from obtaining quotes only from potential service providers, that at a minimum, schools request with the quote the following: all vehicle licensing documentation, the details of the drivers and copies of the driving licences, references from previous contracts awarded to the service provider, confirmation from the South African Revenue Services ("SARS") that the prospective service provider's tax affairs are in order and appropriate documentation confirming the details of the service provider as a business entity (be that a sole proprietor, close corporation, company, joint venture, trust or other legally established business entity together with its relevant registration details).

5.1.3 The appointment of a service provider must be made at a meeting of the School Governing Body ("SGB") at which minutes are taken and in which the minutes confirm the agreement to appoint a service provider as well as any other observations, comments, conditions or disagreements in relation thereto. At the same meeting at which the SGB decides by majority vote to appoint a service provider, the minutes must reflect that the SGB confirms that the service provider's vehicles have sufficient seating capacity, that the SGB has evaluated the tax compliance of the Service Provider with SARS and that such compliance is in order, and confirms that all vehicles and drivers to be used on the LTS route are properly licenced in accordance with applicable law. The SGB is to confirm the appointment of the service provider following the SGB meeting appointing the service provider and the written communication informing the service provider must indicate that the service provider will be required to sign the SLA.

5.1.4 A contract in the form of the SLA annexed hereto as Annexure "A", not exceeding a period of 5-years, must be concluded with the appointed service provider. The SLA must be concluded in line with the approved specifications (learner number, distance, pick-up points) of the devolved route. **The use of the SLA is compulsory for schools concluding a contract with an LTS service provider.**

5.1.5 The GPS co-ordinates of the authorised pick-up points and route map must be requested from the Sub-directorate: Learner Transport Scheme at the WCED Head Office and be included in the compulsory SLA.

5.1.6 Schools must ensure that the service provider records the full registered name and registration number of their business in the SLA. A copy of the service provider's business registration documents must be obtained and kept on record together with a resolution authorising the signatory to do so, must also be kept on record. Where the SLA provides for information to be included, such information can be typed in or written in by hand provided that each amendment in writing is initialled by the signatories and witnesses. Furthermore, each page must be initialled by each signatory and witness and signed in full at the end of the SLA. The school should spend time going through the terms of the SLA with the service provider prior to signature to ensure that the requirements and provisions thereof are understood, and confirmation hereof is to be kept in writing on file by the school.

5.1.7 Before a contract is concluded, schools are required to make contact with the Sub-directorate: LTS (ltsvehiclereplace@westerncape.gov.za) to establish whether the Vehicle/s offered for use by the service provider, are not authorised for use on another LTS route. Schools may not conclude a contract with a service provider utilising any vehicle that is authorised for use on another LTS route.

5.1.8 If a vehicle offered by a service provider is not registered in the name of the service provider, a lease agreement for such vehicle must be submitted with the service provider's offer. The lease agreement must be duly signed by the lessor and lessee, covering the period of the contract. An example of a lease agreement document is attached hereto as Annexure "C".

5.2 When a new contract is concluded between the school and a service provider, a copy of the signed SLA must be uploaded to CEMIS. This is a requirement for transfer payments to be made in respect of a devolved LTS route and payment will not be made if the school fails to upload the signed SLA.

5.3 In order to upload the SLA for a specific devolved route on CEMIS, the following procedure should be followed:

- Access CEMIS.
- On the menu page, point the cursor over the "Administration" heading. The "Learner Transport" option will appear in the drop-down list.
- Point the cursor over the "Learner Transport" option and the "Approved Routes" option will appear in the drop-down list.
- Click on "Approved Routes".
- On the next screen, click "Document Uploads".
- Select a route from the drop-down menu.
- A drop-down menu will appear, select transport type from the drop-down menu.
- If "Own Vehicle(s)" is selected, the procedure is complete and "Submit" can be clicked.
- If "Contracted Vehicle(s)" or "Own and Contract Vehicle(s)" is selected, click on "Choose file" and select the Pdf file containing the valid contract document.
- Click "Upload". Multiple documents can be uploaded.
- The uploaded documents will appear below.

5.4 Payments made by the administering school to the appointed LTS service provider must be made in terms of a valid invoice and in line with the concluded contract between the school and the service provider.

5.5 Where a service provider breaches the SLA by not complying with its contractual obligations, the school must act in accordance with the relevant breach provisions and notify the service provider thereof and give the service provider an opportunity to remedy its breach. Furthermore, the SLA allows for the imposition of penalties which penalties should be imposed as provided for.

6. Role of other schools on a devolved route

6.1 Other schools on devolved LTS routes must ensure that the learners listed on the LTS database for their school are a true reflection of the learners making use of the transport service. Learners who do not appear on the LTS database on CEMIS are not authorised for transportation on the route and schools must apply for such learners to make use of the LTS.

6.2 Applications submitted for learners attending other schools on a devolved LTS route must be done by the school the learners attend and in consultation with the administering school.

7. Use of LTS funds

7.1 Schools administering devolved LTS routes are allowed to use up to 10% of the funds transferred by the WCED in respect of a devolved LTS route for the costs associated with the administration of the route. That 10% may not be used for any other purpose and is applicable to both schools that procure the service and those that render the service themselves.

7.2 Funds provided to a school for the payment of transport services in respect of devolved LTS routes are intended for the costs associated with the daily transport of authorised learners to and from school on the authorised route, and may only be used for the following:

7.2.1 Where a transport service is procured by the school –

- Payment of monthly invoices received for the delivery of LTS services by a Service Provider appointed in terms of a valid LTS contract between the SGB and the Service Provider.

7.2.2 Where the school delivers the transport service with their own vehicle/s –

- Purchasing and payment of a vehicle intended for use by the school to deliver LTS services on the devolved route. This must be done in line with the financial policy approved by the school as well as relevant WCED school financial management policies.
- Payment of driver / adult supervisor salaries.
- Licensing and roadworthy costs.
- Costs for fuel and maintenance of vehicle/s.
- Vehicle insurance.

8. Claim process (Bi-annual)

8.1 After approval of a devolvement agreement, an initial transfer payment based on the number of approved learners captured for the route on the LTS database on CEMIS at the time of the transfer payment, authorised distance, approved tariff and number of school days of the initial period will be transferred to the school in advance.

8.2 Subsequent transfer payments will be made to the school in advance for every six months, for the periods from April to September and from October to March. These transfer payments will be based on the number of approved learners captured for the route on the LTS database on CEMIS at the time of the transfer payment, authorised distance, agreed upon tariff and number of school days for the following six months of the agreement.

8.3 Transfer payments will be initiated by a claim received from the administering school to which a LTS route has been devolved requesting the transfer payment for the following six-month period.

8.4 Valid claims for transfer payments in respect of devolved LTS routes must be accompanied by a declaration, confirming that the allocated funds have been used for its intended purpose. The declaration must list the income and expenditure for the delivery of the transport service and the administration of the LTS route for the previous six-month claim period. Source documents (copies of invoices, statements, receipts, etc.) relating to the indicated expenditure must be included as part of the declaration.

8.5 Schools must ensure that an SLA has been concluded between the school and its LTS service provider and is uploaded on CEMIS to prevent any delays in the processing of a claim as no claims will be paid without these requirements having been met.

8.6 Claims with accompanying supporting documents must be submitted to the Head: Management and Governance at the relevant district office. The claim will only be processed on confirmation from the relevant district officials that the service was delivered satisfactorily as well as the effective and appropriate use of the allocated funds. After the certification of a valid claim, the relevant district office will escalate the claim for processing and payment by the Directorate: Financial Accounting at the WCED Head Office.

8.7 During the processing of a claim by the Directorate: Financial Accounting, any surplus funds from the previous claim period as reflected in the declaration of funds used will be deducted from the transfer payment for the following claim period. This will be implemented with effect from the beginning of the 2026 school year.