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Consultation Document

Producing a new All-Wales Travel Behaviour Code

Date of issue: 18 November 2015

Action required: Responses by 10 February 2016

Producing a new All-Wales Travel Behaviour Code

Overview

The Learner Travel (Wales) Measure 2008 introduced the statutory All-Wales Travel Behaviour Code ('the Travel Behaviour Code') which has been in operation since January 2010. The Travel Behaviour Code is a key tool for ensuring, as far as practicable, the safety of learners under the age of 19 on the journey between home and school (and between schools), whatever the mode of transport. The Travel Behaviour Code sets out behavioural standards which learners must adhere to in the interests of safety but also sets out their rights to a safe journey.

Welsh Ministers have a duty under section 12 of The Learner Travel (Wales) Measure 2008 to make and publish a Travel Behaviour Code and to review it from time to time. Section 12(6) of the Measure requires the Welsh Ministers to consult such persons as they consider appropriate before revising the Travel Behaviour Code.

The purpose of the consultation is to seek the views of stakeholders on producing a new Travel Behaviour Code; on developing a new framework governing safe travel between home and school and between schools; and incorporating that framework into the Travel Behaviour Code statutory guidance.

How to respond

Responses to this consultation should be e-mailed/posted to the address below to arrive by **10 February 2016** at the latest.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

An Easy Read version of the consultation document is available.

The consultation documents can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations

Contact details

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account.

However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

What are the main issues?

During 2014/2015, the Welsh Government has gathered qualitative evidence from a range of stakeholders which indicates that the Travel Behaviour Code is not effective:

- the sanctions regime is insufficiently robust for tackling severe anti-social behaviour
- the Code is not linked to school behaviour codes
- local authorities and schools do not work together to operate the Code
- there are stark variances in relation to recording incidents by local authorities and transport operators

Learners, in particular, expressed concerns about the content and presentation of the Travel Behaviour Code (for example, 'too many rules'); and in relation to issues such as supervision and enforcement. The majority of learners were not aware of the Travel Behaviour Code.

Where are we now? The evidence for change

In January 2015 the Welsh Government commissioned a social enterprise, Dynamix, to conduct consultation workshops with learners aged 12-18 across Wales to seek their views on developing a new Travel Behaviour Code.

During the consultation, the learners provided evidence in relation to a range of specific themes as detailed below.

Bullying: Learners are concerned about the prevalence of bullying on school transport. Learners stated that anti-bullying messages within the Travel Behaviour Code are not sufficiently robust. Learners also stated that parents should take responsibility for their children's behaviour.

Bus Environment: Learners are not able to eat and drink on school bus transport and would like bus environments to be a safe, comfortable and positive experience. Learners also believe that bus drivers should receive training so that their behavioural standards are as clearly identified as learners' behavioural standards.

Lack of a supporting framework for the Travel Behaviour Code: There is a view amongst learners that the Travel Behaviour Code is ineffective as a standalone instrument and that its workability is compromised by the lack of a supporting framework of structures and mechanisms to address bad behaviour, including bullying.

Enforcement/Supervision: There is currently no universal provision of bus monitors. As a consequence, there is currently no one to fulfil the role of supervising school bus journeys, prevent bullying; support the bullied; maintain a record of behaviour; and report bad behaviour to head teachers, heads of year or school councils. Neither is there universal provision of CCTV (in spite of its usefulness for recording evidence of incidents).

Rewards and Sanctions: Currently, there is no system in place whereby good behaviour by learners is rewarded (such as preferential seating or financial/food rewards). There is also no clear link between the Travel Behaviour Code and individual school behaviour codes which means that categories of behaviour, which would have been best dealt with under sanctions within the school behaviour code, have been dealt with under the Travel Behaviour Code and vice versa.

What is being proposed?

The Welsh Government's proposals are as follows:

Bullying

- To include more robust anti-bullying messages within the new Travel Behaviour Code, including the revised Travel Behaviour Code statutory guidance
- To link the new Travel Behaviour Code, including the associated statutory guidance, with the Welsh Government's Respecting Others anti-bullying agenda, including anti-bullying sanctions within school behaviour codes
- To emphasise within the revised Travel Behaviour Code statutory guidance the statutory duties of local authorities and schools in relation to bullying, particularly recording and reporting instances of bullying, including the expectations placed upon transport operators in relation to reporting instances of bullying

Bus environment

- To encourage bus operators to provide, as far as practicable, a safe, comfortable and positive bus environment and to recommend that learners be allowed to eat and drink on buses on the condition that they clear any litter

A supporting Framework for the Travel Behaviour Code

- To provide the Travel Behaviour Code with a supporting framework by
 - Putting in place Travel Behaviour Contracts between learners, parents, local authorities and transport operators to reinforce the sense of shared responsibility amongst stakeholders for ensuring good behaviour on the home to school journey
 - Using bus monitors to supervise bus journeys (for example learners from Years 11,12 or 13)
 - Providing clear reporting systems to allow parents, carers and learners to report incidents of bad/anti-social behaviour
 - Putting in place relevant training for school bus drivers to ensure high standards of behaviour are maintained and
 - Linking the Travel Behaviour Code to other strategies/initiatives to help local authorities, schools and transport operators decide which mechanism to use in order to address different categories of behaviour – for example
 - School behaviour codes which can be deployed to address anti-social behaviour
 - The Respecting Others anti-bullying agenda (which includes elements such as school counselling services to help those whose behaviour is bullying or dangerous; mediation; peer support services whereby learner volunteers provide anti-bullying services; anxiety boxes to enable learners to report concerns; and the restorative approaches model which seeks to minimise the reoccurrence of bullying by bringing the bullies and the bullied together in a safe environment to discuss their actions)
 - The Hate Crime Framework which is designed to tackle crimes against the protected characteristics as defined by the Equality Act 2010 (age; disability; race; religion; sexual orientation; and gender reassignment). The Hate Crime Framework comprises sources of help and advice for learners, such as the

Police/British Transport Police; the Hate Crime Reporting Centre; Victim Support (the national, third party reporting centre); MEIC (the national advice and advocacy service); and the Hate Crime Criminal Justice Board Cymru for advice on who to report hate crimes to

Enforcement/supervision

- To encourage in the Travel Behaviour Code statutory guidance that learners from Years 11, 12 or 13, act as bus monitors to supervise bus journeys with a remit to prevent bullying; support the bullied; maintain a record of behaviour; and report bad behaviour to head teachers, school councils or heads of year
- To encourage in the Travel Behaviour Code statutory guidance that local authorities and/or bus operators use CCTV as a means of recording evidence (in consultation with learners and parents)

Rewards

- To recommend in the Travel Behaviour Code statutory guidance that schools consider realistic and proportionate rewards for those learners who behave well on school transport with schools exercising discretion in this matter

Awareness

- To launch a communications campaign to raise awareness of the Travel Behaviour Code amongst learners