

# Travel Behaviour Code Statutory Guidance

December 2009



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

[www.wales.gov.uk](http://www.wales.gov.uk)





G/MH/3492/12-09  
ISBN xxx x xxxx xxxx x

December  
CMK-xx-xx-xxx(xxx)

Typeset in 12pt  
© Crown copyright 2009

# Contents

<b>1.</b>	<b><i>Introduction</i></b>	<b>1</b>
	When and to whom does the Code apply?	2
	Structure of the Code	2
	What does the Code mean for local authorities?	2
	What does the Code mean for education institutions?	3
	Who is responsible for implementing the Code in an education institution?	3
	What does the Code mean for transport operators?	3
	What does the Code mean to parents?	3
	Definition of 'parent'	4
<b>2.</b>	<b><i>Roles and Responsibilities</i></b>	<b>5</b>
	2.1 Learners:	5
	2.2 Parents:	5
	2.3 Education Institutions:	5
	2.4 Local Authorities:	6
	2.5 Transport Operators:	6
<b>3.</b>	<b><i>Incidents Investigated by Education Institutions</i></b>	<b>9</b>
<b>4.</b>	<b><i>Local Authority Investigation of Incidents and Sanctions</i></b>	<b>11</b>
	Procedure if an Incident occurs	11
	Approaches to Different Incidents	12
	Procedure to follow if a local authority is considering withdrawing transport	14
	<b><i>Appendix A</i></b>	<b>17</b>
	<b><i>Appendix B</i></b>	<b>19</b>
	<b><i>Appendix C</i></b>	<b>21</b>



# 1. Introduction

1.1 Young people are entitled to safe travel. While the majority of learners behave well whilst travelling to and from education institutions, the Welsh Assembly Government is determined to support local authorities, operators, drivers and education institutions (for definition see Appendix A) that have to deal with poor and disruptive behaviour. It is a real threat to safety and can have tragic consequences.

1.2 A key aim of the Learner Travel (Wales) Measure 2008<sup>1</sup> (“the Measure”) is to improve safety on learner transport by tackling unacceptable behaviour through an “All Wales Travel Behaviour Code”. Section 12 of the Measure placed a duty on Welsh Ministers to produce the All Wales Travel Behaviour Code (“the Code”). The Code is attached to this document at Appendix B.

1.3 This document is issued under Section 15 of the Measure. It contains **statutory** guidance on the Code and on investigating incidents involving learner travellers to ensure that consistent standards of behaviour, enforcement and sanctions are adopted across Wales. Local authorities, schools and further education institutions must have regard to this guidance when dealing with any incidents of unacceptable behaviour.

1.4 The Code promotes safe travel for all learners, by setting out the standards of behaviour required.

1.5 Our approach is to encourage education institutions and local authorities to work proactively with learners, their parents and the community to promote positive behaviour. Guidance on the way that schools and local authorities can create a positive approach to behaviour is contained in the Welsh Assembly Government Inclusion and Pupil Support Guidance (Section 3)<sup>2</sup>. Specific guidance is also available on the use of exclusion (Circular 1/2004)<sup>3</sup> and on preventing and dealing with bullying (Respecting Others<sup>4</sup>).

1.6 By encouraging education institutions, local authorities and others to work closely together our intention is to limit the use of sanctions so that they are applied in the most serious of cases. It will also encourage a more appropriate and considered response to deal with reported incidents.

1.7 The Code has effect from 4 January 2010, the same time as new provisions on school discipline contained in the Education and Inspections Act 2006 will be commenced. Those new provisions will allow schools to regulate the behaviour of

---

<sup>1</sup> Learner Travel (Wales) Measure 2008.  
<http://www.opsi.gov.uk/legislation/wales/w-measures-2008n>.

<sup>2</sup> Inclusion and Pupil Support Guidance.  
[http://new.wales.gov.uk/topics/educationandskills/policy\\_strategy\\_and\\_planning/schools/339214-wag/inclusionpupilsupportguidance/?lang=en](http://new.wales.gov.uk/topics/educationandskills/policy_strategy_and_planning/schools/339214-wag/inclusionpupilsupportguidance/?lang=en).

<sup>3</sup> Exclusion from Schools and Pupil Referral Units.  
<http://new.wales.gov.uk/topics/educationandskills/publications/circulars/exclusionschools/?lang=en>.

<sup>4</sup> Respecting Others.  
[http://new.wales.gov.uk/topics/educationandskills/policy\\_strategy\\_and\\_planning/schools/respectingothers/?lang=en](http://new.wales.gov.uk/topics/educationandskills/policy_strategy_and_planning/schools/respectingothers/?lang=en).

pupils when off school premises and not supervised by school staff. There will be a separate consultation on guidance on the uses of these powers in “Safe and Effective Intervention”.

### **When and to whom does the Code apply?**

1.8 The Code is compulsory for all learners up to the age of 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. This will include contract buses, public buses, public trains, walking, taxis, scooters and motorbikes, cycling and journeys in learner’s own or other’s cars.

1.9 Learners must comply with the Code whilst travelling to and from their place of learning. This will include journeys between institutions during the day, not just at the beginning and end of the day. Journeys between institutions during the day have increased in recent years and will continue to do so as the Learning and Skills (Wales) Measure 2009<sup>5</sup> is fully implemented.

1.10 Under the provisions of the Measure the Code does not apply to travel to and from other locations not classed as “relevant places” (for definition please see Appendix A), even though the travel may be for educational purposes, e.g. school trips to the theatre or museums. Behaviour on these journeys should be covered by individual schools’ behaviour policies.

### **Structure of the Code**

1.11 The Code is in two sections, the main Code which covers all mode of transport and a bus travel code which includes additional guidance for pupils travelling on a bus.

### **What does the Code mean for local authorities?**

1.12 The Code supersedes all learner travel codes of conduct currently used by local authorities, and must be published by the local authority under the Learner Travel Information (Wales) Regulations 2009<sup>6</sup>.

1.13 Where local authorities fund transport, they will lead in an investigation of an incident. This will include all modes of travel arranged and/or paid for by the local authority, including travel on buses and in taxis. If a local authority is under a duty to provide transport (under section 3 or 4 of the Measure), then they must, before withdrawing transport, comply with the conditions outlined in section 4.27-4.41 of this document (which are requirements contained in section 14 of the Measure).

1.14 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.

---

<sup>5</sup> Learning and Skills (Wales) Measure 2009.

[http://www.opsi.gov.uk/legislation/wales/mwa2009/pdf/mwa\\_20090001\\_en.pdf](http://www.opsi.gov.uk/legislation/wales/mwa2009/pdf/mwa_20090001_en.pdf).

<sup>6</sup> The Learner Travel Information (Wales) Regulations 2009 [as amended to include the reference to the Code] - <http://www.opsi.gov.uk/legislation/wales/w-2009>.

1.15 If the local authority does not provide/fund the travel arrangements the education institution where the learner is enrolled is responsible for investigating incidents.

### **What does the Code mean for education institutions?**

1.16 The Code is part of a school's behaviour policy. Head teachers must ensure that pupils at their school comply with the Code. They will be able to take disciplinary action against learners who have breached the Code whilst travelling to and from school or between other schools. In dealing with incidents, schools must refer to section 3 of this guidance (and not section 4, which is for local authorities).

1.17 Other education institutions, such as colleges and training providers, should also incorporate the Code into their behaviour policies. If the local authority does not provide transport for the learner(s) involved in an incident, the education institution should investigate and applying sanctions as appropriate, in accordance with their existing policies. They should refer to section 3 of this guidance.

### **Who is responsible for implementing the Code in an education institution?**

1.18 In maintained schools this would be the head teacher in the first instance, in an independent school, its proprietor, in a pupil referral unit, the local authority, in further education institutions the proprietor and in Work Based Learning Providers, the manager, director, or if different the person in charge of the provision of learning. Responsibility for the implementation of the Code may be delegated by these individuals to another member of staff within an education institution.

### **What does the Code mean for transport operators?**

1.19 Transport operators and drivers should be familiar with the Code and the procedure to follow if a learner misbehaves. Operators should provide details to the education institution and/or local authorities of an incident as quickly as possible after the occurrence, and should assist the local authority/education institution in any investigation.

### **What does the Code mean to parents?**

1.20 The Code sets out standards of behaviour expected of a learner when travelling to and from their place of learning. A parent, as well as a learner, needs to be aware of the implications if a learner does not follow the Code. A local authority can withdraw an individual's entitlement to free transport, or their place of learning can take action against them. In the event that transport is withdrawn from a learner, it is the responsibility of the learner's parents to arrange suitable transport to and from their place of learning.

### **Definition of 'parent'**

1.21 The definition of 'parent' for the purpose of the Measure includes anyone who is not a parent but who has parental responsibility for, or care of, a child. This

includes guardians and corporate parents. Where a child is subject to a care order, the local authority that has parental responsibility for the child is entitled to determine to what extent the birth parents exercise their responsibility.

## **2. Roles and Responsibilities**

### **2.1 Learners:**

- Must comply with the Code whilst travelling to and from their place(s) of learning, including journeys between education institutions during the day.
- Should be aware of the implications of a breach of the Code, including the potential sanctions that could be imposed.
- Should report breaches of the Code to a teacher, bus driver, parent or other appropriate person.

### **2.2 Parents:**

- Should ensure that the learner has understood the Code.
- Should accept responsibility for encouraging good behaviour and ensuring their children comply with the Code.
- Should be aware of the implications of breaches of the Code and the effect this can have on their child's right to the provision of transport to and from his/her education institution.
- Will be responsible for the learner's continued attendance at their place of learning if transport is withdrawn.
- Should co-operate with education institutions, transport operators and local authorities to enforce the Code.

### **2.3 Education Institutions:**

- Should publicise and raise awareness of the importance of good behaviour and the consequences of failing to comply with the Code.
- Should enforce the Code, where appropriate, by referring to section 3 of this document.
- Should incorporate the Code into their existing behaviour policy.
- Should train relevant staff in the content and application of the Code to ensure a consistent approach across Wales.
- Should alert the relevant local authority to alleged breaches of the Code if the local authority is responsible for transport as soon as is practicable, and provide information and assistance that is reasonably required.
- Should make learners aware of an appropriate person to talk to within the institution about incidents of bad behaviour whilst travelling from home to their place of learning.
- If the local authority is responsible for providing transport, should co-operate with them in the handling of disciplinary action for breaches of the Code, including involvement in the interviewing of learners as part of any investigation.

- Should ensure that designated persons maintain records of all reported incidents that they are responsible for investigating. If the local authority is responsible for investigating an incident then they must pass them this information immediately.
- If contractual arrangements have been entered into with transport operators, should ensure that they are aware of the Code and their responsibilities.
- Should ensure that contact details of designated staff responsible for handling all matters relating to the Code are made available to transport operators, learners and the local authority.
- Should report suspected criminal offences or child protection matters to the relevant.

## **2.4 Local Authorities:**

- Should publicise and raise awareness of the importance of good behaviour and the consequences of failing to comply with the Code.
- Should ensure that contact details of designated staff responsible for handling all matters relating to the Code are published. As a minimum this would involve publishing details on its website and in all relevant correspondence with education institutions and transport operators.
- Should train relevant staff in the content and application of the Code to ensure a consistent approach across Wales.
- Should investigate suspected breaches of the Code where appropriate.
- 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.
- If they are not responsible for investigating an incident they are made aware of, they should pass it to the education institution immediately.
- Should regularly review and monitor the contractual arrangements entered into with transport operators to ensure that they are aware of the Code and their responsibilities.
- Should co-operate with the relevant education institution in the handling of disciplinary action for breaches of the Code.
- Should report suspected criminal offences or child protection matters to the relevant authority.
- Should ensure that the use of sanctions under the Code is consistent.

## **2.5 Transport Operators:**

### **Contract bus operators:**

- Should ensure that relevant staff are familiar with the Code and know what to do in the event of a breach of the Code.

- Should ensure incidents are reported to the designated person in the relevant local authority.
- Should comply with the contractual arrangements entered into with the relevant local authority, where they relate to the Code.
- Should co-operate fully with local authorities and education institutions in respect of the Code.
- Should report suspected criminal offences or child protection matters to the relevant authority.

**Service bus and train operators:**

- Should ensure that relevant staff are familiar with the Code and know what to do in the event of an incident.
- Should co-operate fully with local authorities and education institutions in respect of the Code.
- Should ensure incidents are reported to the designated person in the relevant local authority.
- Should report suspected criminal offences or child protection matters to the relevant authority.

**Taxis and other contract operators:**

- Should ensure that relevant staff are familiar with the Code and know what to do in the event of a breach of the Code.
- Should ensure incidents are reported to the designated person in the relevant local authority.
- Should comply with any contractual arrangements entered into with the relevant local authority, where they relate to the Code.
- Should co-operate fully with local authorities and education institutions in respect of the Code.
- Should report suspected criminal offences or child protection matters to the relevant authority.



### 3. Incidents Investigated by Education Institutions

3.1 Section 89 of the Education and Inspections Act 2006 (as amended by the Measure) places a duty on head teachers to incorporate the Code into the school's behaviour policy and thus ensure that pupils comply with the Code. It also allows head teachers to take action against pupils who misbehave when they are travelling from home to school, but not on the premises of the school and are not under the lawful control or charge of a member of the staff of the school.

3.2 Further guidance on the use of sanctions for behaviour outside the school premises will be contained in the document 'Safe and Effective Intervention'. The final guidance will be included as amendments to the Assembly Government's guidance on behaviour contained in Inclusion and Pupil Support (Circular 47/06)<sup>7</sup>.

3.3 Individual schools are best placed to make judgements about what is the most appropriate action to take in particular circumstances dependant on the severity of the misbehaviour. Ultimately, schools may use exclusion on a fixed-term or permanent basis as a sanction but in doing so must comply with the Welsh Assembly Government's guidance on this<sup>8</sup>.

3.4 Liaison between the school and the local authority is particularly important. Even if the local authority provides transport, the local authority and school may decide that action under the school behaviour policy is more appropriate to the incident. A learner should not generally have sanctions imposed on them for an incident on school transport under both the Travel Behaviour Code and the school's behaviour policy.

3.5 It is expected that education institutions will investigate all incidents not dealt with by local authorities, under the provisions of their existing behaviour policy.

---

<sup>7</sup> Inclusion and Pupil Support Guidance.

<http://new.wales.gov.uk/topics/educationandskills/publications/circulars/2463797/?lang=en>.

<sup>8</sup>Exclusion from Schools and Pupil Referral Units.

<http://new.wales.gov.uk/topics/educationandskills/publications/circulars/exclusionschools/?lang=en>.



## 4. 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 section 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 at paragraphs 4.27-4.41. 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 those paragraphs should also be followed.

4.2 If the local authority is not responsible for providing the travel arrangements for a learner, the education institution should investigate incidents (see section 3), and action should be taken in accordance with their existing behaviour policies.

4.3 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 is open to interpretation and 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.

4.4 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.

4.5 The local authority should regularly review the use of the Code and assess whether it is being applied consistently. It should also consider whether the information collected would be of use to local partners such as the police and children and young people's partnerships in providing additional information on crime and anti-social behaviour in the community. In so doing Data Protection legislation must be followed at all times.

### Procedure if an Incident Occurs

An explanatory diagram, setting out the procedure described in this section can be found at Appendix C.

#### Step 1

4.6 Drivers or escorts should take all reasonable steps to identify the learner(s) involved and any witnesses. The incident should be reported to the operator, who will 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.

4.7 The operator may consider it appropriate to inform the education institution direct. If that is the case, the operator should still also report the incident to the local authority.

4.8 If a serious incident has occurred, the operator may decide to report it to the police. The police will consider whether or not to take further action, but the operator should still also report the incident to the local authority.

4.9 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**

4.10 The local authority should establish whether or not they provide home to school transport for the learner. If so, they should follow the procedures set out in sections 4.15-4.41.

4.11 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**

4.12 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 (see section 3).

## **Step 4**

4.13 The procedure for investigating incidents is detailed in sections 4.15-4.41.

4.14 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.

## **Approaches to Different Incidents**

4.15 If after the initial investigation into the incident the local authority is satisfied that on the balance of probabilities 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.

4.16 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.

4.17 To promote consistency and fairness in responding to breaches of the 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 Code has occurred.

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

4.19 There may be circumstances in which the actions suggested for each category are not appropriate. Local authorities and education institutions 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.

4.20 Alternatively, the local authority and school may decide that it is more appropriate for sanctions to be imposed under the school's behaviour policy (see section 3 and paragraph 4.34).

### **Category 3 - Unacceptable behaviour**

4.21 This includes, but is not limited to, minor incidents that may be irritating, unpleasant or offensive behaviour, but not dangerous. For example, eating or drinking (except where permission has been granted), shouting, littering, failure to show a travel pass (where appropriate) and rudeness.

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

- First offence – the learner should receive a verbal warning from their place of learning and the local authority should keep a record of the incident.
- Second offence – the local authority should write to the learner's parents notifying them of the breaches of the Code and the consequences of continued unacceptable behaviour.
- Third offence or more - the local authority should consider the withdrawal of learner transport, but only after following the procedures set out in sections 4.27-4.41.

### **Category 2 – Dangerous behaviour**

4.23 This includes, but is not limited to, where there may be the threat of physical danger to individuals. For example, harassing and bullying other passengers, verbally threatening the driver, pushing and shoving when boarding and exiting the bus, spitting, smoking and distracting the driver.

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

- First offence – 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 offence – the local authority should consider the withdrawal of learner transport, but only after following the procedures set out in sections 4.27-4.41.

### **Category 1 - Highly dangerous, destructive or life-threatening behaviour**

4.25 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.

4.26 The local authority will investigate the incident following the procedures set out in sections 4.27-4.41 and withdraw learner transport for an appropriate period of time. It is possible that the police will be involved in these instances.

### **Procedure to follow if a local authority is considering withdrawing transport**

4.27 Where a local authority is under a duty (under section 3 or 4 of the Measure) to provide transport it must, before withdrawing transport, follow the requirements in section 14 of the Measure, set out 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.

4.28 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. Representations can be requested in writing and within a specified time limit by the local authority.

4.29 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.

4.30 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.

4.31 Before withdrawal of travel arrangements takes effect the local authority remains responsible for the home to school transport of the learner in question. If 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), for example due to a continued immediate risk of harm to others, the local authority must make suitable alternative arrangements.

4.32 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.

4.33 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.

4.34 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.

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

4.36 In determining whether a decision to withdraw travel arrangements is reasonable for the purposes of section 4.35 above, 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.

4.37 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.

4.38 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 the Special Educational Needs Code of Practice for Wales<sup>9</sup> and in particular reference to dealing with misbehaviour.

---

<sup>9</sup> 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](http://wales.gov.uk/dcells/publications/policy_strategy_and_planning/schools/sencodeofpractice/senhandbook-e.pdf?lang=en).

4.39 It is a legal duty under the Disability Discrimination Act 1995 (as amended)<sup>10</sup> not to discriminate against a disabled learner. Discrimination means treating disabled pupils less favourably than other pupils without justification. It also means failing to take reasonable steps to ensure that disabled pupils are not placed at a substantial disadvantage compared to their non-disabled peers. What constitutes a reasonable step will depend on the circumstances of each case.

4.40 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 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.

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

---

<sup>10</sup> Disability Discrimination Act 1995.  
[http://www.opsi.gov.uk/acts/acts1995/ukpga\\_19950050\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1).

## Appendix A

The following 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

Your safety is very important. You must behave responsibly and safely when travelling to and from school or college, whether you go there by bus, train, taxi, bicycle, walking or any other way. If you get a bus to school or college, you must also follow the rules in the School Bus Travel Behaviour Code.

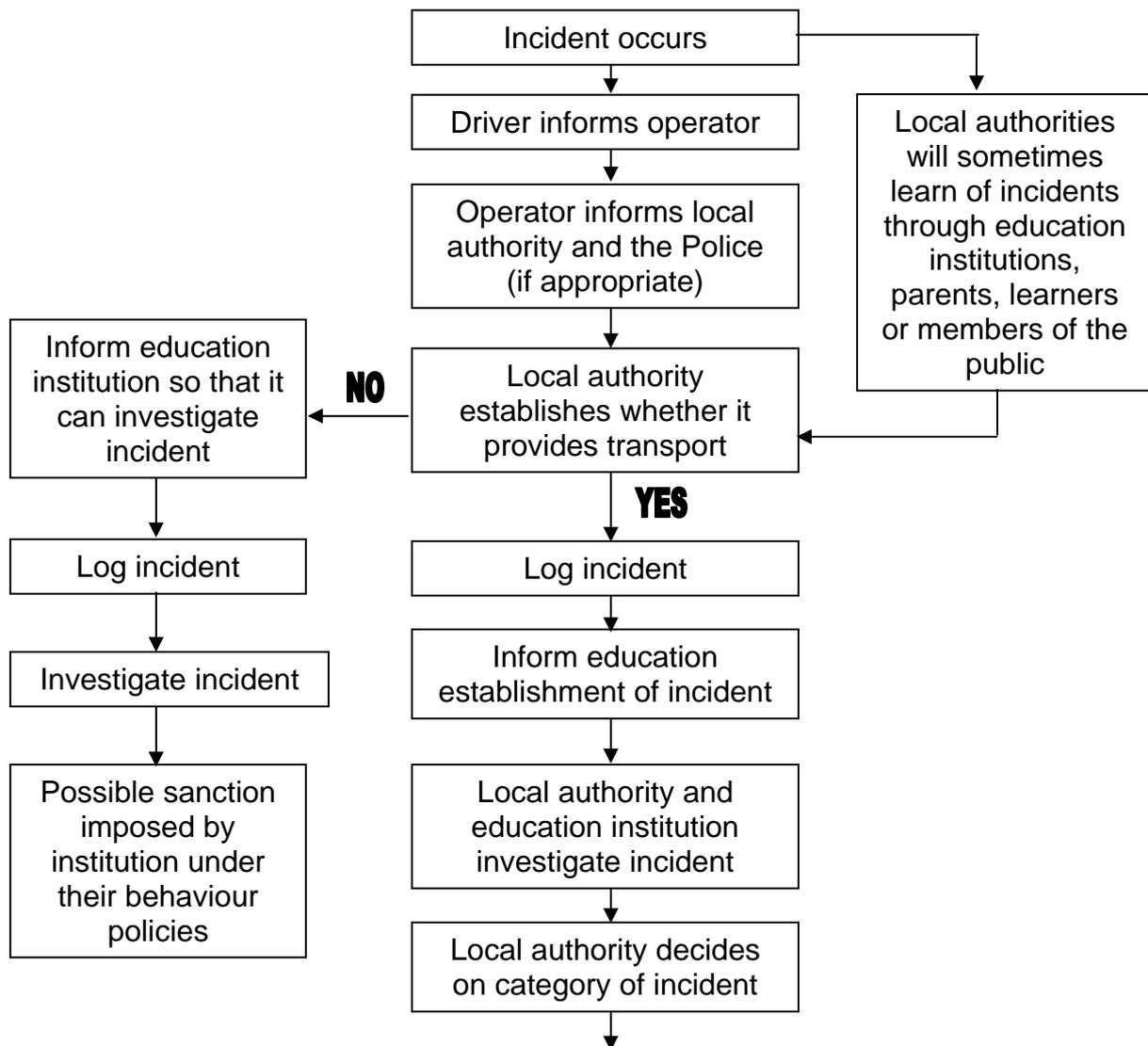
If you do not follow this Code, for your own safety, and other people's, local authorities, schools and colleges can take action against you. This might involve taking away your right to school transport and even excluding you from school.

<b><i>Your Responsibility</i></b>	<b><i>Your Safety</i></b>	<b><i>Your Rights</i></b>
<ul style="list-style-type: none"><li>• Always respect others, including other pupils, drivers and the public.</li><li>• Always respect vehicles and property.</li><li>• Always be polite.</li><li>• Never drop litter.</li><li>• Always obey the law.</li></ul>	<ul style="list-style-type: none"><li>• Always behave well when travelling.</li><li>• Always follow the driver's instructions when travelling.</li><li>• You must not distract drivers.</li><li>• Always cross the road safely and sensibly.</li><li>• Always travel by a safe route.</li></ul>	<ul style="list-style-type: none"><li>• To be safe when travelling.</li><li>• To be treated fairly and with respect.</li><li>• To tell someone if somebody or something is causing you problems.</li><li>• Not to be bullied or picked on.</li></ul>
<p><i>Please tell a teacher, parent or driver about any bad behaviour or bullying you see.</i></p>		

## **School Bus Travel Behaviour Code**

- When at the bus stop, always wait sensibly, off the road.
- Make an agreement with your parents what to do if the bus does not arrive or if you miss it.
- When the bus arrives, wait for it to stop. Never push or rush for the door.
- Show your bus pass (if you have been given one) when you get on the bus.
- On a school bus stay in your seat for the whole journey.
- On a public bus find a seat if one is available.
- Never block the aisle with your bag or other belongings.
- Always wear a seatbelt if one is provided.
- You must not distract the driver when he or she is driving.
- Never eat or drink on the bus.
- Never throw anything in or from the bus.
- Never damage or vandalise any part of the bus.
- Never operate the bus doors or exits, except in an emergency.
- Always follow the instructions of the driver or passenger assistant at all times.
- If there is an accident, stay on the bus until you are told to leave. If it is unsafe to stay on the bus then leave by the safest exit.
- Never try and get on or off the bus until it has stopped.
- Always get off the bus sensibly, taking all your belongings with you.
- Never cross the road in front of or close behind the bus.

## 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 4.27-4.41)
Second Incident	Local authority writes a letter to the learner's parents	Local authority considers the withdrawal of transport (see 4.27-4.41)	
Third Incident or more	Local authority considers the withdrawal of transport (see 4.27-4.41)		

