



LEARNER TRAVEL (WALES) MEASURE 2008

ALL-WALES TRAVEL BEHAVIOUR CODE STATUTORY GUIDANCE



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1. Context

1.1 This document contains statutory guidance about the All-Wales Travel Behaviour Code ('the Travel Behaviour Code' or 'the Code') issued under section 15 of the Learner Travel (Wales) Measure 2008 ('the Measure').

1.2 For the majority of learners their journeys whilst travelling to and from education institutions pass without incident or concern. Unfortunately some journeys are marred by poor, disruptive and unacceptable behaviours that can impact on other travellers, both learners and the wider public. In some cases the issues are caused by other learners.

1.3 The Welsh Government is determined to support the governing bodies of maintained schools, institutions in the further education sector, local authorities, learners, transport operators, drivers and relevant places (for definition of 'relevant places' see Appendix A) that have to deal with poor and disruptive behaviour. It is a real threat to safety and can have tragic consequences.

1.4 The statutory guidance is intended to assist:

- Local authorities undertaking their duties under the Measure
- Governing bodies of maintained schools and institutions in the further education sector

Collaboration

1.5 The Welsh Government want to encourage governing bodies and local authorities to work proactively with learners, their parents, transport operators and the community to promote positive behaviour. Guidance on the way in which governing bodies and local authorities can promote positive behaviour is contained in the Welsh Government's Inclusion and Pupil Support Guidance (Section 4)¹ which includes important advice on safeguarding learners. Safeguarding must also be a major consideration when providing transport for learners. Specific guidance is available on the use of exclusion² and on preventing and dealing with bullying³ (Respecting Others⁴). Guidance is also

¹ Inclusion and Pupil Support Guidance

<http://wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en>

²Exclusion Guidance

<http://wales.gov.uk/topics/educationandskills/publications/guidance/exclusionguidance/?lang=en>

³ There are many definitions of bullying but most consider it to be:

- Deliberately hurtful (including aggression)
- Repeated often over a period of time, while recognising that even a one-off incident can leave a learner traumatised and nervous of future recurrence and

available on the Hate Crime Framework⁵ which focuses on the protected characteristics by measuring the number of hate crimes over a given timeframe; providing better services for those with protected characteristics; and tackling hate crime issues through prevention, support and creating a collaborative approach amongst relevant partners.

1.6 In encouraging local authorities and governing bodies to work closely together our intention is to limit the use of sanctions so that they are applied only in the most serious of cases. It is also our intention to encourage a more appropriate and considered response when dealing with reported incidents.

Guidance

1.7 A key aim of the Measure is to improve safety on learner transport by tackling unacceptable behaviour through the Travel Behaviour Code. Section 12 of the Measure places a duty on the Welsh Ministers to produce a Travel Behaviour Code and to review it from time to time in consultation with such persons they consider appropriate.

1.8 The Travel Behaviour Code is attached at Appendix B.

1.9 This guidance covers the investigation of incidents involving learners travelling to and from educational institutions (“learner travellers”) to ensure that consistent standards of behaviour, enforcement and sanctions are adopted across Wales. Local authorities must have regard to this guidance when dealing with any incidents of unacceptable behaviour (see Appendix C which sets out the procedure to follow if an incident occurs).

1.10 The Travel Behaviour Code promotes safe travel for all learner travellers by setting out the standards of behaviour required while travelling to and from education institutions and consequently promotes the safeguarding of learners. The Welsh Government recommends that local authorities sign non-statutory Travel Behaviour Contracts with transport operators, learners and parents. The purpose is to foster a sense of shared responsibility for achieving safe travel by committing to a set of specific standards (see Appendix D for a sample Travel Behaviour Contract).

-
- Difficult for victims to defend themselves against

Individual learners ‘perspectives on what constitutes bullying is also a key element to take into account. Bullying can take many forms but the three main types are:

- Physical – hitting, kicking, taking belongings, sexual harassment or aggression
- Verbal – name-calling, insulting, making offensive remarks
- Indirect – spreading nasty stories about someone, exclusion from social groups, being made the subject of malicious rumours, sending malicious e-mails or messages using social media

⁴ Respecting Others <http://gov.wales/topics/educationandskills/publications/circulars/antibullying/?lang=en>

⁵ <http://gov.wales/topics/people-and-communities/equality-diversity/rightsequality/hate-crime/?lang=en>

When and to whom does the Code apply?

1.11 The Travel Behaviour Code applies to all learners aged 5 to 19 years (or over 19 if they started their course before reaching 19). It applies to all modes of travel to and from education institutions, whether or not they take advantage of travel arrangements made by a local authority. This includes contract buses, public buses, public trains, walking, taxis, scooters and motorbikes, cycling and journeys in cars.

1.12 It includes journeys between education institutions during the day, not just at the beginning and end of the day.

1.13 Under the provisions of the Measure, the Travel Behaviour Code does not apply to travel to and from other locations not classed as “relevant places”, even though the travel may be for educational purposes, e.g. school trips. Behaviour on these journeys should be regulated by individual schools’ behaviour policies.

Structure of the Code

1.14 The Code is written in accessible language for learners aged 5-19. One part provides general travel safety advice while the other part provides safety advice for travelling on the bus.

What does the Code mean for local authorities?

1.15 The Code supersedes all previous Travel Behaviour Codes, and must be published by the local authority under the Learner Travel Information (Wales) Regulations 2009⁶

1.16 Where local authorities provide or fund transport, they will lead in an investigation of an incident.

1.17 Where local authorities provide transport as a matter of discretion, under section 6 of the Measure, either free of charge or for payment, the same procedures should be followed.

1.18 If the local authority does not provide or fund the transport, then the education institution where the learner is enrolled is responsible for investigating incidents.

What does the Travel Behaviour Code mean for governing bodies?

1.19 Governing bodies have a key role to play in setting standards for learners’ behaviour and discipline. The Travel Behaviour Code should form part of a

⁶ <http://www.legislation.gov.uk/wsi/2009/569/contents/made>

school's behaviour policies and any misbehaviour on the journey to and from educational institutions can be dealt with under individual school behaviour policies or by enforcement of the Travel Behaviour Code. There may be categories of misbehaviour or anti-social behaviour which are best addressed through the application of school behaviour policies to ensure all such incidents are dealt with proportionately. Individual schools can use their judgement and discretion when deciding whether to apply school behaviour policies or enforce the Travel Behaviour Code.

1.20 Governing bodies should ensure that head teachers take steps to ensure their pupils comply with the Travel Behaviour Code.

1.21 The governing bodies of other educational institutions, such as further education colleges and training providers, should also incorporate the Travel Behaviour Code into their behaviour policies.

Reporting unacceptable behaviours

1.22 The Welsh Government considers that it is vital that local authorities develop standardised, consistent reporting systems on a pan-Wales basis, which are clear and easily accessible for parents and learners. At Appendix E there is a sample Incident Report Form for local authorities to use at their discretion.

2. The Supporting Framework for the Travel Behaviour Code

2.1 The Welsh Government has provided the Travel Behaviour Code with a framework of supporting actions which are described below.

The Respecting Others anti-bullying agenda

2.2 Under the United Nations Convention on the Rights of the Child (UNCRC), children have a right to “enjoy the best possible health and be free from abuse, victimisation and exploitation”. For these reasons, it is important to link the Travel Behaviour Code to the wellbeing of learners and the Respecting Others anti-bullying agenda.

2.3 Local authorities and governing bodies should promote the following actions to encourage good behaviour on the home to school journey (including journeys between schools) and prevent the reoccurrence of anti-social behaviour, including bullying.

Actions

- Independent counselling services for children and young people - those learners whose behaviour is unacceptable, anti-social, dangerous, or highly dangerous on the journey to and from educational institutions might benefit from counselling. Existing counselling services can be used to support children and young people who are experiencing emotional distress and who might therefore be demonstrating anti-social behaviour, including bullying
- Peer Support Services – mentors from these services can help to reduce instances of anti-social behaviour, such as bullying on the home to school journey, particularly where groups of learner volunteers are trained to provide anti-bullying services to their peers, such as support, listening or mediation
- ‘Worry Boxes’ can be used to enable learners to report concerns about bullying whether online via the school’s web or in hard copy by depositing notes or letters in the designated box anonymously or by name. Learners can highlight general or specific issues of concern regarding anti-social behaviour such as instances of bullying. Where worry boxes are used they need to be checked on a regular basis
- Schools can adopt the ‘restorative approaches’ model to minimise the reoccurrence of bullying on the home to school journey. This process brings together both the bullies and the bullied to consider their actions in a safe environment. A meeting is conducted which involves all parties, including a support group comprising people who respect and care about those involved

2.4 Local authorities and governing bodies can also support the Respecting Others anti-bullying agenda in the following ways:

- Incorporating information on safe travel, including the Code, into relevant parts of the curriculum, such as Personal and Social Education or Social and Emotional Aspects of Learning (which underpins interactive learning and positive behaviour, including the emotional health and wellbeing of learners)
- Encouraging schools to work with the third sector to develop anti-bullying strategies which are applicable to the home to school journey
- Encouraging School Councils to raise awareness of bullying and ways of reducing/eliminating it by raising these topics for debate/discussion
- Encouraging teachers and learners to hold informal discussions to explore issues such as developing empathy for others, engaging in the process of considering and reflecting before coming to conclusions/making judgments about others, or acting without thinking first, including the importance of abiding by set rules

The Hate Crime Framework

2.5 Local authorities and governing bodies should familiarise themselves with the Hate Crime Framework⁷ which is a framework of action to tackle hate crimes and incidents in respect of the protected characteristics under the Equality Act 2010⁸ (for example, disability, race, religion, sexual orientation, sex and age).

2.6 In terms of the journey to school, regardless of the mode of travel, harassment incidents can occur. It is important that learners and all travellers feel safe using school transport, or any mode of public transport or when walking or cycling to school/college.

Supervision

2.7 Local authorities and governing bodies should exercise discretion on whether to put in place bus monitors on dedicated home to school transport services. The purpose of bus monitors is to:

- Help learners board buses
- Ensure learners are well behaved
- Conduct safety drills
- Report instances of unacceptable, anti-social or dangerous behaviour to schools or local authorities (depending on whether the transport is provided by schools or local authorities)
- Ensure seatbelts are used

2.8 Local authorities or governing bodies who choose to put in place bus monitors have several options available to them (although the list below is not exhaustive):

⁷ Hate Crime Framework: <http://wales.gov.uk/topics/equality/rightsequality/hate-crime/?lang=en>

⁸ Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>

- Adults – either paid or hired on a voluntary basis. All such bus monitors would need to be subject to Disclosure and Barring Service checks. The Wales Council for Voluntary Action (WCVA) could be a source of volunteers
- Learners from Years 11, 12 or 13 – they could be elected by School Councils on a termly basis or per academic year, elected by learner travellers, or put forward by head teachers. The mechanics of how the supervisory system works are discretionary matters for each local authority and/or governing body to determine
- Teachers or teaching assistants (on a voluntary basis)

2.9 In cases where a governing body or local authority decides to use bus monitors, the Welsh Government recommends that all bus monitors should receive guidance and training on their roles and responsibilities, including health and safety training. As the previous paragraph suggests, bus monitors may be paid or they may be unpaid volunteers.

Travel Behaviour Contracts

2.10 Local authorities and governing bodies should encourage the use of Travel Behaviour Contracts. Travel Behaviour Contracts are contracts between learners, parents, transport operators and local authorities. They are designed to foster a sense of shared ownership and responsibility for ensuring, as far as practicable, safety on the home to school journey on dedicated learner transport.

2.11 Travel Behaviour Contracts set out what behaviour is expected of each stakeholder, including their respective roles and responsibilities. They are a useful tool in addressing bullying and anti-social behaviour.

2.12 A Travel Behaviour Contract is a standardised contractual agreement which is signed by learners, parents, transport operators and local authorities and incorporated into each individual local authority's school transport application form. Parents and learners in receipt of dedicated learner transport from the local authority sign the contract to state they will comply with the Travel Behaviour Code and the Contract and that failure to do so may result in the withdrawal of transport. Local authorities and transport operators, in turn, sign the contracts to confirm the actions they will take to ensure, as far as is practicable, safety on the home to school journey. A sample of a Travel Behaviour Contract is at Appendix D.

Clear Reporting Systems

2.13 To tackle unacceptable, anti-social or dangerous behaviour, including bullying, it is vital for local authorities to provide parents and learners with easy access to clear, consistent and user-friendly reporting mechanisms.

2.14 The Welsh Government recommends that local authorities take the following approaches on a pan-Wales basis to achieve standardisation and consistency:

- Worry boxes placed in schools, on buses or online
- Specific, dedicated portals for reporting behaviour on all local authority websites – chapter 4 of this guidance provides more information to local authorities on investigating incidents
- Electronic Incident Report Form available from local authorities, especially contact centre services (a sample is at Appendix E)

Training for school transport bus drivers

2.15 It is vital that school transport drivers are trained to a high standard and for a safe service to be provided.

2.16 The Welsh Government recommends that local authorities, when procuring home to school transport services, stipulate specific training to be undertaken by school transport drivers as part of the requirements of each contract between each local authority and service provider.

2.17 The Welsh Government further recommends that the training should include equality and disability awareness; dealing with/managing challenging behaviour; seatbelt legislation; customer service; and meeting the needs of learners with special educational needs and safeguarding.

Closed Circuit Television (CCTV)

2.18 The fitting of CCTV on dedicated learner transport has two distinct advantages:

- It can assist in establishing the circumstances of an incident and
- It can assist in identifying whether there has been a contravention of the Travel Behaviour Code

2.19 The fitting of CCTV on buses is at the discretion of local authorities.

Creating a safe, comfortable and positive bus environment

2.20 There is evidence of a correlation between a safe, comfortable and positive bus environment and good behaviour on transport services.

2.21 The Welsh Government recommends that local authorities undertake the following courses of action to help achieve a safe, comfortable and positive bus environment:

- Encourage educational institutions to develop and implement a 'buddying system' where older learners are paired with younger learners. This could be extended to include those learners who walk or cycle to school
- Develop and implement pupil training courses on passenger safety, the importance of seat belts, the consequences of distracting the driver, and emergency evacuation procedures
- Encourage transport operators to consider permitting learners to eat and drink on buses in certain circumstances (for example, to drink water if the weather is hot or to eat if suffering from medical conditions such as diabetes)

3. Roles and Responsibilities of Local authorities

3.1 Local authorities:

- Should publicise and raise awareness of the importance of good behaviour and the consequences of failing to comply with the Travel Behaviour Code
- Should ensure that contact details of designated staff responsible for handling all matters relating to the Travel Behaviour Code are published on local authority websites and in all relevant correspondence with education institutions and transport operators
- Should train relevant staff in the content and application of the Travel Behaviour Code to ensure a consistent approach across Wales
- Should investigate suspected breaches of the Travel Behaviour Code where appropriate
- Should, when awarding local authority contracts to transport operators, incorporate references to awareness training on the Travel Behaviour Code and recommend that they report incidents to local authorities/education institutions
- Should sign Travel Behaviour Contracts setting out their responsibilities for ensuring, as far as practicable, the safety of learners on dedicated learner transport
- Should provide clear systems to enable parents and learners to report poor or anti-social behaviour
- Should provide a safe, comfortable and positive environment for learner transport
- Should, when procuring home to school transport services, stipulate specific training to be undertaken by school transport drivers as part of the requirements of contracts between local authorities and service providers
- Should consider installing CCTV on dedicated learner transport
- Should ensure that designated persons at the local authority maintain records of all reported incidents that they are responsible for investigating. All records of incidents should be copied to education institutions
- Should ensure that transport operators are aware of the fact that they should consistently and accurately report incidents to local authorities whenever they occur

4. Incidents Investigated by Local Authorities

Local authority Investigation of Incidents and Sanctions

4.1 The procedure set out in this section of the guidance should be followed where local authorities have provided transport or made travel arrangements. Where the local authority is under a duty to provide learner travel under sections 3 and 4 of the Measure they must comply with the requirements of section 14 of the Measure before they can withdraw transport, and these requirements are summarised in paragraphs 4.26 - 4.37. Where a learner receives free or subsidised travel from a local authority on a discretionary basis (under section 6 of the Measure) the procedure outlined in these paragraphs should be followed.

4.2 When an incident occurs on the home to school journey, but not actually on the transport provided by the local authority, it can be difficult to agree whether it is the responsibility of the authority or the education institution to lead an investigation. It will depend on the specific circumstances of the case. The local authority and education institution must work together and agree who should assume responsibility for the matter.

4.3 To ensure that incidents are dealt with as efficiently and effectively as possible, it is important that incidents are reported, investigated and determined in a timely manner.

Sanctions

Procedure if an Incident Occurs

4.4 An explanatory diagram, setting out the procedure described in this section can be found at Appendix C. Details of the procedure for investigating incidents are set out below.

Step 1

4.5 Local authorities should encourage drivers or escorts to take all reasonable steps to identify the learner(s) involved, including any witnesses, and to report the incident to the operator. Local authorities should encourage operators, in turn, to inform the appropriate person at the local authority. Where CCTV is used on buses, footage can be used as evidence in line with the procedures set out in the local authority contract with the operator, assuming Data Protection legislation has been adhered to.

4.6 Local authorities should also encourage the transport operator to inform the education institution directly.

4.7 Local authorities should advise transport operators to report any serious incidents to the police, including the local authority itself. The police will consider whether or not to take further action.

4.8 If the local authority is made aware of an incident through a different source, such as through parents, learners, education institutions or members of the public, the same procedures for investigating an incident should be followed.

Step 2

4.9 The local authority should establish whether or not they provide home to school transport for the learner.

4.10 The local authority should keep a record of all incidents that occur on transport they provide. By the time action relating to the incident is concluded the record should include the name of the learner, the time, place and nature of the incident, and the action taken by the authority.

Step 3

4.11 When the local authority is made aware of any incident they should let the relevant education institution know as soon as possible. If the local authority does not provide transport for the learner the education institution at which the learner is registered should investigate the incident.

Step 4

4.12 As far as possible all aspects of investigations, including incident reports by operators, notes of education institutions' discussions with learners and notes of local authorities' decision-making processes when deciding what action to take, should be in writing or available from electronic records.

Approaches to Different Kinds of Incidents

4.13 Incidents can vary in severity and seriousness, depending on whether they are caused by unacceptable behaviour, dangerous behaviour, or highly dangerous, destructive or life-threatening behaviour. If, after the initial investigation into the incident, the local authority is satisfied that the learner did what he or she is alleged to have done, the local authority will need to consider what action to take based on the severity of the incident.

4.14 Where the incident is also subject to a police investigation, the evidence available to the local authority may be very limited. It should, however, be possible to make a decision on how to proceed in investigating the incident and the local authority should not generally delay its processes to take account of any criminal proceedings.

4.15 To promote consistency and fairness in responding to breaches of the Travel Behaviour Code, inappropriate and/or unsafe behaviour has been divided into three categories. Local authorities can use the categories as a guide when a breach of the Travel Behaviour Code has occurred.

4.16 The behaviours referred to in each category are not exhaustive, but can be used as an indicator.

4.17 There may be circumstances in which the actions suggested for each category are not appropriate. Local authorities and governing bodies may decide that the suggested approach is either too lenient or too harsh. Ultimately, appropriate action is the decision of the local authority, after consultation with the education institution.

4.18 Alternatively, the local authority and school may decide that it is more appropriate for sanctions to be imposed under the school's behaviour policy.

Category 3 - Unacceptable behaviour

4.19 This includes, but is not limited to, incidents that may be unpleasant or offensive, but not dangerous, such as littering, failure to show a travel pass (where appropriate) and rudeness.

4.20 It can include incidents of bullying that children and young people have identified as particularly upsetting, whether as targets or witnesses. Theft and verbal arguments are also included.

4.21 Depending on any previous incidents that the individual may have been involved in, incidents in this category should be dealt with as follows:

- First incident – the learner should receive a verbal warning from their place of learning and the local authority should keep a record of the incident
- Second incident – the local authority should write to the learner's parents notifying them of the breaches of the travel behaviour code and the consequences of continued unacceptable behaviour
- Third incident - the local authority should consider the withdrawal of learner transport, but only after following the procedures set out in sections 4.26 – 4.37

Category 2 – Dangerous behaviour

4.22 This includes, but is not limited to, incidents where there may be the threat of physical danger to individuals. For example, fighting, shouting, throwing articles, harassing and bullying other passengers, verbally threatening the driver,

pushing and shoving when boarding and exiting the bus, spitting, smoking and distracting the driver or refusing to wear a seatbelt.

4.23 Depending on any previous incidents that the individual may have been involved in, incidents in this category should be dealt with as follows:

- First incident – as a minimum the local authority should write to the learner’s parents notifying them of the breach of the Code and the consequences of continued unacceptable behaviour. The authority may decide that the withdrawal of transport is more appropriate
- Second incident – the local authority should consider the withdrawal of learner transport, but only after following the procedures set out in sections 4.26 – 4.37

Category 1 – Highly dangerous, destructive or life-threatening behaviour

4.24 This includes, but is not limited to, behaviours considered very dangerous to individuals and/or destructive, for example interfering with the driving controls or emergency doors, assaulting the driver, pushing others through doors or windows, and interfering with safety equipment.

4.25 The local authority will investigate the incident following the procedures set out in sections 4.26 – 4.37 and withdraw learner transport for an appropriate period of time. It is possible that the police will be involved in these instances. When particularly serious incidents occur, it may be inappropriate for the learner to continue to travel to their place of learning in the normal way (for example, on a contracted bus), particularly if they pose a continued immediate risk of harm to others. In such cases, the local authority must make suitable alternative transport arrangements.

Procedure to follow if a local authority is considering withdrawing transport

4.26 Where a local authority is under a duty (under section 3 or 4 of the Measure) to provide transport it must, before withdrawing transport, ensure that the conditions in section 14 of the Measure are satisfied; these conditions are explained below. Where it provides transport as a matter of discretion (under section 6 of the Measure) it should also follow the procedures set out below.

4.27 Before a decision to withdraw travel arrangements is made, the learner and the parents of the learner will be given the opportunity to make representations, which must be considered by the local authority. Where the learner is a registered pupil at a maintained or non maintained school or a pupil referral unit the local authority must consult with the relevant education institution about the decision to withdraw travel arrangements. The head teacher must be given written notice of the decision to withdraw learner transport at least 24 hours before the withdrawal takes effect.

4.28 The local authority must give written notice of the withdrawal of travel arrangements to the learner's parents at least 24 hours before the withdrawal takes effect.

The local authority should continue to provide transport until the period of the withdrawal begins. However, there may be occasions when it is inappropriate for the learner to continue to travel to their place of learning in their normal way (e.g. on a contracted bus), particularly if they pose a continued immediate risk of harm to others. In such cases, the local authority must make suitable alternative transport arrangements.

4.29 Notice given to head teachers and parents must be in writing, specifying the period for which travel arrangements are to be withdrawn and the reasons for withdrawal.

4.30 The period of withdrawal must not exceed 10 consecutive school days, including where these are at the end and beginning of different school terms. The period of withdrawal must not result in the learner having travel arrangements withdrawn for more than 30 days in the school year in which the withdrawal takes effect.

4.31 The local authority and school may decide that it is more appropriate for sanctions to be imposed under the school's behaviour policy. A learner should not generally have sanctions imposed on them for an incident on learner transport under both the Travel behaviour Code and the school's behaviour policy.

4.32 The decision to withdraw learner transport must be reasonable in the circumstances.

4.33 In determining whether a decision to withdraw travel arrangements is reasonable, the following matters in particular must be taken into account:

- (a) whether the period of withdrawal is proportionate in the circumstances of the case,
- (b) any special circumstances relevant to the withdrawal of travel arrangements which are known to the local authority (or of which the authority ought to be aware) including in particular:
 - (i) the learner's age
 - (ii) any special educational needs the learner may have,
 - (iii) any disability the learner may have
 - (iv) whether the learner would lose an opportunity to take a public examination, and
 - (v) whether suitable alternative travel arrangements can reasonably be made by the learner's parent

4.34 When considering whether the learner's parents can reasonably make alternative arrangements, it should be acknowledged that the withdrawal of learner travel would generally inconvenience parents and learners. Inconvenience of itself is not considered a sufficient reason for not withdrawing transport.

4.35 If a learner has special educational needs it is particularly important to consider the nature of the individual's circumstances and discuss any potential sanctions with their place of learning. When considering any special educational needs a learner may have, regard should be given to their specific behavioural needs. The Special Educational Needs Code of Practice for Wales⁹ covers the overarching policy and guidance for managing this provision.

4.36 Before considering the withdrawal of travel arrangements for looked after children, local authorities should consider what implications this might have for the stability of the learner's education and care placements. The designated local authority officer(s) for the Travel Behaviour Code should contact the learner's care worker to investigate alternatives. Where looked after children are placed out-of-county the local authority responsible for providing travel to education will need to discuss and agree their final decision with the authority with corporate responsibility for the learner.

4.37 There is no statutory appeals process for the withdrawal of transport by the local authority. However, local authorities' complaints procedures and education institutions' disciplinary policies should be made available to learners and parents.

⁹ Special Educational Needs Code of Practice for Wales
http://wales.gov.uk/dcells/publications/policy_strategy_and_planning/schools/sencodeofpractice/senhandbook-e.pdf?lang=en

Appendix A

The following education institutions are “relevant places” for the purpose of the Code:

- (a) maintained schools;
- (b) institutions in the further education sector;
- (c) independent schools named in statements maintained under section 324 of the Education Act 1996 (c56);
- (d) non-maintained special schools;
- (e) pupil referral units;
- (f) places other than pupil referral units where education is arranged under section 19(1) of the Education Act 1996;
- (g) places where education or training funded by the Welsh Ministers under section 34(1) of the Learning and Skills Act 2000 (c.21) is provided;
- (h) institutions where education and training and boarding accommodation have been secured by the Welsh Ministers under section 41 of the Learning and Skills Act 2000;
- (i) places where nursery education is provided –
 - (i) by a local authority, or
 - (ii) by any other person who is in receipt of financial assistance given by a local authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998 (c.31);
- (j) places where work experience is undertaken.

Appendix B

Travel Behaviour Code

Every learner has the right to be protected from bad behaviours.

If a learner does not stick to the Travel Behaviour Code, the learner could have school transport withdrawn.

Bad behaviours can make the journey between home and school unsafe.

Whatever way you travel to school

- Choose a safe route
- Choose a safe place to cross the road
- Don't let your mobile phone distract you
- Respect others (including the bus driver) – remember not everyone is the same
- Never bully other learners and
- Tell a parent, teacher or bus driver if someone or something is worrying you

If walking, you can walk as part of a 'walking bus' with friends

If cycling, remember to have cycle training (for example, from BikeAbility Wales) and wear your helmet

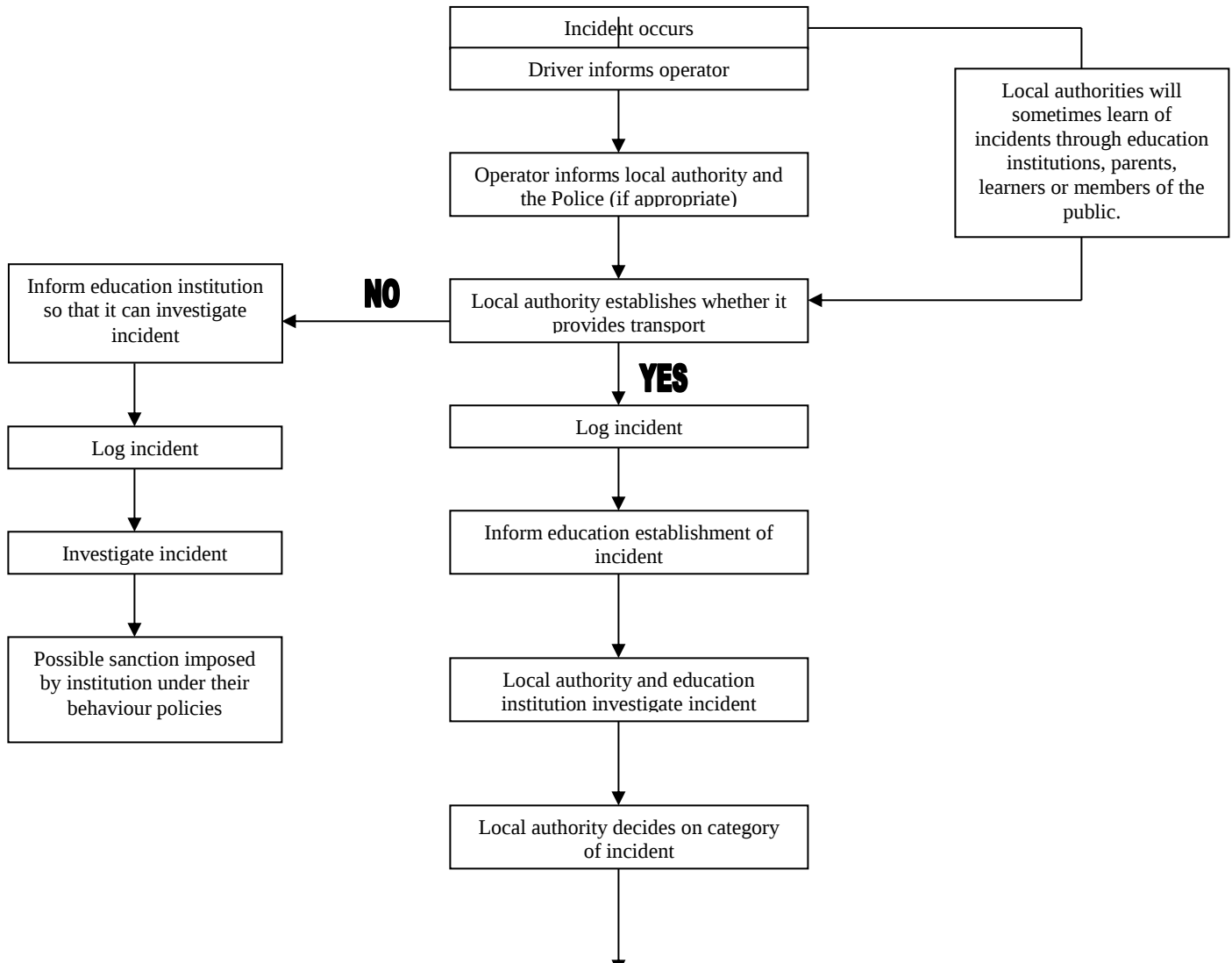
SCHOOL BUS TRAVEL BEHAVIOUR CODE

To be safe

- When the bus arrives, wait for it to stop before boarding
- Get on and off the bus carefully - pushing or rushing can cause accidents
- Always wear your seat belt and stay in your seat for the whole journey – it could save your life
- On a school bus, stay in your seat for the whole journey
- On a public bus, find a seat if one is available
- Store your bag or other belongings safely and out of anyone's way
- Let the driver drive without distraction during the journey
- Take care of the bus
- Never spit or smoke
- Never be rude to other learners or the driver
- Never interfere with driver controls or safety equipment
- Never throw anything in or from the bus
- Only operate the bus doors or exits in an emergency and don't get off the bus until it has stopped
- Always follow the instructions of the driver or passenger assistant
- If there is an accident, stay on the bus until you are told to leave – but leave the bus by the safest exit if it is unsafe to stay on the bus
- When crossing the road find a safe place where you can be seen by all other drivers
- Please tell a teacher, parent or driver about any bad behaviour you see

Appendix C

Procedure if an incident occurs



	Category 3	Category 2	Category 1
First Incident	Verbal warning from the education institution	As a minimum, local authority writes a letter to the learner's parents	Local authority withdraws transport (see 4.26-4.37)
Second Incident	Local authority writes a letter to the learner's parents	Local authority considers the withdrawal of transport (see 4.26-4.37)	
Third Incident or more	Local authority considers the withdrawal of transport (see 4.26-4.37)		

Appendix D: Sample Travel Behaviour Contract

We, the undersigned, hereby undertake to:	
Learners • Read and comply with the Travel Behaviour Code when travelling between home and school or on journeys between schools during the school day • Report breaches of the Travel Behaviour Code to a parent, teacher or driver, especially bad, anti-social, dangerous or highly dangerous behaviour • Understand what happens if the Travel Behaviour Code is breached – transport could be withdrawn	Parents • Ensure learners are aware of the Travel Behaviour Code and the standards of behaviour set out in it • Explain how good behaviour makes for a safer journey between home and school • Understand what happens if learners breach the Travel Behaviour Code – transport could be withdrawn • Work with local authorities, transport operators and schools to enforce the Travel Behaviour Code
Signature:	Signature:
Date:	Date:
Local Authorities • Issue the Travel Behaviour Code with school transport application forms • Publicise the importance of good behaviour and complying with the Travel Behaviour Code • Train school transport staff in the content and application of the Travel Behaviour Code • Investigate breaches of the Travel Behaviour Code • Keep records of all incidents • Work with schools in handling disciplinary action for breaches of the Travel Behaviour Code • Report child protection matters to the relevant authority	Transport Operators • Ensure drivers are familiar with the Travel Behaviour Code and know what to do if it is breached • Ensure incidents are reported to designated staff at the local authority (if the local authority provides the transport) or at the school (if the school provides the transport) • Report all child protection matters to the relevant authority • Ensure all drivers have been checked by the Disclosure and Barring Service • Ensure all vehicles meet the standards of the Driver and Vehicle Licensing Agency
Signature:	Signature:
Date:	Date:

Appendix E: Sample Incident Report Form

Information about learner involved in the Incident		
Full name:		
Home address and telephone number:		
Age:	School:	Parent/Guardian:
Date of Incident:	Time:	Police Notified Yes No
Description of Incident (what happened, how it happened, factors leading to the incident etc.). Be as specific as possible:		
Were there any witnesses to the incident? Yes No If yes, attach separate sheet with names, addresses and telephone numbers.		
Was medical treatment provided? Yes No Refused If yes, was treatment provided: on site hospital other		
Name of person submitting report:		
Signature:		
Date report completed:		

