

# Code of Conduct for School Students Travelling on Buses



Supporting Responsible  
and Safe Bus Travel

Effective from 14 July 2014

# Contents

<b>1. Purpose</b>	<b>3</b>	<b>7. Responding to misconduct</b>	<b>13</b>
<b>2. Introduction</b>	<b>3</b>	7.1 Principles	13
<b>3. Legislative status of this document</b>	<b>4</b>	7.2 Procedures for responding to misconduct	13
<b>4. Code of Conduct stakeholders</b>	<b>4</b>	7.2.1 Drivers	13
4.1. Students	4	7.2.1.1 Driver procedures	14
4.2. Parents/carers	4	7.2.2 Operators	14
4.3. Schools	4	7.2.2.1 Operator's investigation	14
4.4. Bus drivers	5	7.2.2.2 Determining consequences for breaches of the Code	14
4.5. Bus operators	5	7.2.2.3 Written caution	15
4.6. Conveyance committees	5	7.2.2.4 Refusal of travel	15
4.7. Department of Transport and Main Roads	5	7.2.2.5 Behaviour agreement	15
<b>5. Rights and responsibilities</b>	<b>5</b>	7.2.2.6 Other consequences agreed by stakeholders	15
5.1 Table of rights, roles and responsibilities	6	7.2.2.7 Operator procedures	16
5.2 Students	7	7.3 Fare Evasion	17
5.3 Parents and carers	7	7.4 Bullying	17
5.4 Schools	8	7.5 Repeat offenders	17
5.5 Bus drivers	8	7.6 Students with disabilities	17
5.6 Bus operators	9	<b>8. Complaints and Review Processes</b>	<b>18</b>
5.7 Conveyance committee	9	8.1 Complaints process	18
5.8 Department of Transport and Main Roads	10	8.2 Review process	18
<b>6. Categories of misconduct</b>	<b>11</b>	8.2.1 Review process flowchart	19
6.1 Examples of misconduct	12		



## 1. Purpose

**A significant number of school students in Queensland travel on buses to attend school. All students have the right to a safe and enjoyable journey between home and school. In the morning, a pleasant trip to school can set the tone for a day of productive learning.**

The purpose of the *Code of Conduct for School Students Travelling on Buses* (Code) is to provide guidelines for those involved in the safe travel of school students on buses. These guidelines:

- Encourage and support appropriate school student behaviour on buses by:
  - identifying the rights, roles and responsibilities of students, parents/carers, bus drivers, bus operators, conveyance committees (where kilometre-based school bus services operate), school principals and the Department of Transport and Main Roads in contributing to safe and responsible bus travel;
  - outlining the process to identify categories of misconduct
  - providing the framework to determine appropriate consequences for incidents of school student misconduct on buses.
- Highlight the importance of collaboration between all stakeholders in managing school student behaviour on buses.
- Assist bus operators to manage school student behaviour in an appropriate and consistent manner.

## 2. Introduction

**The Code applies to all primary, middle and secondary school students in Queensland who use buses either to travel to and from school or for other school-related activities, for example, school sports, excursions and camps.**

While the vast majority of school students behave appropriately when travelling on buses, from time to time a small number behave inappropriately and this can affect the safety and comfort of the journey for fellow passengers. The Code clarifies expected standards of school student behaviour and provides a framework for the management of misconduct. The aim of the Code is to ensure safe and responsible school bus travel for all passengers, including bus drivers. For most students this will not require any change to their current behaviour.

The effectiveness of the Code depends on successful partnerships between the stakeholders – students, parents/carers, bus drivers, bus operators, schools, the Department of Transport and Main Roads and conveyance committees (where applicable). Collaboration between stakeholders is important to reinforce messages about acceptable standards of conduct on the bus and to facilitate the effective implementation of the Code.

The original framework for the Code was developed by the Department of Transport and Main Roads in consultation with the Department of Education, Training and Employment, Queensland Police Service, bus industry groups, parent groups, principals' associations, unions and non-state school authorities. In 2013, the Bus Safety Committee established a working group to revise the Code, to develop resources to support the Code and to assist in the effective implementation of the revised Code in 2014. The working group included representatives from the Department of Transport and Main Roads, the Department of Education, Training and Employment, the bus industry, the non-government school sector and parent groups.



## 3. Legislative status of Code

**The Code has been approved by the Chief Executive, Department of Transport and Main Roads as a Code of Conduct applying in relation to school students travelling on buses, in accordance with section 139 of the Transport Operations (Passenger Transport) Regulation 2005.**

The Code and its associated procedures also apply to bus drivers and bus operators. In this Code, 'buses' mean any forward control passenger vehicle, off-road passenger vehicle, light bus or heavy bus as defined in Schedule 8 of the Transport Operations (Passenger Transport) Regulation 2005.

The Department of Transport and Main Roads will support actions taken in line with the procedures outlined in this document.

The Code provides guidelines for the safe travel of school students on buses which includes student conduct while waiting to get on the bus, travelling on the bus, getting off the bus and leaving the bus stop area safely.

## 4. Stakeholders

**In implementing the Code, a collaborative approach by all stakeholders involved in the safe travel of school students is critical to encourage and reinforce appropriate behaviour on buses. Therefore, all stakeholders need to recognise the important role they play to ensure safe and responsible bus travel for school students.**

### 4.1. Students

All students have the right to enjoy a safe and comfortable bus journey, to be respected and treated fairly by other passengers and the bus driver. Students also have the responsibility to conduct themselves in a manner that ensures both their comfort and safety and the comfort and safety of others.

See section 5.2 for students' role, rights, responsibilities and expected behaviours.

### 4.2. Parents/carers

All parents/carers expect their children's school bus journeys to be safe and pleasant. By taking responsibility for the behaviour of their school-aged children parents/carers play an important collaborative role in ensuring safe and responsible bus travel.

It is important that parents/carers cooperate with the bus operator, conveyance committee (where kilometre-based school bus services operate) and the school principal in discussing reported incidents of bus misconduct and in implementing agreed actions.

See section 5.3 for parents/carers' role, rights, responsibilities and expected behaviours.

### 4.3. Schools

School staff play an important role in advising their students about the Code and the consequences for misconduct on the bus. They liaise closely with bus operators and are a key part of the collaborative team of stakeholders managing school student misconduct on buses. Schools often provide valuable assistance in suggesting approaches to managing incidents of misconduct.

Principals play a pivotal role in maintaining positive partnerships with bus companies. This ensures appropriate processes are in place and provides a link between the school's behaviour management plan and the Code. This collaboration ensures that students can expect to receive fair and consistent handling of breaches of the Code by both the bus company and the school.

See section 5.4 for schools' role, rights, responsibilities and expected behaviours.

## 4.4. Bus drivers

Bus drivers have the very important responsibility of driving the bus in a safe manner, as well as ensuring the safety and security of passengers. As drivers are also required to issue directions to ensure the safety of all passengers, it is important that all passengers respect the authority of drivers while they are in control of a vehicle.

It is expected that bus drivers treat school students with courtesy, and use non-discriminatory and appropriate language and actions at all times. Mutual respect between drivers and school students will ensure a safe and pleasant journey for all.

In addition, it is expected that bus drivers:

- hold appropriate Driver Authorisation
- remain with the bus while students are being transported, except in cases of emergency or when the bus is stopped (engine off with key removed and hand brake on)
- follow the procedures outlined in the Code
- maintain personal standards of behaviour in keeping with other professionals who are responsible for the care of students.

Serious cases of failure by drivers to comply with guidelines in this Code may lead to Driver Authorisation being suspended or cancelled.

See section 5.5 for bus drivers' role, rights, responsibilities and expected behaviours.

## 4.5. Bus operators

A bus operator is a person (including a company, local authority or other organisation) carrying on the business of providing a public transport service. Bus operators must hold Operator Accreditation and are responsible for providing their drivers with training in managing the behaviour of students on buses and for ensuring they know the policies and procedures to be followed when implementing the Code.

Positive and collaborative partnerships between bus operators, schools and parents/carers ensure the Code is effectively and promptly implemented when managing incidents of student misconduct. This cooperation shows students that the bus operator, the school and parent/carer are dealing with behaviour issues in a seamless and consistent way.

Serious cases of failure by bus operators to comply with guidelines in this Code may lead to Operator Accreditation being suspended or cancelled.

See section 5.6 for bus operators' role, rights, responsibilities and expected behaviours.



## 4.6. Conveyance committees

Conveyance committees have an important role in the administration of kilometre-based school bus services. Their role in assisting bus operators in maintaining the Code's student behaviour standards supports the effective management of these services.

See section 5.7 for conveyance committees' role, rights, responsibilities and expected behaviours.

## 4.7. Department of Transport and Main Roads

The Department of Transport and Main Roads is responsible:

- for the overall administration of public transport in Queensland
- for developing, in consultation with school organisations, the bus industry and parent groups, the *Code of Conduct for School Students Travelling on Buses*
- for implementing a process to review a bus operator's decision to refuse travel under the Code

See section 5.8 for the Department of Transport and Main Roads' role, rights, responsibilities and expected behaviours.

## 5. Rights and responsibilities

Safe bus travel is a right for all passengers. With that right there are responsibilities. Stakeholders must take ownership of their responsibilities under the Code and work collaboratively to support the effective implementation of the Code. When stakeholders work together to support acceptable standards of bus conduct, it gives a clear message that unsafe and irresponsible behaviour is not acceptable.

### 5.1. The rights and responsibilities of those involved with student bus travel

Rights						
To be safe: travel free from harm; have safety and wellbeing protected.	To be respected: actively listened to; provided with accurate information; consulted; treated fairly; treated with courtesy.					
Roles						
Students	Parents/carers	Bus drivers	Bus operators	Conveyance committees (where applicable)	Principal/school staff	Queensland Government
Be a safe and responsible passenger.	Actively support bus safety with their school aged children.	Be a safe and responsible driver.	Ensure the quality operation of bus services.	Assist school principals and bus operators in maintaining discipline of school students while travelling on buses.	Promote bus safety and collaborate in the management of student bus safety.	Develop the Code of Conduct guidelines and support its effective implementation.
Responsibilities						
Students	Parents/carers	Bus drivers	Bus operators	Conveyance committees (where applicable)	Principal/school staff	Department of Transport and Main Roads
<ul style="list-style-type: none"> <li>Be responsible for their own behaviour.</li> <li>Act safely and responsibly.</li> <li>Follow driver instructions, bus rules and the Code.</li> <li>Accept the consequences of bus misconduct.</li> <li>Respect themselves and others including their own and others' property.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure their children are capable of travelling independently.</li> <li>Teach their children about bus safety rules, the Code and consequences for misconduct.</li> <li>Demonstrate appropriate bus travel behaviours to children.</li> <li>Communicate respectfully and cooperate with the driver, operator, school and transport staff in managing misconduct.</li> <li>Ensure the safe travel of their children to and from the bus service.</li> <li>Be available for discussions about the behaviour of their children.</li> </ul>	<ul style="list-style-type: none"> <li>Drive safely.</li> <li>Undertake required training.</li> <li>Utilise appropriate behaviour management strategies.</li> <li>Follow Code and operator policy and procedures.</li> <li>Communicate in a clear and respectful manner.</li> <li>Promptly record and inform operators of student behaviour incidents and driver actions.</li> <li>Treat students fairly and with respect.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure drivers are appropriately trained and supported in implementing the Code.</li> <li>Communicate respectfully with parents/carers and schools to collaboratively manage student behaviour on buses.</li> <li>Implement the Code in a fair and consistent manner.</li> <li>Keep clear records of behaviour incidents involving school students, including actions taken.</li> <li>Ensure students and drivers travel in a safe environment.</li> </ul>	<ul style="list-style-type: none"> <li>Treat all discussions confidentially.</li> <li>Adhere to the Code's processes and procedures.</li> <li>Encourage students to act safely.</li> </ul>	<ul style="list-style-type: none"> <li>Collaborate with stakeholders and communicate respectfully in implementing the Code.</li> <li>Support bus operators in the application of the Code's procedures and processes.</li> <li>Reinforce safe bus travel and the Code's messages in school based processes.</li> <li>Facilitate effective communication between bus operators and students/parents/carers.</li> </ul>	<ul style="list-style-type: none"> <li>Provide advice and support to stakeholders in the implementation of the Code.</li> <li>Undertake Code policy reviews as appropriate.</li> <li>Manage review processes for students who are refused bus travel.</li> <li>Investigate complaints about bus operators' services.</li> <li>Monitor and review bus operators' compliance with the Code.</li> </ul>



## 5.2 Students

### Students' role

To be a safe and responsible passenger

### Students' rights

- To be safe
- To be respected and treated fairly

### Students' responsibilities

- To act safely and responsibly by:
  - following driver instructions
  - following the bus rules and the Code
  - respecting self and others
  - respecting own property and the property of others
  - communicating respectfully with others
  - accepting consequences for bus misconduct.

### Students' expected behaviours

- Hail the bus and wait in an orderly manner.
- Respect other people and their property.
- Behave in a way that ensures a safe bus journey for all passengers by:
  - following bus rules
  - staying in the right place
  - behaving in a calm, non-aggressive way
  - keeping hands and feet to self
  - speaking politely
  - storing all objects safely.
- Get off the bus in an orderly manner.
- Follow the driver's safety instructions.

## 5.3. Parents/carers

### Parents' and carers' roles

To actively support bus safety with their school aged children.

### Parents' and carers' rights

- Safe and comfortable travel for their children.
- To be respected and treated fairly.
- To be consulted and to receive accurate information about the bus behaviour of their children.

### Parents' and carers' responsibilities

- To ensure that their children are capable of travelling independently on the bus.
- To ensure their children have an understanding of the Code and the bus rules.
- To communicate respectfully with the operator, school and transport staff.
- To teach their children about bus safety and consequences for misconduct.
- To demonstrate appropriate bus travel behaviours to their children.
- To co-operate with the school and bus operator in managing bus misconduct.
- To ensure the safe travel of their children to and from the bus stop.
- To be available for discussions about the behaviour of their children.



### Parents' and carers' expected behaviours

- To provide their children with the correct bus fare.
- To cooperate with their children's school and the bus operator in discussing behaviour incidents and in implementing any agreed disciplinary action.
- To communicate with the bus operator and the school about their children's bus transport and respond to phone and written communication.
- To address concerns about their children's bus travel by promptly contacting the bus operator so that relevant issues can be managed using the procedures outlined in the Code.

## 5.4. Schools

### Schools' role

To promote bus safety and collaborate in the management of student bus safety.

### Schools' rights

- Safe and comfortable travel for their students.
- To be consulted and to receive accurate information about their students' school bus behaviour.
- To be respected.

### Schools' responsibilities

- To communicate respectfully and collaborate with stakeholders in the implementation of the Code.
- To support bus operators in the application of the Code's procedures and processes.
- To reinforce safe bus travel and the Code's messages in school-based processes.
- To facilitate effective communication between bus operators and students/parents/carers.

### Schools' expected behaviours

- To provide information on the Code to parents/carers.
- To support the bus operator in implementing consequences for school students who breach the Code.
- To collaborate with bus operators and parents/carers in relation to their students' behaviour on buses.
- To ensure a suitable level of supervision at school bus collection points, where appropriate.
- To reinforce with students the need for safe and responsible behaviour on buses.

## 5.5. Bus drivers

### Bus drivers' role

- To drive the bus safely.
- To follow the Code for managing bus misconduct.

### Bus drivers' rights

- To be safe.
- To be respected and treated with courtesy.
- To be trained in the Code and behaviour management strategies.
- To receive help and support from the bus operator in dealing with issues of student misconduct.

### Bus drivers' responsibilities

- To drive safely.
- To undertake training on bus driver roles and responsibilities under the Code.
- To utilise behaviour management strategies appropriately in handling bus behaviour.
- To follow the Code's procedures and the bus operator's directions, policies and procedures.



- To communicate in a clear, appropriate and respectful manner.
- To promptly record and inform the bus operator of student behaviour incidents and the action which has been taken.
- To treat students fairly and with respect.

### Bus drivers' expected behaviours

- To respect passengers and their property.
- To drive professionally and safely at all times.
- To behave and communicate professionally and courteously at all times.
- To be fair and consistent in dealing with passengers.
- To follow the Code's procedures and the operator's bus rules promptly, consistently and impartially.

## 5.6. Bus operators

### Bus operators' role

To ensure the quality operation of bus services.

### Bus operators' rights

- To be respected and treated courteously.
- To be supported by stakeholders in the appropriate implementation of the Code.

### Bus operators' responsibilities

- To ensure drivers are appropriately trained and supported in implementing the Code.
- To communicate respectfully with stakeholders to collaboratively manage student behaviour on buses.
- To implement the Code in a fair and consistent manner.
- To keep clear records of behaviour incidents involving school students, including actions taken.
- To ensure students and drivers travel in a safe environment.

### Bus operators' expected behaviours

- To follow processes outlined in the Code.
- To collaborate with relevant stakeholders to implement appropriate consequences when dealing with students who breach the Code.
- To clearly communicate reasons for decisions to relevant parties.
- To support and train drivers, as required, in effectively implementing the Code.
- To apply principles of natural justice in making decisions related to the Code.
- To comply with Operator Accreditation and Code requirements relating to reporting of breaches of the Code and the consequences of refused bus travel.



## 5.7. Conveyance Committees

### Conveyance committees' role

To assist school principals and bus operators in maintaining the Code's school student behaviour standards on buses.

### Conveyance committees' rights

- Safe and comfortable travel for students.
- Accurate information when discussing incidents of student misconduct.
- To be respected and treated courteously.

### Conveyance committees' responsibilities

- To treat all Code related discussions confidentially.
- To adhere to the Code's processes and procedures.
- To encourage students to behave appropriately when travelling on buses.

### Conveyance committees' expected behaviours

- To cooperate with bus operators and school principals in managing school student behaviour on buses.



## 5.8. Department of Transport and Main Roads

### Transport and Main Roads' role

To develop Code's guidelines and oversee its effective implementation.

### Transport and Main Roads' rights

- Safe travel for school students travelling on buses.
- Effective implementation of the Code by operators and drivers.
- Cooperation between all parties to resolve issues of bus misconduct.

### Transport and Main Roads' responsibilities

- To provide advice to stakeholders in relation to the implementation of the Code.
- To monitor and review bus operators' compliance with the Code.
- To manage review processes for students who are refused bus travel.

- To investigate complaints about bus operators and/or drivers in relation to school student bus travel.
- To undertake Code policy reviews, as appropriate.

### Transport and Main Roads' expected behaviours

- To collaborate with stakeholders to support the effective implementation of the Code.
- To ensure the requirements of the Code are clearly communicated and easily accessed.
- To promote resources to assist in the effective implementation of the Code.
- To provide relevant training and information to staff in relation to the Code.
- To follow departmental guidelines when investigating complaints and undertaking the review process.

## 6. Categories of misconduct

There are four categories of behaviour in the Code:

### Category 4 – Life threatening behaviour

### Category 3 – Dangerous/destructive behaviour

### Category 2 – Unsafe behaviour

### Category 1 – Irresponsible behaviour

In determining the category of behaviour, each incident of reported student misconduct is assessed individually. The information gained by the operator's investigation of the reported incident, including the driver's report of misconduct, will provide information to assist the operator in determining the category of behaviour. Consideration is given to the context of the specific incident; the seriousness of the behaviour; and the extent of the threat to passenger safety.

The context of the behaviour affects which category it best fits. For example, "spraying deodorant" could be viewed differently if it was: spraying deodorant towards a naked flame; spraying deodorant directly into another's face; excessive spraying of deodorant around the bus; or spraying deodorant discreetly for personal use.

In order to promote consistency in the implementation of the Code the operator decides the category of behaviour by asking the following questions:



**Is the behaviour immediately life threatening?**

**Yes**

The behaviour is **Category 4 – Life threatening behaviour**.

*Examples could include: serious physical assault on a driver or passenger; use of/threatened use of a weapon or firearm.*

**Is the behaviour dangerous/destructive and highly likely to cause immediate harm to property and/or others?**

**Yes**

The behaviour is **Category 3 – Dangerous/destructive behaviour**.

*Examples could include: damaging bus equipment; fighting; throwing missiles in/out of the bus.*

**Is the behaviour unsafe where there could be harm to property and/or others?**

**Yes**

The behaviour is **Category 2 – Unsafe behaviour**.

*Examples could include: putting belongings or body parts out of the bus window; pushing and shoving on entry/exit to the bus; excessive movement around the bus.*

**Is the behaviour irresponsible but not likely to cause harm?**

**Yes**

The behaviour is **Category 1 – Irresponsible behaviour**.

*Examples could include: playing loud music; placing feet on seats; fare evasion.*

## 6.1. Examples of misconduct

Some examples of misconduct which demonstrate how the behaviour category changes according to the increased threat to safety are:

Category of behaviour	Verbal abuse	Physical abuse	Throwing
4 Is the behaviour <b>immediately life threatening</b> ?		<ul style="list-style-type: none"> <li>Forcing another passenger out of the window</li> <li>Threatening with or using a weapon</li> <li>Spraying chemicals into another's face</li> </ul>	<ul style="list-style-type: none"> <li>Throwing a heavy/sharp object or weapon at passing vehicle causing injury</li> </ul>
3 Is the behaviour <b>dangerous/ destructive</b> and highly likely to cause immediate harm to property and/or others?	<ul style="list-style-type: none"> <li>Threatening harm</li> </ul>	<ul style="list-style-type: none"> <li>Physically attacking others, causing injury</li> </ul>	<ul style="list-style-type: none"> <li>Throwing heavy objects at others within the bus</li> </ul>
2 Is the behaviour <b>unsafe</b> where there could be harm to property and/or others?	<ul style="list-style-type: none"> <li>Verbally abusing the driver while bus is in motion</li> </ul>	<ul style="list-style-type: none"> <li>Pushing and shoving others getting off the bus</li> <li>Slapping other students but not causing injury</li> </ul>	<ul style="list-style-type: none"> <li>Throwing light objects within the bus</li> </ul>
1 Is the behaviour <b>irresponsible</b> but not likely to cause harm?	<ul style="list-style-type: none"> <li>Swearing and shouting at driver from a distance</li> <li>Verbally abusing others</li> </ul>		<ul style="list-style-type: none"> <li>Tossing another student's belongings to them out of the window of stationary bus</li> </ul>
Category of behaviour	Not sitting properly	Student noise	Weapons/fire/destructive
4 Is the behaviour <b>immediately life threatening</b> ?			<ul style="list-style-type: none"> <li>Lighting fire on bus</li> <li>Taking a bomb on bus</li> <li>Taking a firearm on bus</li> </ul>
3 Is the behaviour <b>dangerous/ destructive</b> and highly likely to cause immediate harm to property and/or others?			<ul style="list-style-type: none"> <li>Interfering with the window hammer and setting off alarm</li> </ul>
2 Is the behaviour <b>unsafe</b> where there could be harm to property and/or others?	<ul style="list-style-type: none"> <li>Repeated moving around the bus</li> <li>Swinging from port racks on moving bus</li> <li>Refusing to wear the available seatbelt properly</li> <li>Placing arm outside bus window</li> </ul>	<ul style="list-style-type: none"> <li>Yelling and screaming throughout the bus journey</li> <li>Talking to driver while bus is moving</li> </ul>	
1 Is the behaviour <b>irresponsible</b> but not likely to cause harm?	<ul style="list-style-type: none"> <li>Placing feet on bus seat</li> <li>Climbing over seats while bus is stationary</li> </ul>		
Category of behaviour	General behaviour issues	Electronic devices	Rubbish/graffiti/damage
4 Is the behaviour <b>immediately life threatening</b> ?		<ul style="list-style-type: none"> <li>Shining laser pointer into driver's eyes</li> </ul>	
3 Is the behaviour <b>dangerous/ destructive</b> and highly likely to cause immediate harm to property and/or others?	<ul style="list-style-type: none"> <li>Interfering with operation of bus</li> </ul>	<ul style="list-style-type: none"> <li>Setting off personal safety alarm near driver</li> </ul>	<ul style="list-style-type: none"> <li>Cutting bus seat upholstery</li> <li>Etching initials in bus window</li> </ul>
2 Is the behaviour <b>unsafe</b> where there could be harm to property and/or others?	<ul style="list-style-type: none"> <li>Continually pressing "stop" button</li> <li>Ignoring driver's instructions</li> </ul>		<ul style="list-style-type: none"> <li>Leaving food items in bus aisle (or any item that has the potential to cause harm or injury)</li> </ul>
1 Is the behaviour <b>irresponsible</b> but not likely to cause harm?	<ul style="list-style-type: none"> <li>Fare evasion</li> <li>Not showing identification when asked</li> <li>Offensive language</li> <li>Repeated touching of others when asked to stop</li> </ul>	<ul style="list-style-type: none"> <li>Repeatedly playing loud music</li> </ul>	<ul style="list-style-type: none"> <li>Littering in the bus</li> </ul>

# 7. Responding to misconduct

## 7.1. Principles

### **When responding to reports of misconduct bus operators communicate and collaborate with stakeholders.**

In consultation with relevant stakeholders, the operator:

- Considers the nature of the incident, including:
  - the threat to the safety of passengers on the bus
  - the extent to which the breach distracted the driver
  - the age of the student
  - whether the student had any existing medical condition
  - whether the breach is a first or one of a series of repeated incidents about which the student has been previously cautioned.
- Applies principles of natural justice which include:
  - advising the parent/carer/student of all matters relevant to the reported breach
  - providing parent/carer/student an opportunity to respond to the allegations
  - providing all parties involved in the incident the opportunity to be heard
  - considering all relevant evidence and reports
  - making a fair and just decision
  - providing a process to review the decision
  - matching the consequence with the offence.
- Determines whether there has been a breach of the Code.
- Considers options for consequences with input from relevant stakeholders as appropriate.
- Determines the most appropriate consequence for a breach of the Code.
- Communicates the decision (and reasons for decision) to relevant stakeholders.
- Clearly documents the process.

## 7.2. Procedures for responding to misconduct

### 7.2.1. Drivers

#### **The driver takes immediate action according to an assessment of the seriousness of the situation.**

If the situation is immediately life threatening, or if the behaviour is extremely dangerous and highly likely to cause immediate harm, the driver stops the bus when it is safe,

implements the Incident Management Plan procedures, if necessary, and informs the operator and/or emergency services immediately. The operator/emergency services will then give the driver guidance as to the actions to be taken.

If the behaviour is unsafe or irresponsible, the driver determines if the bus needs to stop before directing the student to stop the behaviour and warning of the safety risks or the irresponsibility of the behaviour. On-bus behaviour strategies (the student sits at the front of the bus, the student is the last to get off the bus) might be considered appropriate. Drivers contact the operator for instructions according to the Driver Procedures table (7.2.1.1). Drivers must ensure that they clearly document behaviour incidents as per operator instructions.



## 7.2.1.1 Driver Procedures

Situation/behaviour	Driver's immediate actions
<p>The situation is immediately <b>life threatening</b> or the behaviour is extremely <b>dangerous</b> or <b>destructive</b> and highly likely to cause immediate significant harm.</p>	<ol style="list-style-type: none"><li>1. <b>Stop the bus</b> when safe to do so and <b>instruct behaviour</b> to stop.</li><li>2. <b>Implement</b> Incident Management Plan procedures and/or <b>contact</b> operator/Emergency Services (as appropriate).<ul style="list-style-type: none"><li>• <b>Follow</b> operator/Emergency Services instructions.</li></ul></li><li>3. <b>Record incident</b> at end of journey, using documentation required by operator.</li></ol>
<p>The behaviour/situation is <b>unsafe</b> – the behaviour does or could cause harm to property and/or others.</p>	<ol style="list-style-type: none"><li>1. <b>Instruct behaviour to stop</b> and <b>warn</b> student of consequences.<ul style="list-style-type: none"><li>• <b>Use behaviour management strategies</b> as appropriate (e.g. student sits at front of bus, student is last to get off bus).</li></ul></li><li>2. <b>Identify</b> student and school, if possible.</li><li>3. If behaviour continues – <b>redirect behaviour to stop</b>.<ul style="list-style-type: none"><li>• <b>Advise student</b> incident will be reported to operator.</li></ul></li><li>4. <b>Contact operator</b>.<ul style="list-style-type: none"><li>• <b>Follow</b> operator instructions.</li></ul></li><li>5. <b>Record incident</b> at the end of the journey, using documentation required by operator.</li></ol>
<p>The behaviour is <b>irresponsible</b>, but not likely to cause harm.</p>	<ol style="list-style-type: none"><li>1. <b>Instruct behaviour to stop</b><ul style="list-style-type: none"><li>• <b>Use behaviour management strategies</b> as appropriate (e.g. student sits at front of bus, student is last to get off bus).</li></ul></li><li>2. If behaviour continues – <b>redirect behaviour to stop</b>.<ul style="list-style-type: none"><li>• <b>Warn</b> student of consequences if behaviour continues.</li></ul></li><li>3. If behaviour continues further – <b>redirect behaviour to stop</b>.<ul style="list-style-type: none"><li>• <b>Identify</b> student and school, if possible.</li><li>• <b>Advise student</b> incident will be reported to operator.</li></ul></li><li>4. <b>Contact operator</b>.<ul style="list-style-type: none"><li>• <b>Follow</b> operator's instructions.</li></ul></li><li>5. <b>Record incident</b> at end of journey, using documentation required by operator.</li></ol>

## 7.2.2 Operators

When a bus driver contacts the operator regarding an incident of misconduct, the operator follows the Operator Procedures (7.2.2.7) to determine if any immediate action is required and advises the driver accordingly.

### 7.2.2.1 Operator's investigation

According to the Operator Procedures (7.2.2.7) the operator has a maximum of three days to complete an investigation of the reported incident. The operator investigates the incident applying principles of natural justice (refer 7.1) by reviewing the driver's report, gathering information from relevant stakeholders and examining operator records to establish if the incident is a repeat report.

In cases of reported incidents of dangerous/destructive or life threatening student behaviour (Categories 3 and 4) the operator may consider standing down the student while the investigation is undertaken. The stand down period (immediate suspension) will be considered to be part of any refused travel consequence following an investigation of the reported incident.

Using the information gathered through the investigation process, the operator determines whether a breach of the Code has occurred and, if so, within which of the four categories (refer Section 6) the reported behaviour best fits.

### 7.2.2.2 Determining consequences for breaches of the Code

In determining appropriate consequences for a breach of the Code the operator (and relevant stakeholders where appropriate) considers the following:

- the nature of the incident
- the threat to the safety of passengers on the bus
- the extent to which the breach distracted the driver
- the age of the student
- whether the student has any existing medical condition
- the student's account of the incident
- whether the breach was a first or one of a series of repeated incidents about which the student has been previously cautioned.

The bus operator makes the final decision as to whether travel refusal or some other reasonable consequence is appropriate.

Throughout the process the operator must follow the Operator Procedures and apply the principles outlined in Section 7.1. It is important that reasons for the bus operator's decisions are adequately communicated to the relevant parties.

Bus operators must ensure that they retain appropriate written records of actions taken at all stages of the process.

At times student misconduct will be more than a breach of the Code. Serious misconduct, for example assault, vandalism, possession of a firearm, use of prohibitive substances, can also be a breach of the Criminal Code. In addition to being reported under the Code, instances of this sort of behaviour should be reported to the Police.

In determining the most appropriate consequence for a breach of the Code the bus operator will refer to the Operator Procedures table (7.2.2.7) for possible consequences including:

- written caution
- period of refused bus travel
- behaviour agreement
- other consequence agreed to by stakeholders.

### 7.2.2.3 Written caution

A written caution is generally considered as a consequence following the first reported incident of irresponsible bus behaviour (Category 1). A written caution is a letter from the bus operator to the parent/carer of a student who has been reported for a breach of the Code. The letter outlines the reported behaviour and requests that the parent/carer remind the student that the behaviour is unacceptable and that repeated misconduct will result in further consequences which could include refused bus travel.

### 7.2.2.4 Refusal of travel

Refused bus travel is generally considered as a possible consequence following reported breaches of unsafe (Category 2), dangerous/destructive (Category 3) or life threatening (Category 4) behaviour and repeated reports of bus misconduct. The period of refused bus travel ranges from one day to permanent refusal.

A student may be refused travel from:

- (a) the individual bus service on which the student was a passenger at the time of the misconduct

or

- (b) all bus services operated by the same bus operator.

Refusal of travel is normally limited to scheduled bus services. A student may be refused travel on journeys directly involving school excursions, sport, study trips, courses at other campuses, if:

1. the student is currently being refused travel because of a breach to the Code on a similar type of journey; and
2. the school is unable to provide adequate close supervision of the student during the journey. In most cases, this will require that the student sit next to the teacher or supervising adult.

When student travel is refused, the bus operator must:

- notify a parent/carer when travel is refused so that alternative travel arrangements can be made
- confirm in writing any verbal advice given to the parent/carer
- advise the school principal of the details
- notify the local office of Department of Transport and Main Roads in cases where students eligible for transport assistance are refused travel.

Where a student utilises more than one bus company (or bus operator) to travel to school, there may be circumstances where the student is refused travel on the bus services of one of the companies. In these situations the student is not automatically refused travel from other bus companies. However, it is the parent/carer's responsibility to make alternative transport arrangements including their associated costs for the student over the portion of the trip provided by the bus operator who has refused the student travel.

### 7.2.2.5 Behaviour agreement

A behaviour agreement is an agreement between a student, their parent/carer and the bus operator. A behaviour agreement aims to teach students to be responsible for their own behaviour and to support them in improving their behaviour. A behaviour agreement is most effective if the parent/carer reinforces the expectation of acceptable behaviour with their child and encourages improvement.

A behaviour agreement:

1. specifies acceptable and unacceptable behaviour
2. identifies the agreement's timeframe and any conditions of travel
3. outlines consequences for continued unacceptable behaviour.

While a behaviour agreement can be considered a suitable consequence for any reported breach of the Code, the implementation of a behaviour agreement is mandatory in cases of dangerous/destructive (Category 3) and life threatening (Category 4) behaviours.

If parents/carers do not engage in the behaviour agreement process when their child's reported misconduct is dangerous/destructive (Category 3) or life-threatening (Category 4), the bus operator may consider refusing travel for the student until a behaviour agreement is signed. This period of refused travel is additional to the determined refused travel consequences.

### 7.2.2.6 Other consequences agreed by stakeholders

In some instances, after considering a breach of the Code the relevant stakeholders may determine that an arrangement, other than refusal of bus travel, is the most appropriate consequence in the particular situation, for example, exclusion from extracurricular activities, school detention.

If another arrangement is considered to be the most appropriate consequence for a breach of the Code, and the arrangement will take place outside the school, the bus operator needs to receive written agreement from the parent/carer.

## 7.2.2.7 Operator Procedures following Driver Report of Misconduct

### Immediate actions

Immediate actions:

- evaluate driver information
- issue driver instructions
- implement Incident Management Plan (if required)
- contact parents/carers regarding incident and need to make alternate travel arrangements (if required). Please note, temporary suspension may be considered for Categories 3 and 4 while investigation is undertaken
- report to Police if a criminal matter
- record all actions taken.

### Investigation of incident within three school days

Investigation:

- operator gathers information from:
  - driver's written report
  - operator records (eg repeat report)
  - student
  - school
  - parent/carers
  - CCTV
  - other relevant information, for examples, police or witness statements.
- operator determines if a breach of the Code has occurred.

### Determination of category of behaviour breach

#### Category 4 – life threatening

Is the behaviour immediately life threatening?

#### Category 3 – dangerous/ destructive

Is the behaviour dangerous/ destructive and highly likely to cause immediate harm to property and/or others?

#### Category 2 – unsafe

Is the behaviour unsafe where there could be harm to property and others?

#### Category 1 – irresponsible

Is the behaviour irresponsible but not likely to cause harm?

### Determination of consequences\*

Refused travel:

- defined period (school weeks) + behaviour agreement (agreement period up to one school year)
- permanent.

(Parents/carers not engaging in behaviour agreement process may result in operator refusing travel until agreement is signed)

Alternative individual consequence agreed to by stakeholders may also be considered – see section 7.2.2.6.

Refused travel:

Max 10 school weeks + behaviour agreement (agreement period up to one school year).

(Parents/carers not engaging in behaviour agreement process may result in operator refusing travel until agreement is signed)

Alternative individual consequence agreed to by stakeholders may also be considered – see section 7.2.2.6.

Refused Travel:

- First report – max five school days
- repeat report within 10 school weeks – max 10 school days and/or behaviour agreement (agreement period up to 10 school weeks).

Alternative individual consequence agreed to by stakeholders may also be considered – see section 7.2.2.6.

- Report of single incident – consider written caution.
- Report of repeat of incidents in single journey – written caution and/or 1–2 days refused travel.
- First repeat report in 10 school weeks (repeat incidents across multiple journeys) – written caution and/or 1–2 days refused travel.
- Second repeat report in 10 school weeks – maximum five days refused travel and/or behaviour agreement for up to 10 school weeks.
- Third repeat report in 10 school weeks – maximum 10 days refused travel and/or behaviour agreement for up to 10 school weeks.

\* Alternative individual consequence agreed to by stakeholders may also be considered – see section 7.2.2.6.

- Verbal advice of consequences is followed by writing to parents/carers and relevant stakeholders as required.
- All refusal of travel for eligible students must be promptly advised to the Department of Transport and Main Roads on the *Refusal from Travel Advice Form*.



## 7.3 Fare evasion

Unfortunately, the incidence of fare evasion by school students has increased in recent times. Some students have exploited the framework for safe travel of school students by not paying the correct fare, thinking that they will not be refused travel. Stakeholders need to work collaboratively to make sure that it is clear that this type of behaviour will not be tolerated.

There are clear consequences outlined in these guidelines for students deemed to be in breach of the Code and fare evasion would generally be considered a Category 1 (irresponsible) breach of the Code. In deciding the consequences for a particular breach the bus operator follows the processes outlined in the Code which include referring to the bus driver's report and consulting with parents/carers and the relevant school. It is important for the integrity of the Code, and public transport services generally, that appropriate consequences apply to students who are not prepared to pay for the service.

## 7.4 Bullying

Bullying is a complex societal issue which is not the responsibility of one individual or group. Everyone, especially those who have responsibility for the care of children, needs to cooperate in managing bullying.

Physical bullying which affects passenger safety can be easily observed and is dealt with under the Code. However, other forms of bullying, while being totally unacceptable, can be very difficult to identify as threats to passenger safety. In these circumstances the bus driver needs to inform the bus operator who then advises the school of the situation. The school will consult with the operator in deciding how this reported behaviour is to be managed.

Useful information about strategies to deal with bullying can be found at [www.bullyingnoway.gov.au](http://www.bullyingnoway.gov.au).

## 7.5 Repeat offenders

Drivers need to record and report each incident of misconduct to the operator to assist in identifying repeat breaches. The guidelines provide flexibility in applying consequences, including longer periods of refused travel and the introduction of behaviour agreements for repeat offenders. These agreements require engagement by the student and the parent/carer and aim to help students to take responsibility for their behaviour and to learn that misconduct is unacceptable.



## 7.6 Students with disabilities

The Code applies to all school students travelling on buses including students with a disability. For this group of students there is additional consideration in misconduct investigations to determine the impact of their disability on the incident and the identification of appropriate consequences.

It is important to note that some students with disabilities do not have effective language or communication skills. In some instances the student's attempt to communicate may be misinterpreted as an incident of misconduct. It is critical prior to the commencement of bus travel, that parents/carers and schools liaise with bus operators to provide appropriate information to support the student's disability needs for safe and responsible travel.

This will help to identify any appropriate travel strategies required before bus travel commences. For students where travel strategies are developed, any investigations of misconduct would identify whether the appropriate strategies have been implemented by the driver or other bus operator staff. Where the operator is satisfied that the agreed strategies have been implemented, in consultation with relevant stakeholders, the operator will implement the appropriate Code consequences.



## 8. Complaints and review processes

### 8.1 Complaints process

The bus operator should be contacted if there is dissatisfaction with any aspect of the service provided by the bus company. It is important not to approach a driver about an issue while the bus service is in operation. Stakeholders can lodge a complaint with the bus operator and attempt to resolve the issue via the company's complaints management process. If the matter is not effectively resolved it can be referred to the nearest Department of Transport and Main Roads Translink regional office (school transport) (for list of locations refer to [www.translink.com.au/schooltransport](http://www.translink.com.au/schooltransport)) to investigate according to the department's complaints management process.

Concerns or complaints relating to a school's role in the effective implementation of the Code should, in the first instance, be directed to the school. If the matter is not effectively resolved it can be referred to the relevant Department of Education, Training and Employment regional office or relevant education authority.

### 8.2 Review process

After implementing the processes outlined in the Code, an operator may decide to refuse a student travel on the bus or to implement alternative consequences. If a parent/carer/student is dissatisfied with this outcome they can request that the operator review the decision.

If attempts to resolve the issue with the operator are unsuccessful and the parent/carer or student remains dissatisfied with the bus operator's decision and wishes to take the matter further, a formal complaint procedure is followed. In these circumstances, and when refused bus travel is for more than five days they can contact the nearest Translink regional office and request, in writing, a review of the decision.

Bus operators should note that the Department of Transport and Main Roads may issue an instruction that a bus operator's decision to refuse travel to a student is deferred while the matter is being investigated. The bus operator and/or driver must follow this instruction.

The process for reviewing an operator's decision to refuse travel is outlined in section 8.2.1.

## 8.2.1 Review process for students refused travel

When requesting that an operator's decision to refuse bus travel be reviewed:

