



MINISTRY OF TRANSPORT

Guidelines for Managing School Student Behaviour on Buses

**A Code of Conduct for students and
procedures for bus drivers, operators, school principals
and parents/guardians/carers**

July 2006

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1. Introduction

The *Guidelines for Managing School Student Behaviour on Buses* and associated Code of Conduct are lawful requirements published under the Passenger Transport (Bus Services) Regulation 2000. The Code of Conduct applies to all children enrolled in a government or non-government school, whether they use a government or private bus, and irrespective of whether they travel under the School Student Transport Scheme.

These Guidelines were developed to make clear to students and parents/guardians/carers that courteous and responsible behaviour is expected when students travel on buses. They aim to ensure the safety and well-being of school children, other bus passengers, road users and bus drivers. The Guidelines are consistent with the objectives of the *Occupational Health and Safety Act 2000*.

In addition, these Guidelines set out the responsibilities and requirements of bus drivers, bus operators, and authorised officers of the Ministry of Transport (Ministry) in relation to school students who behave in an unacceptable manner when travelling on buses. The Guidelines identify categories of misbehaviour and establish appropriate periods where bus operators may refuse travel in response to breaches of the Code of Conduct.

These Guidelines have been developed through consultation with the Bus and Coach Association, State Transit Authority, Department of Education and Training, NSW Principals Association, NSW Secondary Principals' Council, Federation of Parents and Citizens' Associations of NSW, Catholic Education Commission, Council of Catholic School Parents, NSW Parents Council, Association of Independent Schools of NSW, Isolated Children's Parents' Association of NSW, Transport Workers' Union, Rail, Tram and Bus Union, and NSW Police.

The Ministry of Transport will support action taken in line with the Guidelines for dealing with inappropriate behaviour outlined in Section 7 of this document.

2. School bus travel passes

A "school bus travel pass" is a paper based pass issued to students eligible to receive subsidised travel under the School Student Transport Scheme.

In these Guidelines, reference to a "school bus travel pass" includes a "Tcard" issued to the student.

An "interim travel pass" is a temporary pass issued in circumstances where an incident of misbehaviour occurs and a bus driver or operator considers it appropriate to revoke the student's school bus travel pass. Such an interim pass is valid for a minimum of five school days.

The interim travel pass is issued in order to provide sufficient time for all relevant parties to comply with the notification process outlined in these Guidelines. However, in areas where travel passes are not used (and/or the operator does not provide interim passes) the student will receive verbal or written notice that their behaviour is under review.

3. Student Code of Conduct

The following Code of Conduct sets out acceptable standards of behaviour for students travelling on school buses and regular route buses.

Students are expected to follow these simple rules for the safety and comfort of all passengers, including themselves.

Disobeying these rules may lead to the withdrawal of travel passes for subsidised travel, a ban from travelling on buses, and may even lead to police prosecution and court action.

CODE OF CONDUCT FOR SCHOOL STUDENTS ON BUSES

It is every student's responsibility to behave in a manner that ensures the safety and comfort of passengers and drivers. This includes:

- Behaving appropriately
 - respect the needs and comfort of other passengers (e.g. no use of offensive or racist language, fighting, spitting, placing feet on seats, throwing things in or from the bus, eating or drinking – except water – unless the bus operator gives written permission)
 - give up seats to all adults and any disabled passengers
 - adhere to the law that bans smoking on buses
 - obey reasonable directions from the driver (e.g. where to sit or to remain in the bus)
 - keep arms, legs and heads inside the bus
 - refrain from attracting the attention of the driver except in the case of emergency
- Respecting property
 - protect bus property
 - ensure that buses are not vandalised
 - report any vandalism, e.g. graffiti and window etching
- Holding passes
 - show travel passes or tickets to the driver on boarding and when requested
 - use the travel pass only for its intended purpose
 - 'swipe' or 'dip' passes in ticket readers if available when boarding
 - keep your pass for your own use – you should not lend your pass to other students or borrow one from them.

4. Roles and responsibilities

4.1 Students

Students will:

- behave courteously and responsibly on buses in accordance with the Code of Conduct
- follow reasonable instructions from drivers (e.g. where to sit or to remain in the bus when the driver is awaiting assistance from the police).

When in possession of a school bus travel pass, students must:

- show it to the driver when requested
- dip or swipe their pass in the appropriate ticket machine
- travel on the designated school bus route.

Consequences for breach of the Code of Conduct

- Depending on the gravity of the offence, students may be required to give up their school bus travel pass or may be refused travel on the bus for a period of time determined by the bus operator.
- Heavier penalties may apply to students involved in group misbehaviour.
- School principals have the right to take additional disciplinary action against a student under the school's discipline code or student welfare policy for any breach of the Code of Conduct.

Right to seek review of penalties

If students have reason to believe that a bus driver has treated them unfairly, they can raise the issue with their parents. Parents can then contact the bus operator or the Ministry for investigation.

4.2 Parents/guardians/carers

Parents/guardians/carers are responsible for:

- ensuring that their child understands the Code of Conduct
- communicating with the bus operator and school principal to discuss their child's misbehaviour and its consequences if the child's behaviour has breached the Code of Conduct and the operator has requested a meeting.

Parents/guardians/carers should be aware that:

- the Code of Conduct for students is printed on the School Student Transport Scheme application form, and in signing the form, the parents/guardians/carers explicitly declare that they support the Code of Conduct and that it has been explained to their child
- the Ministry of Transport will hold records of student behaviour in accordance with these Guidelines
- a school principal may release their contact details to a bus operator in the event of any possible action by the operator

- automated ticketing can be used to assist in identifying those students who were travelling on a particular bus where an incident of breach of the Code of Conduct occurred
- bus operators may advise school principals of students that have travelled on a bus that has been damaged by inappropriate behaviour
- if students are refused travel, parents/guardians/carers will need to make alternative travel arrangements and meet any costs of such transport (Parents/guardians/carers are not eligible for the Ministry's Private Vehicle Conveyance Scheme in such circumstances.)
- bus operators are required to keep a record of a student's misbehaviour (while still a student) if it is serious (see paragraphs 7.2 and 7.3), and a one-year record if it is minor (see paragraph 7.1)
- bus operators may review images derived from bus security camera systems (where installed) to substantiate claims of breach of the Code of Conduct.

If a student is refused travel:

- the operator must first notify the child's parents/guardians/carers, the school principal and the Ministry of the decision in writing before a travel ban takes place
- and a travel pass has been suspended, the bus operator will decide and advise parents/guardians/carers of the arrangement to reclaim the travel pass at the end of the suspension period
- and parents/guardians/carers have questions about any decisions made by bus operators regarding student misbehaviour, they should take the matter up with the operator concerned
- parents/guardians/carers may ask a bus operator or the Ministry to review a decision if a change in the child's behaviour can be demonstrated
- and parents/guardians/carers remain dissatisfied with the operator's decision, they may contact the nearest office of the Ministry (listed at the end of these Guidelines).

(An outline of the Ministry's complaint handling procedures appears on page 16.)

4.3 School principals (or delegates)

School principals play a key role in advising students of their responsibilities and the consequences of breaching the Code of Conduct.

School principals can assist by:

- supplying the contact details of parents/guardians/carers to bus operators if consultation with them is necessary
- providing assistance in managing breaches of the Code of Conduct in consultation with the relevant bus operator and parent/guardian/carer
- displaying the Code of Conduct brochure on school noticeboards.

Sanctions applied under these Guidelines should not prejudice further disciplinary action that schools may wish to apply to students who misbehave under their school's discipline code.

4.4 Ministry of Transport

The Ministry is responsible for:

- developing the Code of Conduct for student behaviour on buses in consultation with school organisations, transport operators, parents groups and bus drivers' representatives
- investigating complaints from parents/guardians/carers who are dissatisfied with penalties imposed on their child by bus operators
- reviewing any such complaint on its merits with due consideration to factors such as the record of the student's behaviour on buses, procedural fairness, the circumstances of the breach of the Code of Conduct and compliance with relevant statutory requirements.

The Ministry may:

- ban the student from travelling on a bus where the Code of Conduct has been breached
- review any penalty imposed by a bus operator, including the temporary or permanent refusal of travel on a bus service.

The Ministry records the details of misbehaviour and the action taken by the operator and may inform an operator of a student's prior record of misbehaviour.

4.5 Bus drivers

Bus drivers are responsible for the general operation of buses, including:

- driving in a safe manner and taking reasonable care for the safety of all passengers in accordance with the provisions of the *Occupational Health and Safety Act 2000*
- complying with the Bus Driver Authority conditions and the requirements of the Passenger Transport (Bus Services) Regulation 2000
- behaving with civility and propriety towards all passengers
- providing reasonable directions to ensure the safety and comfort of all passengers, including students
- contacting the bus operator for clarification of correct procedures if there is any uncertainty in relation to student misbehaviour.

Where a student breaches the Code of Conduct the bus driver will:

- advise the student that their behaviour was inappropriate and of the consequences of the offence, e.g. pass may be withdrawn
- obtain the student's name and school (directly from the student or from the travel pass)
- issue an interim pass in place of the school bus travel pass if the bus operator has a system of interim passes in place
- advise the student that their behaviour will be investigated by their bus operator in a situation where travel passes are not in use
- record the incident as part of the driver's own record in a situation where a formal warning is to be issued
- report breaches of the Code of Conduct to the bus operator
- report to the bus operator when repeated attempts by the driver to control misbehaviour have been unsuccessful.

When an incident of misbehaviour is considered life threatening, the bus driver will stop the bus and contact police on 000 and/or the bus operator and await instructions. Students should be advised to stay in the bus until assistance has arrived.

For the purposes of these Guidelines, a formal warning is considered issued when the driver obtains the student's name and school.

How bus drivers may handle travel passes

A driver may confiscate a school bus travel pass if:

- an interim travel pass is issued in lieu
- a student's behaviour is highly dangerous or life threatening
- it is damaged or faulty, or they believe that it is fraudulently used.

Students eligible for subsidised travel should be allowed to receive travel on the day they have lost or forgotten their school bus travel pass, except as directed by the bus operator pursuant to established procedures.

4.6 Bus operators

Bus operators or their nominated officers are responsible for:

- providing a safe work place for bus drivers in accordance with the provisions of the *Occupational Health and Safety Act 2000*
- establishing a set of procedures relevant to their operational practices in accordance with the Guidelines provided by the Ministry of Transport (Section 7) for drivers to manage school student misbehaviour on buses
- providing their drivers with training:
 - a) to ensure that their passengers are not unduly exposed to risks while travelling on their buses, in accordance with the provisions of the *Occupational Health and Safety Act 2000*
 - b) understanding and following these Guidelines
 - c) managing behaviour involving students and groups of students.

Where a student breaches the Code of Conduct, operators will:

- advise parents/guardians/carers of the incident and its consequences where a verbal warning is issued, with a written copy to school principals for information
- advise school principals immediately where students are exhibiting dangerous or highly dangerous behaviour and where the police have been contacted
- determine whether a student's misbehaviour is serious enough to refuse the student travel on the bus
- determine the appropriate penalty in accordance with the Guidelines
- ensure that reasonable effort is made to communicate with parents/guardians/carers and the school principal within the period specified in the Guidelines, where the operator is considering refusing a student travel on a bus due to a breach of the Code of Conduct
- advise parents/guardians/carers, the school principal and the Ministry in writing before suspending a student from travel, so that alternative travel arrangements can be made (including advice on how to appeal against the decision)
- decide on the appropriate arrangement for returning the travel pass to the student and advising parents/guardians/carers in writing of the arrangement on expiry of the interim pass or at the end of the period of suspension (The arrangement may include returning the pass by post or reclaiming it from the bus operator or the school, where there has been agreement with the school.)
- retain records of action taken to deal with reported incidents
- ensure that any refusal of travel on a bus is appropriately enforced

- consider requests by parents/guardians/carers for a review of any decision to refuse travel to their child
- assist the Ministry to review appeals of any decision made in relation to a breach of the Code of Conduct by providing relevant information.

Operators may advise school principals of the names of students who have travelled on a bus that has been damaged by inappropriate behaviour.

Factors for determining action:

Factors to consider as part of determining the appropriate response to a breach of the Code of Conduct include (but are not limited to):

- the age of the student
- the threat to the safety of all those in and around the bus, including the driver
- the nature of the incident
- whether the breach was a first or one of a series of incidents about which the student has been previously cautioned (according to the operator's own records)
- whether the student has any existing medical condition, e.g. behavioural difficulties or emotional disturbances (according to the operator's own records)
- the student's account of the incident.

For example, it would be expected that a more serious response would be required where students are throwing things from or in the bus than if students were eating on the bus.

Use of bus security camera systems

Bus operators may review images derived from bus security camera systems (where installed) to substantiate claims of a breach of the Code of Conduct. However, bus operators must comply with any code of practice established by the Ministry for the use of bus security camera systems. In the case of the State Transit Authority, compliance with the provisions of the *Privacy and Personal Information Protection Act 1998* is required.

Use of contact details encrypted in Tcards

Where electronic ticketing is involved, operators can use the details in the Tcard to assist in identifying those students who were travelling on a particular bus when a breach of the Code of Conduct occurred.

4.7 Operators of non-commercial school bus services

Not all operators of non-commercial school bus services in NSW issue passes to students travelling on their services. However, non-commercial bus operators are obliged to refer to the Code of Conduct and these Guidelines when managing misbehaviour by students in buses. In particular, the processes for communicating with students, parents/guardians/carers and school principals must be followed.

5. Special circumstances

5.1 Students not covered by the School Student Transport Scheme

Students who have paid for term passes or for a journey are also subject to the Code of Conduct.

Students can be penalised for misbehaviour (like all other bus passengers) whether or not they are participants of the School Student Transport Scheme, as provided for in the Passenger Transport (Bus Services) Regulation 2000.

5.2 Students with disabilities

The specific concerns of students with disabilities could mean that the application of the Code of Conduct might not always be appropriate for them. Liaison between bus operators, schools and parents/guardians/carers should occur on an individual basis for these students to ensure that the safety considerations of all students on the bus are addressed.

5.3 Students who travel on more than one bus

Where students use the bus of more than one operator to travel to school, there may be circumstances where they are refused travel on the bus services of one of the operators and their school bus travel pass confiscated.

The student's travel pass will not be returned to the student until the period of suspension is lifted. In these situations the student will be suspended from all travel entitlements under the School Student Transport Scheme.

It is the parent/guardian/carer's responsibility to make alternative transport arrangements and/or to meet the associated travel costs for the student on any bus service.

5.4 School excursion buses

The Code of Conduct penalties do not apply to students on school excursion buses.

6. Categories of inappropriate behaviour

To promote consistency and fairness in responding to breaches of the Code of Conduct, inappropriate behaviour has been divided into three categories.

6.1 Category 1 – Unacceptable behaviour

This category includes minor offences, but is not limited to behaviour that may be irritating or unpleasant. Examples include:

- distracting the driver by persistent noise or calling out to the driver
- failing to show a travel pass, except where passes are not issued (i.e. non-commercial services in rural areas)
- eating or drinking (other than water) on the bus, unless for medical reasons or with the written permission of the bus operator
- smoking
- spitting
- using offensive or racist language
- minor bullying, intimidation and harassment of other passengers
- pressing the stop button continually
- damaging property
- window etching
- behaving so as to adversely affect the comfort or safety of other passengers (e.g. not giving up seats to any adults and disabled passengers).

6.2 Category 2 – Dangerous behaviour

This category includes more serious offences, but is not limited to behaviour that may cause an element of danger to individuals. Examples include:

- serious bullying and harassment of other passengers
- allowing any part of their body to protrude from the bus while the bus is in motion
- stopping others from disembarking at their stop
- verbally threatening the driver
- standing on steps or in areas not set aside for standing and refusing to sit down
- pushing and shoving when boarding or exiting the bus
- swinging on bus handrails
- throwing things inside or out of the bus
- fighting with other passengers
- causing significant damage to property in buses
- using matches/lighters
- carrying dangerous items
- group misbehaviour.

6.3 Category 3 – Highly dangerous or life threatening behaviour

This category includes major offences, but is not limited to highly dangerous behaviour. Examples include:

- pushing students out of the doors or windows
- interfering with the driving controls or the emergency door release
- assaulting the driver or other passengers
- interfering with safety equipment
- recklessly or negligently endangering the safety of other passengers or themselves
- destruction of bus property.

If appropriate, the bus driver should report any incident involving highly dangerous or life threatening behaviour to the police.

The list of examples above is not intended to be exhaustive, but should be used as a guide by drivers and operators in relation to management of behaviour on their buses.

7. Dealing with inappropriate behaviour

See following charts:

7.1 Category 1 – Unacceptable behaviour..... Page 13

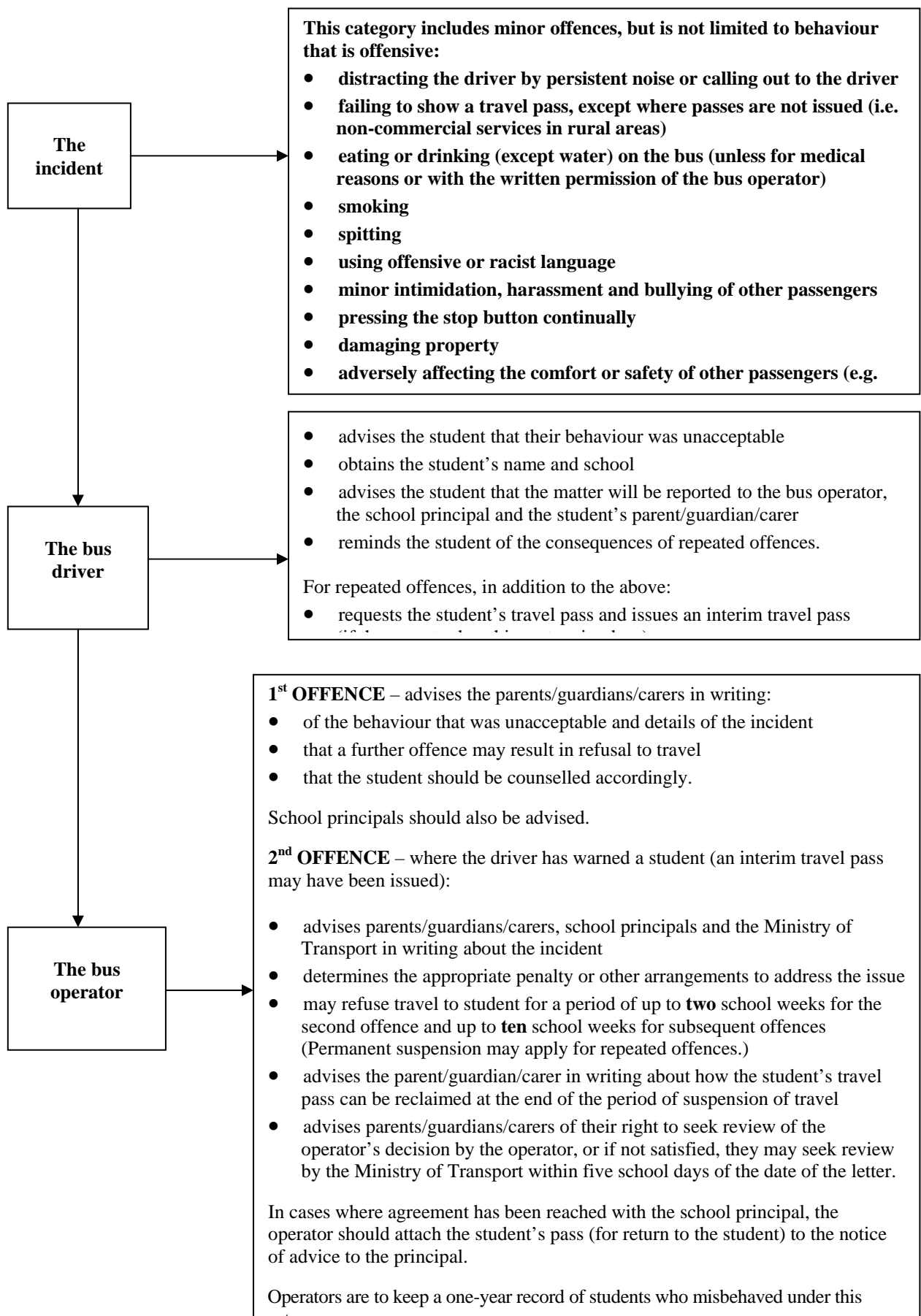
7.2 Category 2 – Dangerous behaviour Page 14

7.3 Category 3 – Highly dangerous or life threatening behaviour Page 15

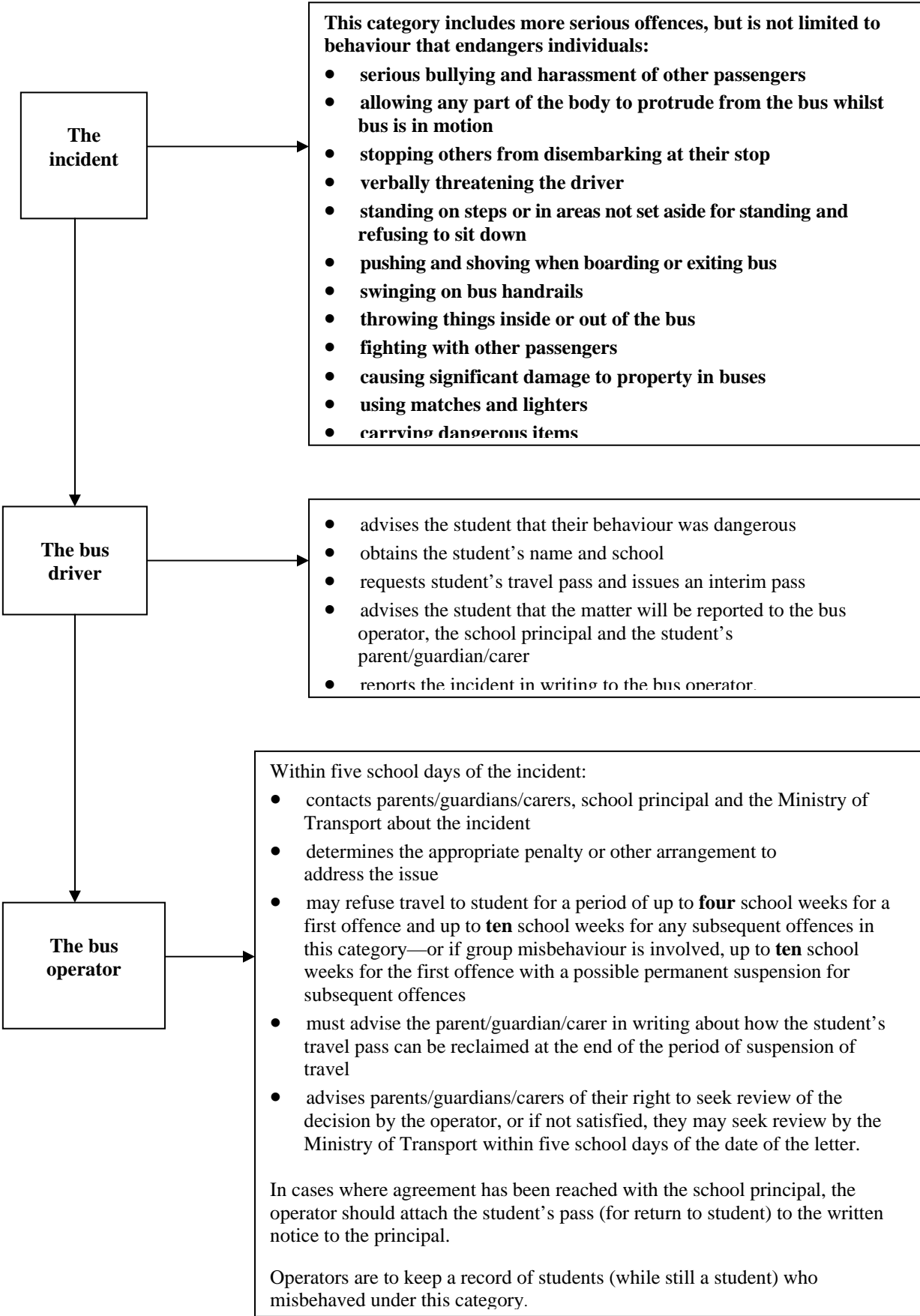
For the purposes of the following charts, these definitions apply:

- **bus operator** means the bus operator or operator's delegate
- **school principal** means the school principal or principal's delegate.

7.1 Category 1 – Unacceptable behaviour



7.2 Category 2 – Dangerous behaviour



This category includes more serious offences, but is not limited to behaviour that endangers individuals:

- serious bullying and harassment of other passengers
- allowing any part of the body to protrude from the bus whilst bus is in motion
- stopping others from disembarking at their stop
- verbally threatening the driver
- standing on steps or in areas not set aside for standing and refusing to sit down
- pushing and shoving when boarding or exiting bus
- swinging on bus handrails
- throwing things inside or out of the bus
- fighting with other passengers
- causing significant damage to property in buses
- using matches and lighters
- carrying dangerous items

The incident

The bus driver

The bus operator

- advises the student that their behaviour was dangerous
- obtains the student's name and school
- requests student's travel pass and issues an interim pass
- advises the student that the matter will be reported to the bus operator, the school principal and the student's parent/guardian/carer
- reports the incident in writing to the bus operator.

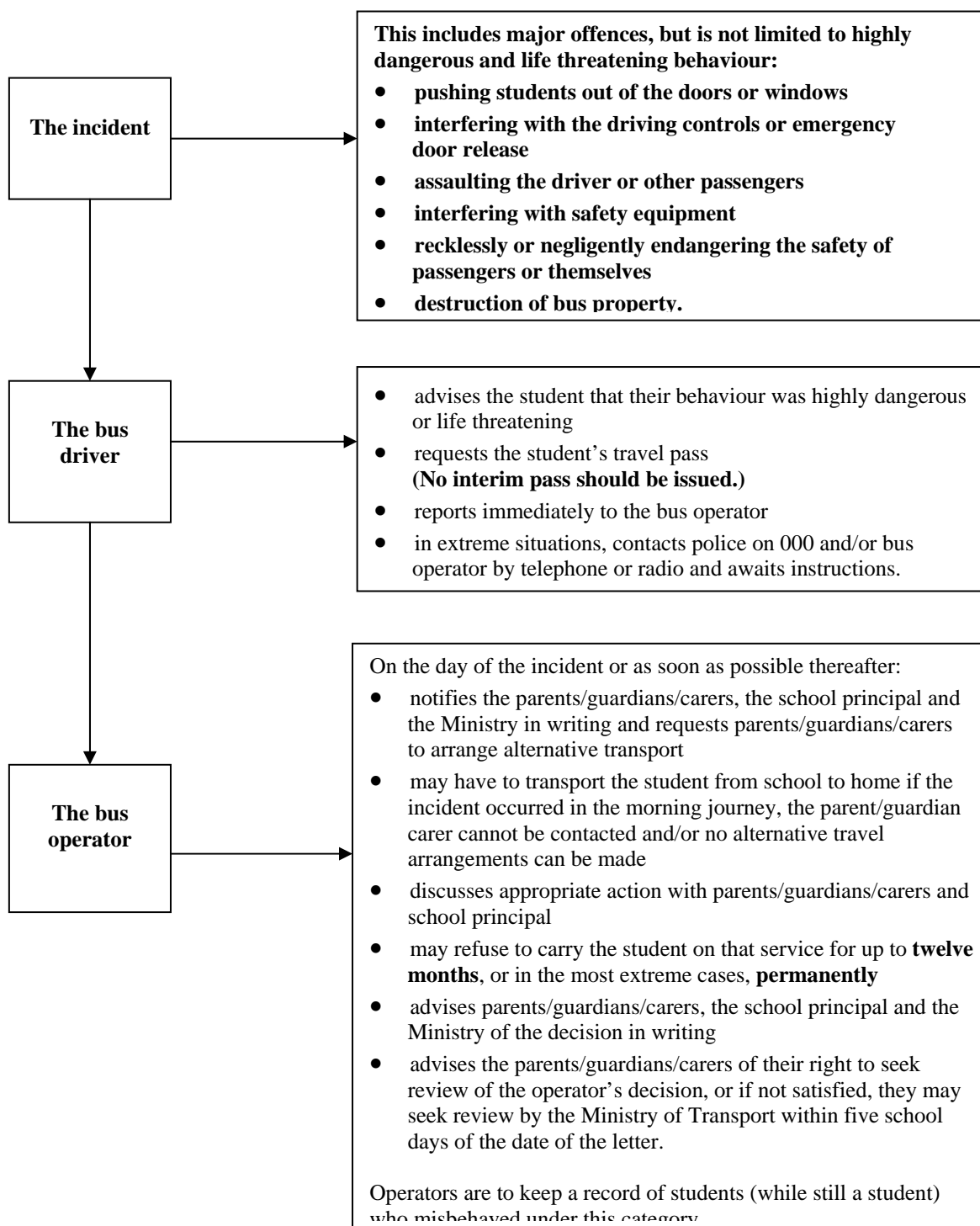
Within five school days of the incident:

- contacts parents/guardians/carers, school principal and the Ministry of Transport about the incident
- determines the appropriate penalty or other arrangement to address the issue
- may refuse travel to student for a period of up to **four** school weeks for a first offence and up to **ten** school weeks for any subsequent offences in this category—or if group misbehaviour is involved, up to **ten** school weeks for the first offence with a possible permanent suspension for subsequent offences
- must advise the parent/guardian/carer in writing about how the student's travel pass can be reclaimed at the end of the period of suspension of travel
- advises parents/guardians/carers of their right to seek review of the decision by the operator, or if not satisfied, they may seek review by the Ministry of Transport within five school days of the date of the letter.

In cases where agreement has been reached with the school principal, the operator should attach the student's pass (for return to student) to the written notice to the principal.

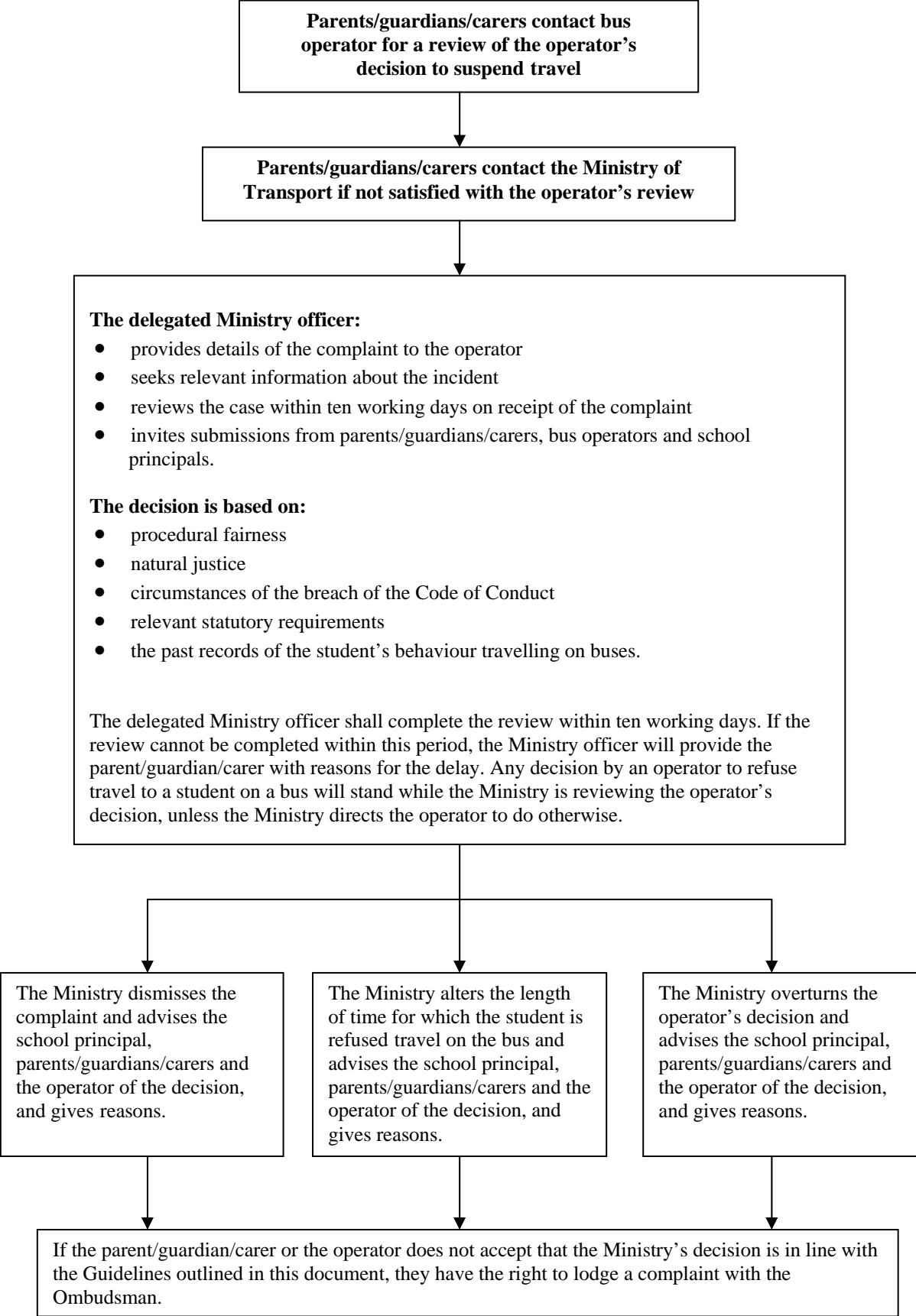
Operators are to keep a record of students (while still a student) who misbehaved under this category.

7.3 Category 3 – Highly dangerous or life threatening behaviour



Drivers and operators will stop the bus while calling in police officers on 000 to assist in managing life threatening incidents. Students are to be advised to remain in the bus until assistance has arrived.

8. Complaints process for students refused travel



9. The Ministry offices

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PARRAMATTA NSW 2150

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PARRAMATTA NSW 2124

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