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BEDFORD
BOROUGH COUNCIL

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SCHOOL AND SPECIALIST TRANSPORT DEFAULT POINT PROCEDURE

August 2026

DEFAULT POINT PROCEDURE

The Default Point Procedure is designed to ensure that failures to meet the Contract conditions are followed up with a penalty which is appropriate to the failure and fairly applied and which gives the Contractor an incentive to improve performance.

1. The following rules will determine the application of default points and termination of Services:
 - (a) Failure to comply with Contract conditions will lead to the application of default points as detailed in the defaults points table, in a range from 5 to 100.
 - (b) Each set of penalty points will be attached to the Service for the period of 6 months from issue.
 - (c) If a Contractor is issued with 100 or more Default Points in a rolling six month period (excluding School holidays in the case of Services serving schools) unless immediate termination is specified, the Council may suspend the Service pending termination as set out below.
 - (d) Some failures, as specified in the Default Points Table, will not have default points awarded but will instead result in immediate service termination.
 - (e) In the event of Service termination as a result of one or cumulative failures, the Council may suspend or exclude the Contractor from the DPS Agreement either temporarily or permanently. Contractors will be ineligible to take part in any mini-competition tender activities for the duration of any such suspension or exclusion from the DPS Agreement. A suspension may be lifted once the Contractor can provide satisfactorily evidence that they have made the necessary improvements to address the grounds under which they were given the suspension. The application and/or lifting of such suspensions and exclusions are done solely at the Council's discretion and the Council's decision is final.
2. Where action is taken against the Contractor under the conditions of this Procedure the onus will be on the Contractor to prove that any alleged irregularities did not occur; providing any available evidence to the Council.
3. Where a Contractor is issued with a Notice of Termination under the rules of this Procedure; the Service will be suspended for 7 working days, during which time the Contractor has the right to appeal in writing to the Council. The Service will remain suspended until the outcome of the Appeal is determined. If no appeal is made within the seven days the Service will be terminated, and no appeal will be considered thereafter. No payment will be made by the Council for the period of suspension, even if the Service is subsequently reinstated.
4. If a Contractor wishes to appeal against the issue of awarded Default Points, they must do so in writing to the Council within 7 working days of receipt of the notice.

Appeal Process

5. All Appeals must be made by the Contractor in writing to the issuing Officer as detailed on the Default Notice within 7 working days of the notification and should detail the reasons for the Appeal and provide all relevant supporting evidence. Appeals will be acknowledged within 5 working days. The appeal will be considered within 20 working days of receipt.
6. It is possible that the Contractor may be contacted subsequently for additional information or clarification which must be provided by the Contractor within 2 working days of such a request. Failure to respond to requests for additional information or clarification will result in dismissal of the Appeal.
7. In Appeals relating to the termination of a Service the Contractor will be offered the opportunity to present their case in person. In this event the Contractor must give prior notification to the Council of the names of all parties attending on behalf of the Contractor.
8. Appeals concerning the award of default points, not resulting in the suspension or termination of the Service, will normally be considered upon the merit of the written evidence submitted. Only in exceptional circumstances, will the Contractor be invited to present their case in person.
9. All Appeals will be considered by a Council Director or the holder of any post which comprises the equivalent duties or is at a similar level of Seniority, or his appointed Officer, whose decision will be final.

DEFAULT POINTS TABLE

This list is not exhaustive. The Council reserves the right to apply appropriate Default Points for any breach of the Conditions of Contract and may amend the provisions of Schedule 1 at its discretion.

Ref Code	Nature of failure	Points	Notes
<u>Gross Misconduct</u>			
P001	Use of Vehicle without the necessary Licence	100	Immediate Termination – may lead to all Services held with the Borough Council to be terminated
P002	Vehicle un-roadworthy in accordance with Road Traffic Legislation	100	As above
P003	Failure to have the correct insurance	100	As above
P004	Failure to provide a Driver with the appropriate Licence for the type of Vehicle	100	As above
P005	Failure to notify the authority in the event of an incident in accordance with clause(s) PT4.3 and PT4.4 of the Contract Document	100	As above
P006	Any actions or behaviour by the Contractor or employees likely to bring the Council into disrepute	100	May lead to all Services held with the Borough Council to be terminated
P007	Failure to provide a BBC approved Driver or Passenger Assistant on a Bedford Borough Council Service.	50	Immediate Termination – may lead to all Services held with the Borough Council to be terminated
P008	Failure to carry Passenger Assistant without prior consent from Bedford Borough Council	50	As above
P009	Failure to operate Service (as per schedule / specification)	100	Only applied if deemed to be within the Contractor's control
P010	Use of Vehicle which does not meet specification	50	Applies where written authorisation has not been received
P011	Driver or Passenger Assistant smoking during performance of the Service	100	Immediate suspension of the Driver or Passenger Assistant from the Borough Council's approved list (Badge withdrawal)
P012	Any action or behaviour by the Contractor or its staff which is likely to cause harm or presents a risk of harm to a passenger/client	100	Immediate Termination – may lead to all Services held with the Borough Council to be terminated

PO13	Any action or behaviour by the Contractor or its staff arising from a breach of safeguarding responsibilities or results in or is likely to result in harm due to a failure to exercise appropriate duty of care towards passengers, including vulnerable client groups.	100	Immediate Termination – may lead to all Services held with the Borough Council to be terminated
<u>Breach of Contract</u>			
P014	Failure to notify the Council of sub-Contracting arrangements as per clause PT1.2	75	This may lead to immediate suspension of Service
P015	Failure to provide route sheet where required in Service Specification	25	
P016	Failure to notify the Borough Council of delays	5 15 25	1 st occasion 2 nd occasion 3 rd occasion and any thereafter
P017	Failure to observe agreed pick up point / bus stop / departure time by being early / late / changing route order	5 15 25	1 st occasion 2 nd occasion 3 rd occasion and any thereafter
P018	Failure to respond to complaint or report	25 50	1 st occasion 2 nd occasion and any thereafter
P019	Failure to ensure Drivers/Passengers Assistants are provided with, appropriately briefed on, relevant Risk Assessment and/or Travel Care Plans, including failure to cascade such information securely in accordance with data protection requirements.	25 50 100	1 st occasion 2 nd occasion 3 rd occasion and any thereafter
P020	Failure to accept tickets/passes as defined in the service specification	50	
P021	Failure to notify the Council of a notice of intention and/or the subsequent outcome of such a hearing as per clauses PT3.1.6 and 3.1.7	5 15 100	1 st occasion 2 nd occasion 3 rd occasion and any thereafter

P022	Failure to report non-attendance of a passenger for three consecutive days	25 50 75	1 st occasion 2 nd occasion 3 rd occasion and any thereafter
P023	Deployment of a Driver/Passenger Assistant on an SEN Service who has not completed the council-approved Safeguarding training and/or does not hold a CTA as required	50 75 100	1 st occasion 2 nd occasion 3 rd occasion and any thereafter – 100 points; may result in immediate suspension of the individual and or Service.
P024	Unauthorised contact or communication with passengers or their families outside that which is strictly necessary to the delivery of the Service, including but not limited to communication via social media or digital platforms (e.g. Facebook, Snapchat, Instagram, WhatsApp, TikTok, X or similar applications).	100	Immediate suspension of the Driver or Passenger Assistant from the Borough Council's approved list (Badge withdrawal). May result in immediate termination of the Service where the behaviour presents a safeguarding risk, involves vulnerable passengers, or is likely to bring the Council into disrepute.
P025	Failure to ensure a wheelchair user is positioned and /or secured in accordance with the agreed safe system of work, including failure to transport wheelchair users in a forward-facing position unless otherwise authorised, or failure to use appropriate restraint systems in accordance with relevant guidance, manufacturers instructions, and/or the passenger's Risk Assessment or Travel Care Plan.	100	Immediate suspension of the Driver or Passenger Assistant from the Borough Council's approved list (Badge withdrawal). May result in immediate suspension or termination of the Service where the failure presents a risk to passenger safety or constitutes a breach of safeguarding responsibilities.
<u>Vehicle</u>			
P026	Use of Vehicle in poor but roadworthy condition	5 10 100	1 st occasion 2 nd occasion 3 rd occasion and any thereafter
P027	Use of Vehicle in defective condition <i>NB. This list is not exhaustive and Bedford Borough Council have the right to award additional Points as appropriate</i> <i>This may lead to immediate suspension pending termination</i> <i>(Points depend on the nature of the defect)</i>	5 10 10 10 10 10 15 25 25 25 25 50 50 100	lights wipers glass fire extinguisher first aid kit excessive smoke in-service failure during route CCTV (where appropriate) door locks mirrors complete breakdown seatbelts missing documentation tyres

P028	Failure to ensure Vehicle modifications certified as fit for purpose, or be able to provide the documentary evidence to prove such certification has taken place	100	May result in the immediate termination of the Service
<u>Staff</u>			
P029	Driver using mobile phone in hand, via Bluetooth or otherwise whilst in control of the Vehicle	5 15 100	1 st occasion 2 nd occasion 3 rd occasion and any thereafter
P030	Failure to carry a mobile phone / radio contact for emergency use	25 50	1 st occasion 2 nd occasion This offence will be logged against the Driver and a second offence by the same Driver will lead to that Driver being suspended from the Borough Council's approved list
P031	Failure of Driver or Passenger Assistant to wear a Borough Council issued ID badge or alternative means of authorisation	25 50	1 st occasion 2 nd occasion This offence will be logged against the Driver/PA and a second offence by the same Driver/PA will lead to that Driver being suspended from the Borough Council's approved list
P032	Failure to provide a competent member of staff	50	
P033	Failure to ensure available contact	5 15 100	1 st occasion 2 nd occasion 3 rd occasion and any thereafter