

Suspension or Withdrawal of Home to School Transport For Unacceptable Behaviour Guidance

Lead Directorate and service:	Children, Families and Schools – Inclusion Services
Effective Date:	September 2018
Date Reviewed:	July 2018
Date Due for Review:	July 2023
Contact Officer:	Sam Tomkins –Inclusion & Access Manager
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Approved By:	CF & S DMT and E & NS DMT

1. Background

- 1.1 East Riding of Yorkshire Council promotes the Buswise scheme which includes an acceptable behaviour guide which informs children and parents what standards of behaviour are expected when travelling on home to school transport. Information is also available for parents in relation to their legal responsibility for school attendance should transport be suspended or withdrawn.
- 1.2 Education, training and information are provided to pupils and where the acceptable behaviour guide is not followed, incidents are reported through the Council's Buswise scheme and to the school concerned. Sanctions can be imposed for breaches of the acceptable behaviour guide and, in exceptional circumstances school transport may be withdrawn.
- 1.3 This guidance sets out when it would be appropriate to withdraw transport for a fixed term, or permanently, for a child travelling on East Riding of Yorkshire Council home to school transport.
- 1.4 Home to school transport is provided free of charge to children who are eligible under the terms of the Home to School and College Transport policy. Children who are not eligible to free transport are able to purchase a travel pass or pay a fare. This guidance will apply to all children travelling on home to school transport regardless of their entitlement.

2. Definitions for the Purposes of this Guidance

Home to School Transport	Any vehicle procured or provided by East Riding of Yorkshire Council for the purpose of transporting children to, and from, home and school.
Buswise	Scheme promoted by East Riding of Yorkshire council to provide education and training for pupils using home to school transport. The scheme also provides a reporting mechanism for incidents which occur on home to school transport.
Acceptable Behaviour Guide	Published as part of the Buswise scheme and gives the acceptable levels of behaviour expected from children travelling on home to school transport.
Vulnerable Groups	Vulnerable groups includes children with statements of special educational needs, looked after children, children on a child protection plan, Travellers and any other group considered vulnerable by the director of Children, Families and Schools.

3. Guidance Statement

- 3.1 All passengers on home to school transport are entitled to travel in a safe environment. The purpose of the Buswise scheme and this guidance is to encourage acceptable behaviour on home to school transport and to provide sufficient safeguards to allow all passengers to travel safely.
- 3.2 Where there are reports through Buswise of significant, or repeated, breaches of the acceptable behaviour guide, a child may have their home to school transport suspended or withdrawn.

Behavioural expectations on Home to School Transport, these include (taken from the BUSWISE website):

- Sit down immediately, put your seat belt on and remain in your seat for the whole journey
- Do not throw objects inside or outside the transport
- Do not eat or drink in the transport
- Use socially acceptable language
- Speak quietly and do not distract the driver
- It is an offence to smoke in confined spaces, therefore smoking on our transport is not permitted (this includes vaping)
- Do not harass, bully or abuse other passengers or the driver in anyway (verbally and physically)
- Do not damage or interfere with the vehicle
- Respect the property of others and do not interfere with it in anyway
- Listen to and follow the instructions of the driver (and the teacher in charge when you arrive at/leave your school)
- Do not engage in any behaviour that puts others at risk

- 3.3 When deciding whether or not to suspend the child from home to school transport for a period of time, officers and schools will have to make a judgement based on the information received through Buswise that is available to them. Officers and schools must also take into account any special educational need or disability the child may have and ensure their decision is not discriminatory on this basis.
- 3.4 Clear reasons for any decision will be recorded by Transportation Services and where a child is suspended from school transport, parents will be informed by Transportation Services of the reasons together with the period of the suspension and any requirements prior to reinstatement of transport.
- 3.5 Schools share responsibility with the local authority and operators for ensuring acceptable behaviour on home to school transport. Where incidents of poor behaviour are reported, schools will normally deal with pupils using the school's behaviour policy. Where a school feels that the appropriate sanction is the suspension of transport, they would then make this recommendation to Transportation Services, who may suspend or withdraw it based on the requirements of paragraphs 3.9 and 3.10.

3.6 Length of Suspension

- 3.7 Each case will be considered on the facts and merits of the case. Suspensions will be reserved for continued breaches of expected behaviour and/or serious incidents where there is a risk to the safety of the pupil or others on the same transport. Suspension will not normally be for more than 10 school days. Only in exceptional circumstances will a suspension for more than 10 school days be imposed.

3.8 Authorisation of Suspension and or Withdrawal of Transport

- 3.9 **Suspensions** for continued breaches of behavioural expectations will ordinarily require authorisation by a member of the Transportation Management Team, and the Pupil Services Manager in consultation with the Headteacher. For children in a vulnerable group, including those with a special educational need or disability, the appropriate service will also be involved in the decision. However in exceptional circumstances where the child's behaviour is of a serious nature and time is of the essence, the Transportation Services may make the decision to suspend the child's access to transport in isolation.

For repeated breaches of low level behaviour expectations parents will be warned in writing (appendices one and two) of the potential consequences before a suspension is considered by Transportation Services (appendix three).

In exceptional circumstances where a child's behaviour necessitates access to transport to be suspended at short notice, Transportation Services will contact the parent and provider to inform them of the decision and follow this up in writing as soon as possible (appendix four).

- 3.10 Permanent **withdrawal** will require authorisation from the Group Manager, Transportation Services and the Inclusion & Access Manager in consultation with the Headteacher. For children in a vulnerable group, including those with a special educational need or disability, the appropriate service manager will also be involved in the decision. Parents will be notified in writing by Transportation Services of the withdrawal to access home to school transport, including their right to make representation (appendix five).

3.11 Representations

3.12 Parents may make representations against the imposition of a **suspension** for less than one term. The representation must be submitted in writing to the Inclusion and Access Manager at East Riding of Yorkshire Council, County Hall, Cross Street, Beverley, HU17 9BA. This will be considered by the Inclusion and Access Manager and Group Manager, Transportation Services. Parents will receive a written response within 10 working days. The outcome of this is final.

3.13 Parents can make representation against a **suspension of more than one term, or a permanent withdrawal** of access to transport. The representation must be submitted in writing to the Director of Children, Families and Schools at East Riding of Yorkshire Council, County Hall, Cross Street, Beverley, HU17 9BA. A case conference will be convened within 10 working days and the Director of Children, Families & Schools will chair the conference and the following will be invited to attend the case conference-

- (i) A representative from Transportation Services
- (ii) A representative from Inclusion Services
- (ii) A representative from the school
- (iii) Parents
- (iv) The child concerned (where appropriate)
- (v) Other care professionals (when involved)
- (vi) Bus/Taxi service operators (where appropriate)
- (vii) Education and Health Commissioning Officer (if appropriate)

3.14 Access to Education During Period of Suspension

3.15 When a child is suspended from home to school transport or it is withdrawn, the responsibility for ensuring the child's attendance at school and the provision of any alternative transport lies with the child's parents. However, the Council will have regard in such cases to its duty under section 509 of the Education Act 1996 for the provision of transport or otherwise as it considers necessary for facilitating attendance.

3.16 If a child of compulsory school age does not attend school during the period of a suspension, the Education Welfare Service will be informed and appropriate action will be taken.

3.17 Transport Providers' Right to Refuse Transport

3.18 In the case of a serious potential risk to health and safety, bus operators can, under the Conduct of Passengers Act 1981, refuse to carry a passenger if they decide that by carrying that individual there would be a serious risk to the health and safety of the driver and passengers on the vehicle. If this involves an East Riding of Yorkshire Council service they would then forward details of their evidence using Buswise to the Transport Commissioning Manager, and it will be considered in conjunction with the Pupil Services Manager. Where a pupil is refused transport by a bus operator under the Conduct of Passengers Act 1981, but not by the Council, alternative transport may be provided by the Council until the matter is resolved.

4 Corporate Requirements

- a Safer Communities – a safe place to work, rest and play
The policy supports the Buswise scheme to ensure safety on school transport.

- b Valuing Our Environment – a green and sustainable future
By ensuring that school transport is safe and pleasant, it will encourage more children to travel to school by bus in favour of being taken to school in parent’s cars.
- c Supporting Vulnerable People – protecting from harm, promoting independence
The policy supports Buswise in tackling bullying on school transport.

5 **Guidance Development including Consultation**

The guidance has been refreshed by
Sam Tomkins Inclusion & Access Manager – Children, Families & Schools

Consultees-

- Kevin Hall, Director of Children, Families & Schools
- Jackie Lown, Head of Children and Young People, Specialist Services
- Mike Furbank, Head of Children and Young People, Education and Schools
- Eoin Rush, Head of Children and Young People’s Support and Safeguarding
- Lisa Nicholson, Litigation and Regulatory Services Manager – Legal and Democratic Services
- Sarah Wright, Principal Education Welfare Officer – Children, Families & Schools
- Paul Bellotti, Director of Environment and Neighbourhood Services
- Paul McConnon, Senior Engineer (School Travel Plans) - Environment & Neighbourhood Services
- Colin Walker, Group Manager - Transportation Services
- Mandy Rydel, Transport Operations Manager -Transportation Services
- Christopher Mottershaw, Transport Commissioning Manager - Transportation Services
- Steve Attwood, Pupil Services Manager - Children Families and Schools
- All schools in East Riding of Yorkshire
- All transport operators providing home to school transport

6 **Links with Policies**

Home to School and College Transport Policy
Buswise

7 **Outcomes and impacts**

The number of recorded incidents of significant unacceptable behaviour is minimised.
All passengers on home to school transport are able to travel in a safe environment.
The number of suspensions issued can be audited through Buswise.
Suspension will only be considered or implemented following a report through Buswise.

8 **Guidance Implementation**

This guidance will be implemented by officers in the Environment & Neighbourhood Services Directorate with the support from officers from Children, Families & Schools.

9 **Financial Implications**

There could be a cost to the Council if a parent appeals a withdrawal of transport, or if the Council sees fit to provide alternative transport.

10 **Evaluation**

The implementation of the guidance will be considered on as needs basis by officers from Environment & Neighbourhood Services together with Children, Families & Schools.

Evaluation will include monitoring information and statistics provided through the Buswise scheme as well as feedback from schools and operators.

If any substantial changes to the guidance are proposed it will be presented for review at the same time as the Home to School and College Transport Policy. If no, or minimal changes are proposed, then the guidance will be presented for review on a five year basis.

Dear Mr/Mrs ****

Unacceptable Behaviour on Home to School Transport Warning Letter (one)

I am writing to you to advise you that *child's name* has breached East Riding of Yorkshire Council's acceptable behaviour guidance whilst on their home to school transport.

Behavioural expectations on home to school transport include:

- Sit down immediately, put your seat belt on and remain in your seat for the whole journey
- Do not throw objects inside or outside the transport
- Do not eat or drink in the transport
- Use socially acceptable language
- Speak quietly and do not distract the driver
- It is an offence to smoke in confined spaces, therefore smoking on our transport is not permitted (this includes vaping)
- Do not harass, bully or abuse other passengers or the driver in anyway (verbally and physically)
- Do not damage or interfere with the vehicle
- Respect the property of others and do not interfere with it in anyway
- Listen to and follow the instructions of the driver (and the teacher in charge when you arrive at/leave your school)
- Do not engage in any behaviour that puts others at risk

It has been reported to me that on *date, child's name, insert description of unacceptable behaviour*. This has been investigated and I am satisfied that *child's name* behaved in a way that will not be tolerated.

East Riding of Yorkshire Council has a duty to provide all pupils using our transport with transport that is calm, safe and allows them to arrive at their educational establishment ready to learn and to arrive home safe and well.

I am therefore, in line with East Riding of Yorkshire Council's 'Suspension or Withdrawal of Home to School Transport For Unacceptable Behaviour Guidance', warning you that any further breaches of the acceptable behaviour guidance may result in *child's name* being suspended from home to school transport for a specified period of time or their access being withdrawn completely.

I am hoping that with your support we can ensure that *child's name* behaves in a safe and acceptable manner in the future on home to school transport.

I would like to take this opportunity to advise you that if your child's behaviour in the future necessitates a suspension, resulting in removing their access to home to school transport provided by

East Riding of Yorkshire Council, the responsibility for getting your child to and from school, as the parent will fall to you. The removal of access to transport under circumstances where your child's behaviour makes it unsafe for them or others on the vehicle cannot be used as a defence in relation to poor school attendance. Under these circumstances **you have a legal responsibility to ensure that your child attends school regularly and failure to do so may result in the matter being placed before the Magistrates' Court under Section 444 of the Education Act (1996).**

If you have any further questions please do not hesitate to contact me:

School.transport@eastriding.gov.uk

Yours sincerely

Transport Operations Manager

Dear Mr/Mrs ****

Unacceptable Behaviour on Home to School Transport Warning Letter (two)

I am writing to you to advise you that *child's name* has once again breached East Riding of Yorkshire Council's acceptable behaviour guidance whilst on their home to school transport.

I previously wrote to you on *insert date of last letter* to warn you that your child had behaved in a manner that will not be tolerated and they risk receiving a suspension or complete withdrawal of their right to access home to school transport.

Behavioural expectations on home to school transport include:

- Sit down immediately, put your seat belt on and remain in your seat for the whole journey
- Do not throw objects inside or outside the transport
- Do not eat or drink in the transport
- Use socially acceptable language
- Speak quietly and do not distract the driver
- It is an offence to smoke in confined spaces, therefore smoking on our transport is not permitted (this includes vaping)
- Do not harass, bully or abuse other passengers or the driver in anyway (verbally and physically)
- Do not damage or interfere with the vehicle
- Respect the property of others and do not interfere with it in anyway
- Listen to and follow the instructions of the driver (and the teacher in charge when you arrive at/leave your school)
- Do not engage in any behaviour that puts others at risk

It has been reported to me that on *date, child's name, insert description of unacceptable behaviour*. This has been investigated and I am satisfied that *child's name* behaved in a way that will not be tolerated.

East Riding of Yorkshire Council has a duty to provide all pupils using our transport with transport that is calm, safe and allows them to arrive at their educational establishment ready to learn and to arrive home safe and well.

I am therefore, in line with East Riding of Yorkshire Council's 'Suspension or Withdrawal of Home to School Transport For Unacceptable Behaviour Guidance', giving you a **further warning** that any further breaches of the acceptable behaviour guidance may result in *child's name* being suspended from home to school transport for a specified period of time or their access being withdrawn completely.

I am hoping that with your support we can ensure that *child's name* behaves in a safe and acceptable manner in the future on home to school transport.

I would like to take this opportunity to advise you that if your child's behaviour in the future necessitates a suspension, resulting in removing their access to home to school transport provided by East Riding of Yorkshire Council, the responsibility for getting your child to and from school, as the parent will fall to you. The removal of access to transport under circumstances where your child's behaviour makes it unsafe for them or others on the vehicle cannot be used as a defence in relation to poor school attendance. Under these circumstances **you have a legal responsibility to ensure that your child attends school regularly and failure to do so may result in the matter being placed before the Magistrates' Court under Section 444 of the Education Act (1996).**

If you have any further questions please do not hesitate to contact me:

School.transport@eastriding.gov.uk

Yours sincerely

Transport Operations Manager

I am writing to you to advise you that *child's name* has once again breached East Riding of Yorkshire Council's acceptable behaviour guidance whilst on their home to school transport.

I previously wrote to you on *insert date of WL one* and *insert date of WL two* to warn you that your child has behaved in a manner that will not be tolerated and they risked receiving a suspension or complete withdrawal of their right to access home to school transport.

Behavioural expectations on home to school transport include:

- Sit down immediately, put your seat belt on and remain in your seat for the whole journey
- Do not throw objects inside or outside the transport
- Do not eat or drink in the transport
- Use socially acceptable language
- Speak quietly and do not distract the driver
- It is an offence to smoke in confined spaces, therefore smoking on our transport is not permitted (this includes vaping)
- Do not harass, bully or abuse other passengers or the driver in anyway (verbally and physically)
- Do not damage or interfere with the vehicle
- Respect the property of others and do not interfere with it in anyway
- Listen to and follow the instructions of the driver (and the teacher in charge when you arrive at/leave your school)
- Do not engage in any behaviour that puts others at risk

It has been reported to me that on *date, child's name, insert description of unacceptable behaviour*. This has been investigated and I am satisfied that *child's name* behaved in a way that will not be tolerated.

I am now writing to inform you that in line with East Riding of Yorkshire Council's 'Suspension or Withdrawal of Home to School Transport for Unacceptable Behaviour Guidance' *child's name* is **suspended from accessing home to school transport between *insert dates* (inclusive).**

On reinstatement of access (*insert date child can access transport*) I anticipate that *Child's name* will adhere to the acceptable behaviours listed above. I am hoping that with your support we can ensure that *child's name* behaves in a safe and acceptable manner in the future on home to school transport.

I would like to take this opportunity to advise you that during this suspension period the responsibility for getting your child to and from school, as the parent now falls to you, you cannot use this suspension as a defence in relation to poor school attendance. Under these circumstances **you have a legal responsibility to ensure that your child attends school regularly and failure to do so may result in the matter being placed before the Magistrates' Court under Section 444 of the Education Act (1996).**

If you have any further questions or wish to appeal this decision please do not hesitate to contact me:

School.transport@eastriding.gov.uk

Yours sincerely

Transport Operations Manager

Suspension Letter Two

Appendix Four

Dear Mr/Mrs ****

Unacceptable Behaviour on Home to School Transport Suspension of Access Letter

I am writing to you to advise you that *child's name* has breached East Riding of Yorkshire Council's acceptable behaviour guidance whilst on their home to school transport.

Behavioural expectations on home to school transport include:

- Sit down immediately, put your seat belt on and remain in your seat for the whole journey
- Do not throw objects inside or outside the transport
- Do not eat or drink in the transport
- Use socially acceptable language
- Speak quietly and do not distract the driver
- It is an offence to smoke in confined spaces, therefore smoking on our transport is not permitted (this includes vaping)
- Do not harass, bully or abuse other passengers or the driver in anyway (verbally and physically)
- Do not damage or interfere with the vehicle
- Respect the property of others and do not interfere with it in anyway
- Listen to and follow the instructions of the driver (and the teacher in charge when you arrive at/leave your school)
- Do not engage in any behaviour that puts others at risk

It has been reported to me that on *date, child's name, insert description of unacceptable behaviour*. This has been investigated and I am satisfied that *child's name* behaved in a way that is a serious breach and this will not be tolerated and an immediate consequence must be put in place.

I am writing to inform you that in line with East Riding of Yorkshire Council's 'Suspension or Withdrawal of Home to School Transport for Unacceptable Behaviour Guidance' *child's name* is **suspended from accessing home to school transport between *insert dates* (inclusive).**

On reinstatement of access (*insert date child can access transport*) I anticipate that *Child's name* will adhere to the acceptable behaviours listed above. . I am hoping that with your support we can ensure that *child's name* behaves in a safe and acceptable manner in the future on home to school transport.

I would like to take this opportunity to advise you that during this suspension period the responsibility for getting your child to and from school, as the parent now falls to you, you cannot use this suspension as a defence in relation to poor school attendance. Under these circumstances **you have a legal responsibility to ensure that your child attends school regularly and failure to do so may result in the matter being placed before the Magistrates' Court under Section 444 of the Education Act (1996).**

If you have any further questions or wish to appeal this decision please do not hesitate to contact me:

School.transport@eastriding.gov.uk

Yours sincerely

Transport Operations Manager

Complete Withdrawal Letter

Appendix five

Dear Mr/Mrs ****

Complete Withdrawal of Access to Home to School Transport for Serious Unacceptable Behaviour

I am writing to you to advise you that *child's name* has once again breached East Riding of Yorkshire Council's acceptable behaviour guidance whilst on their home to school transport.

I have previously written to you on:

- *insert date of WL one*
- *insert date of WL two*
- *Insert date of Suspension letter*

On each occasion I have advised you of the breaches and warned you of the actual and potential consequences of your child's behaviour.

Behavioural expectations on home to school transport include:

- Sit down immediately, put your seat belt on and remain in your seat for the whole journey
- Do not throw objects inside or outside the transport
- Do not eat or drink in the transport
- Use socially acceptable language
- Speak quietly and do not distract the driver
- It is an offence to smoke in confined spaces, therefore smoking on our transport is not permitted (this includes vaping)
- Do not harass, bully or abuse other passengers or the driver in anyway (verbally and physically)
- Do not damage or interfere with the vehicle
- Respect the property of others and do not interfere with it in anyway
- Listen to and follow the instructions of the driver (and the teacher in charge when you arrive at/leave your school)
- Do not engage in any behaviour that puts others at risk

It has been reported to me that on *date, child's name, insert description of unacceptable behaviour*. This has been investigated and I am satisfied that *child's name* behaved in a way that will not be tolerated.

I am now writing to inform you that in line with East Riding of Yorkshire Council's 'Suspension or Withdrawal of Home to School Transport for Unacceptable Behaviour Guidance' **your child's access to home school transport has been completely withdrawn.**

You need to understand that the responsibility of getting your child to school and back is now yours and you cannot use this as a defence for poor school attendance; you have a legal responsibility to ensure that your child attends school regularly and failure to do so may result

in the matter being placed before the Magistrates' Court under Section 444 of the Education Act (1996).

If you have any further questions or wish to appeal this decision please do not hesitate to contact me:

School.transport@castriding.gov.uk

Yours sincerely

Transport Operations Manager