

## Code of Conduct for School Students Travelling on Buses

# Information for Bus Operators

As a bus operator you are concerned with ensuring the quality and safe operation of your bus service. The Code of Conduct for School Students Travelling on Buses, which aims to ensure safe and responsible bus travel for all passengers, will assist you in managing student misconduct in an appropriate and consistent manner. The Code identifies the roles and responsibilities of those concerned with the safe student bus travel; outlines the process to identify categories of misconduct; and provides the framework to determine appropriate consequences for incidences of misconduct.

When managing issues of student misconduct on buses you will be guided by the processes outlined in the Code. You will need to ensure that your drivers receive training in managing the behaviour of students on buses and that they know the policies and procedures to be followed when implementing the Code.

The effective implementation of the Code will be enhanced if you are able to develop positive and collaborative partnerships with schools and parents/carers. Students are more likely to understand that bus misconduct will not be tolerated if you, their parents/carers and school are cooperating in addressing issues of bus misconduct.

## 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

## What do I do when a driver provides a report of school student misconduct?

1. (The Operator Procedures table overleaf summarises the process for operators). When a driver contacts you during a journey to report an issue of bus misconduct you need to evaluate the seriousness of the situation and the immediate threat to safety and determine if any of the following immediate actions need to be taken:
  - a. Implement Incident Management Plan
  - b. Instruct driver in the actions to be followed
  - c. Contact parent/carer
  - d. Determine if the incident needs reporting to the Police
2. When you receive a driver's written report of bus misconduct you commence an investigation which needs to be completed within 3 days of the reported incident
3. In cases of reported incidents of dangerous/destructive or life threatening student behaviour (categories 3 and 4) you may consider standing down the student while the investigation is undertaken. (The period of a student stand down will be considered to be part of any refused travel consequence which is determined following an investigation into the reported incident.) When a student is stood down while an investigation is being undertaken immediately advise parent/carer, school principal and any relevant parties so that alternative arrangements can be made for the student's travel

4. Check to see that all the necessary information is included in the driver's incident report (see Incident Report resources):
  - a. a clear description of the incident, including details of who, what, when, where, how
  - b. if there were any witnesses
  - c. any witness statements
  - d. if any harm or damage occurred
  - e. if there is CCTV footage of the incident
  - f. actions taken by the driver
  - g. if the Police, Emergency Services, etc were contacted
5. Clarify the information with the driver if anything is unclear or missing
6. Seek clarification from the student, witnesses, stakeholders and CCTV footage, as appropriate, ensuring you apply principles of natural justice
7. Considering all of the information gathered through the investigation, determine if there has been a breach of the Code
8. Determine the category of the breach
9. Refer to your records to determine if this is a repeat report of similar or different behaviour
10. Determine the consequences if a breach has occurred
11. Communicate outcomes and decisions to stakeholders, as appropriate
12. Clearly document the process and keep all records

## How do I determine the category of breach of the Code of Conduct?

There are 4 categories of behaviour in the Code of Conduct:

**Category 4** – Life threatening behaviour

**Category 3** – Dangerous/destructive behaviour

**Category 2** – Unsafe behaviour

**Category 1** – Irresponsible behaviour

You need to investigate each incident of reported school student misconduct. The information gained through your investigation will provide contextual information to help you in determining the category of behaviour. You need to consider the context of the specific incident, the seriousness of the behaviour and the extent of the threat to safety when determining the category of behaviour. You then ask the following questions which will help you to determine the category of behaviour in which the misconduct best fits:

<b>Is the behaviour immediately life threatening?</b>	<b>Yes</b>	The behaviour is <b>Category 4 – Life threatening behaviour.</b>
<b>Is the behaviour dangerous/destructive and highly likely to cause immediate harm to property and/or others?</b>	<b>Yes</b>	The behaviour is <b>Category 3 – Dangerous/destructive behaviour.</b>
<b>Is the behaviour unsafe where there could be harm to property and/or others?</b>	<b>Yes</b>	The behaviour is <b>Category 2 – Unsafe behaviour.</b>
<b>Is the behaviour irresponsible but not likely to cause harm?</b>	<b>Yes</b>	The behaviour is <b>Category 1 – Irresponsible behaviour.</b>

## 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>

## 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 (for example, repeat report)
  - student
  - school
  - parent/carers
  - CCTV
  - other relevant information eg 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) plus 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 – section 7.2.2.6.

Refused travel:

Max 10 school weeks plus 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 – 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 – section 7.2.2.6.

- Report of single incident – consider written caution
- Report of repeat of incidents in single journey – written caution and/or one to two days refused travel
- First Repeat Report in 10 school weeks (repeat incidents across multiple journeys) – written caution and/or one to two 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 – 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*

## How do I determine the consequences for breaches of the Code of Conduct?

1. In determining appropriate consequences for a breach of the Code you (and relevant stakeholders where appropriate) consider 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 had 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 previously cautioned
2. Determine the most appropriate consequence by referring to the guidelines in the Operator Procedures table on the previous page. You could consider:
  - A written caution
  - A period of refused bus travel
  - A behaviour agreement (see Behaviour Agreement resources)
  - Other consequence agreed to by stakeholders
3. Keep clear records of actions taken
4. Clearly convey reasons for your decisions to relevant parties, in writing
5. Have processes in place to review the decision, if required
6. Send the *Refusal from Travel Advice Form* to the Department of Transport and Main Roads for cases of refused travel for eligible students
7. Consider if the conduct also breaches the Criminal Code and should be reported to Police