



ISASA

Independent Schools Association of Southern Africa

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MEMORANDUM

To:	ALL ISASA MEMBER SCHOOLS
From:	ISASA POLICY UNIT
Date:	7 MAY 2019
Subject:	UBER USE BY LEARNERS AND THE LEGAL IMPLICATIONS

Introduction

Uber is fast making inroads as one of the most convenient modes of transport in urban areas. Its popularity is reflected in the increasing number of learners using the service. The use of Uber by minors has raised concerns amongst member schools. This entails learners being collected by Uber without any notification from parents, which poses a potential security risk. There is an apprehension that the school may be liable should something go wrong.

What is new?

This memorandum serves to inform member schools of the measures that Uber claims it has instituted to ensure the safety of its users. We also provide advice to member schools with regard to the use of the Uber service by learners.

This information was released by Uber following a string of violent incidents in South Africa. Uber has provided an undertaking that before a driver can be allowed to be an Uber driver, the following must be confirmed:

- (i) Potential drivers must each have a valid Professional Drivers Permit which is checked by Uber against the Traffic Licensing Department's database.
- (ii) Potential Uber drivers are checked against a criminal fingerprint identification system.
- (iii) Vehicle inspections are done to ensure the vehicles are roadworthy.
- (iv) Driving skills are evaluated through a third-party driving evaluation test to examine the driver's ability to drive safely and according to road regulations.

Furthermore, Uber advises passengers to check the following aspects before getting into the car:

- (i) Whether the registration plate, vehicle colour and model match the information provided on the Uber App.

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What ISASA advises schools to do?

ISASA has always referred schools to ***Uber's own Terms and Conditions which stipulate that the service is not available to persons under the age of 18 years unless they are accompanied by an adult.*** Furthermore, member schools are advised to bring this to the attention of parents.

What does it mean for independent schools?

- ISASA advises that schools warn parents against the use of Uber by learners, owing to its age restrictions, as set out in its Terms and Conditions: 18 years.
- Schools should also inform parents that the school will not be liable for any incidents resulting from the use of Ubers by pupils.
- ISASA discourages schools from permitting Ubers to collect learners from the school premises.
- Should parents persist in having their children use Uber, schools should refer parents to the guidelines indicated above.

Should you have any questions regarding this memorandum please do not hesitate to contact the ISASA Office: Confidence Dikgole – Director: Policy and Government Relations at confidenced@isasa.org or Siphamandla Nxumalo – Senior Policy Analyst at siphamandlan@isasa.org or Nhlamulo Mvelase – Policy Analyst at nhlamulom@isasa.org.