



Submission in Relation to the Review of Guidelines for Managing School Student Behaviour on Buses

July 2016

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of New South Wales

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1. In relation to the Guidelines and Code, are the stated roles and responsibilities of TfNSW, school students, parents and carers, the school community, and bus drivers and transport operators appropriate? If not, how should these be further modified?

Section 2. School Bus Travel Passes

Extract: “The interim travel pass issued in order to provide sufficient time for all relevant parties to comply with 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. Incidents of this nature are then formally brought to the attention of the student’s parents.” (Pg5)

Recommendation: Given the intent that this is an official warning it must be documented. The wording “the student will receive verbal or written notice” implies that the student will receive the notification. It must be clearly stated that the parents/carers/guardians¹ will receive the written notice by email, and/or post. More than one method is recommended in case one mode does not reach the parents. The contact details used are the ones registered when the travel card was issued. Keeping each child and family’s information updated should be a condition of using the travel pass.

Details collected at the time of issue should be:

- Name of prime contact, and other people who have custody/guardianship of the child
- Relationship for each contact (parent, grandparent, guardian, carer)
- Phone contact details: mobile numbers, home numbers, work or other numbers
- Address(es) for each custodial person (the student may get different buses depending in which), must be current in case bus operator needs to report a formal warning
- Special needs*
 - Name of condition
 - Ability for parent to type in details
 - Requirements for the special need (must eat/drink regularly, carries epi pen, non-verbal child)
 - Ability to upload supporting documents (medical diagnosis, letters etc)
- Approval for more than one route (depending on custody arrangements).

(*Students that have a medical condition or special need should be issued a special Opal card (or other travel pass) so they can show the driver or transport officer if necessary)

Section 4. Roles and Responsibilities

Recommendation: The term “Transit Officer” must be defined. (Pg8)

Extract: “If the console shows the Opal card is not valid, the student’s parents are required to address the issue prior to the next day’s travel.”

Recommendation: What is the process required for the parents to address this? What happens if the issue cannot be resolved over the phone, is there a grace period for continued use?

¹ From this point forward ‘parents’ refers to parents, carers or guardians

4.5 Bus Drivers

Extract: “Bus drivers should not attempt to physically secure or adjust a seat belt for a student.” (Pg11)

Recommendation: Wording needs to be changed to “must never attempt”. This is to reflect that it is never acceptable for a bus driver to touch a passenger, let alone a child, even for the purposes of securing safety equipment.

2. Are the existing measures for managing student misbehaviour effective? If not, how should these be improved?

Section 3. Student Code of Conduct

Code of Conduct for School Students on Buses

Extract: “Behaving appropriately: Point 1, Respect the needs, comfort and property of other passengers (eg no offensive or racist language, fighting, spitting, feet on seats, throwing things in or from the bus, eating or drinking (except water) – unless the bus operator gives written permission.”
Pg 6

Recommendation: Add smoking to the list above.

How often is written permission to eat given by a bus operator? If the student needs to eat while travelling this information should be collected within the application process and the operator would be made aware of the special medical requirements. The student’s special travel pass indicating special needs (issued at the time the application is processed and card sent) can be shown to the bus driver so that the student can eat or drink for medical reasons.

Technology (including, but not limited to phones, tablets, laptops) should not be used to view, display or play offensive or sensitive content. Nor should the volume be offensive to passengers and other individuals travelling on the bus. Technology should not be used to harass or intimidate eg taking photos or recording other people with the intent to disseminate to embarrass, ridicule or bully. Extreme or unsafe behaviours or interactions for the purposes of recording (to upload or disseminate) are not permitted.

Extract: “Do not allow any part of your body to protrude out of the bus.” (Pg6)

Recommendation: The wording should read “Do not allow any part of your body to protrude out of the bus whether it is stationary or moving”. This is because even if the bus is stopped a passenger’s arm out bus the window could be taken off by another vehicle (bus, truck) going past.

Extract: “Where a student breaches the Code of Conduct the bus driver will: Report breaches of the Code of Conduct to the bus operator.” (Pg11)

Recommendation: There needs to be a defined timeframe for reporting a breach, and a recommendation for how to make the report. Can the bus operator host an online form that is easily accessible to bus drivers while they are on the road? The easier it is to access and complete, the more likely drivers will be to report issues. There needs to be an agreed process for all operators so the actions and requirements are consistent across all of NSW.

Section 7. Dealing with Inappropriate Behaviour

7.1 Category 1 – Unacceptable Behaviour

Extract: Second offence – where the driver has warned a student (an interim travel pass may have been issued): may refuse travel to student for a period of up to **two** school weeks for the second offence and up to **ten** school weeks for subsequent offences (Permanent suspension may apply for repeated offences). (Pg19)

Recommendation: How quickly the bus operator needs to advise parents must be clearly stated (as previously addressed in this document) because penalties may be enforced prior to parents receiving a notification. This could result in child safety issues because children have no way to travel if their pass is suspended. We would recommend 48 hours from time of offence and if this is not followed then no cancellation can occur.

7.2 Category 2 – Dangerous Behaviour

Recommendation: Temporary travel pass is only 5 days. The Guideline says the bus operator must “notify within 5 days” so the temporary travel pass could run out. (Pg20)

If the matter is deemed dangerous behaviour, it must be reported to parents within 48 hours.

7.3 Category 3 – Highly Dangerous or Life-threatening Behaviour

Recommendation: Category 3 is the most serious in nature (highly dangerous or life-threatening behaviour) so notification must be within 24 hours of the incident. Category 3 behaviour must be reported to police. (Pg21)

Under the sub heading “The bus driver” point four says: “in extreme situations, contacts police on 000 and/or bus operator by telephone or radio and waits for instructions.

The current guidelines state that “in extreme situations” to contact police. If the behaviour is rated category 3 then it is highly dangerous and police must be contacted (no “if”).

There must be processes for how the bus driver to contact Police and what to do next. The bus has stopped and the police are coming. What are the duty of care responsibilities pertaining to the bus driver and Police? What is the process for providing a service to the remaining passengers. Is a replacement bus sent (in the case where the bus has been damaged)? Are there ways to continue the journey for the other passengers?

3. How can the responsibilities of the key stakeholders under the Guidelines and Code be effectively enforced?

Section 4. Roles and Responsibilities

4.1 Students

Extract: “When in possession of a school bus travel pass, students must: show it to the driver or transit officer when requested.” (Pg8)

Recommendation: Define the term “authorised officer”. Also, a police officer could be attending an incident. Add Police Officer to the guidelines.

Extract: “If the console shows the Opal card is not valid, the student’s parents are required to address the issue prior to the next day’s travel.” (Pg8)

Recommendation: Is this timeframe for responding to an invalid Opal card reasonable? A student may not realise there is a problem until the card is rejected on a second day's journey. Would a student tell a parent after the first scan failure on their travel pass? Could a scan failure trigger a notification to be sent from the bus operator to the student's parent. It should be in more than one mode of communication in case they do not see one communication.

4.5 Bus Drivers

Extract: "Bus drivers are responsible for the general operation of buses...(t)his includes taking reasonable steps to ensure that passengers are made aware of the need to wear seat belts when travelling on the bus." (Pg11 bullet point 3, second sentence)

Recommendation: Clarify if "reasonable steps" are considered to have been met because there are prominent light-up signs (such as depicted on page 22 of the Guidelines). Or would a verbal request be considered a reasonable step? A verbal request is impractical because passengers boarding at various stops, so the request cannot be stated at the beginning of a journey (although it could be for a chartered bus that has one, or few collection points).

Extract: 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 or in accordance with the bus operator's emergency procedures. For the purposes of these Guidelines, a formal warning is considered issued when the driver obtains the student's name and school or School Opal card number." (Pg11-12)

Recommendation: How can a warning considered to have been issued when the driver takes a student's details? The current guidelines state reporting can be up to five days after the incident (Pg20). In light of this, how can taking details be a warning when the parents of the child still do not know yet (it is not reasonable to expect every child issued a warning to tell their parents). This needs to be clear to the student, and at a minimum the parents are to be advised by the operator within 48 hours (in the modes previously recommended in this document).

4.6 Bus Operators

Extract: "Where a student breaches the Code of Conduct, operators will: Advise parents of the incident and its consequences where a verbal warning is issued, with a written copy to the school principal for information." Pg12-13

Recommendation: Parents should also get a written copy stating that a bus driver gave a verbal warning to their child. What is the purpose of the school principal being advised?

Section 6. Categories of Inappropriate Behaviour

6.3 Category 3 – Highly dangerous or life-threatening behaviour

The bolded subheading says: "The police will be called to deal with highly dangerous or life-threatening behaviour". (Pg17)

However, in the second last paragraph it says "if appropriate, the bus driver should report any incident involving highly dangerous or life threatening behaviour to the Police". If the premise is that it is dangerous behaviour it is a police matter then there needs to be a consistent approach to this.