



Department for

Infrastructure

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**Proposals for Implementing Use of Seat Belts by
Child Passengers Aged 3 to 13 Years on Large
Buses and Coaches**

Synopsis of Consultation Responses

July 2016

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1. Contacting the Department

- 1.1. This document is a synopsis of the responses received to the consultation (initiated by the former Department of the Environment) on proposals on use of seat belts by child passengers aged 3 to 13 years on large buses and coaches.
- 1.2. Hard copies of the document can be obtained by using any of the following means of contact:

E-mail: maura.magee@infrastructure-ni.gov.uk

Write to: Road User Behaviours and Legislation Branch
Transport and Resources Division
Clarence Court
10 – 18 Adelaide Street
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Telephone: (028) 9054 0988

Textphone: (028) 9054 0642

- 1.3 The document is also available, on request, in large print, Braille and audio alternative formats. Please inform us as soon as possible, again by any of the above-mentioned contact methods, if you require a copy in any of these formats.

2. Introduction

- 2.1. EU Directive 2003/20/EC requires Member States to extend their compulsory seat belt wearing laws to include the use of seat belts, where fitted, for all passengers aged three and over in large buses and coaches. There is no obligation for seat belts to be installed or worn where they are not already required to be fitted.
- 2.2. The Directive was largely implemented throughout the UK by February 2007 including a requirement for passengers over 13 years of age travelling on buses to wear seat belts, where fitted.
- 2.3. In order to implement the Directive in full, Britain and Northern Ireland must extend the requirement to wear a seat belt, where fitted, on buses and coaches to child passengers aged 3 to 13 years. It has, to date, been difficult to establish a means of enforcing the regulations for passengers aged 3 to 13 travelling on large buses and coaches as it has not been possible to identify where responsibility should lie for ensuring that seat belts are worn by such young passengers.
- 2.4. The consultation – initiated by the former Department of Environment (DOE) - proposed separate arrangements for children accompanied by an adult and for children travelling alone. In a large bus or coach any adult accompanying a child or group of children (aged 3 to 13) would assume responsibility for ensuring that the seat belt is worn. The offence would be phrased in terms of ‘failure to take all reasonable steps to ensure’ and would then rest with that adult. For an unaccompanied child, liability would lie with the Operator on behalf of the driver.
- 2.5. DOE developed draft Codes of Practice about seat belt wearing in coaches and buses to assist bus operators and accompanying adults determine what is deemed ‘reasonable’. The draft Codes of Practice formed part of the consultation exercise and are included as an Annex to this document.
- 2.6. The consultation commenced on 30 November 2015 and closed on 5 February 2016. The consultation paper was issued to a wide range of interests in Northern Ireland, including passenger transport operators, Education Authority regional offices, schools and other youth organisations. The consultation was also posted on the DOE website,

and can now be found at www.infrastructure-ni.gov.uk/consultations/use-seat-belts-by-child-passengers-aged-3-13-years-buses-and-coaches

- 2.7. A total of seven consultees responded to the consultation. It should be noted that two of the respondents consulted widely within their organisations to inform their responses.
- 2.8. The organisational breakdown of the respondents is as follows:
 - Schools (4);
 - Bus operators (2); and
 - Other (1).
- 2.9. DOE used Facebook and Twitter to raise awareness of the consultation. Although this did not generate any feedback, the post on Facebook reached a total of 3,117 users with 107 post clicks and 12 likes. There were 2,638 impressions on Twitter resulting in 48 engagements, 13 of which were re-tweets and 6 likes.
- 2.10. In addition, DOE engaged Parenting NI to facilitate separate consultation with parents and this ended on 19 February 2016. Parenting NI engaged with parents through 3 focus groups in which 30 parents participated. It also ran an on-line survey which received 185 responses, with 116 respondents answering all questions. A report of the findings is provided as an Annex to this document.
- 2.11. Responsibility for this policy has now transferred to the Department for Infrastructure (the Department). The Department would like to take this opportunity to express its thanks to everyone who took the time to reply to the consultation. The Minister will consider carefully all views and comments received, before making a decision on how best to proceed. The Department will also share the findings of this consultation with the Department of Education.

3. Summary of responses received and analysis of issues raised

3.1 The consultation considered children travelling with and without supervision and grouped the questions accordingly. Six specific questions were asked in the consultation paper. Three questions related to proposals on how bus operators could fulfil their duty to ensure that unaccompanied children wore the seat belt provided. Three questions related to how adults accompanying children in their care could ensure children wore the seat belt provided.

Consultation Questions	
Group 1	
<u>Extending the bus operators' duty to passengers to ensure unaccompanied children aged 3 to 13 years wear the seat belt provided.</u>	
Q1.	Do you agree with the proposal to require Operators to take reasonable steps to ensure that children aged 3 to 13 travelling without an adult wear their seat belts?
Q2.	If you do not agree, do you have any alternative proposals?
Q3.	Do you have any comments on the draft Operator Code of Practice?

Q1: Do you agree with the proposal to require Operators to take reasonable steps to ensure that children aged 3 to 13 travelling without an adult wear their seat belts?

3.2 All seven of the respondents answered Question 1. Most agreed with the proposal. One respondent, Translink, agreed with the principle that children aged 3 to 13 years should wear seat belts but did not consider it 'reasonable, practical or safe' to place responsibility on drivers.

3.3 Although a draft Code of Practice for Operators was provided as part of

the consultation, Translink qualified its position by seeking clarification on what is meant by 'reasonable steps'. There was also some resistance by the Federation of Passenger Transport to extend such steps beyond what is already required by law. Legislation currently requires bus operators to notify passengers of the need to wear the seat belt provided and this is typically achieved by display of pictograms on the seat in front of the passenger. The PSNI suggested that such signs could be supplemented by active intervention by drivers to encourage compliance.

- 3.4 Two of the respondents provided comments relating to children who refused to wear their seat belt. One respondent (Tandragee Junior High School) thought it acceptable for the driver to stop the vehicle until the child complied with the regulations. Alternatively, when faced with persistent non-compliance by a child, the Operator might inform the school or parent and ask that they find alternative transport. It was PSNI's experience that young children are generally compliant in relation to wearing their seat belts and thought that positive behaviours established at an early age should be easier to reinforce on buses. Where there were particular behavioural issues to be addressed, PSNI expected accompanying adults to encourage use of the seat belt.
- 3.5 One respondent (Methodist College) suggested that the role of Operators was not one that could be opted out of should an accompanying adult be present. Methodist College generally felt that there should be 'dual responsibility' between Operators and accompanying adults.
- 3.6 Translink expressed concerns about children using scheduled services which provided standing capacity. As passengers on such services, not all children would be assured a seat and would travel, therefore, unbelted. In these circumstances, Translink asked whether it was 'practical or reasonable' to leave children aged 3 to 13 years at a bus stop 'until a vehicle with spare seating capacity comes along'.

Analysis

All respondents agree that children aged three to 13 should use a seat belt, where provided, whilst travelling on a bus.

There was also broad consensus that it would be impracticable to expect drivers of large buses and coaches to ensure that all children aged 3 to 13 wear their seat belt. This would create unreasonable conflict with the driver's duty to drive with due care and attention. Respondents accepted the consultation proposal to place responsibility on the Operator 'acting on behalf of the driver'. This should not release drivers from all responsibility. Drivers would be expected to cooperate with Operators in fulfilling any requirement to take 'reasonable steps' as part of their duties.

Many Operators will already have some of the suggested reasonable steps in place, particularly those around signage. Additional steps could be tailored to suit the circumstances of travel and the number of child passengers expected to undertake the journey.

For example, a bus for the school to home journey is unlikely to have an adult escort on the bus. Before the journey begins the driver could, reasonably, walk down the aisle of the bus once to ensure seat belts are worn. There would be an opportunity at this time to alert the school of any non-compliance. More generally, where an accompanying adult is present, a driver could show support by encouraging children to wear their seat belts as they board.

Whether it is accompanied or unaccompanied children – and indeed, regardless of statutory provision - there is a collective responsibility to ensure that young passengers are safe. This will require co-operation between Operators, drivers, parents and indeed children themselves – and an acceptance of 'dual responsibility'.

The requirement to wear a seat belt would not apply to a bus being used to provide a local service in a built up area or where a bus is constructed or adapted to allow for standing passengers and standing is permitted. Current legislation already permits an exemption from

wearing seat belts on local services and this would continue to apply in any new regulations.

Q2. If you do not agree, do you have any alternative proposals?

- 3.7 While not disagreeing with the consultation proposals, two respondents provided additional comments. Methodist College reiterated its wish to see ‘dual responsibility’ between Operators and their drivers and any accompanying adults.
- 3.8 Translink stated in its answer that many Translink vehicles already display seat belt signage on seats and on windows adjacent to seating. It asked if, rather than verbally notifying every passenger as they board, as suggested in the draft Code of Practice for Operators, or display signage on every seat, would it be acceptable to provide signage that could be seen by all passengers on boarding advising them that seat belts must be worn.

Analysis
All buses with seat belts should have a means of notifying passengers that seat belts should be worn. It would certainly be helpful to have additional signage that could be seen by all passengers on boarding advising them that seat belts must be worn in all circumstances. There is anecdotal evidence to suggest that people are not aware that they are required to wear seat belts provided on buses. A sign such as the one suggested by Translink would help raise awareness of the law generally and encourage greater use of seat belts by all passengers.

Q3. Do you have any comments on the draft Operator Code of Practice?

- 3.9 Views on the draft Code of Practice for Bus Operators (the Operators’ Code) were mixed. Five of the seven respondents made comments. The Federation of Passenger Transport thought that the Operator Code ‘appeared reasonable’ and did not seem to have any issues around notifying passengers about the requirement to wear seat belts. It did, however, make the point that drivers could not ensure compliance

throughout the journey and should not be distracted by a duty to do so whilst driving.

- 3.10 Translink was less supportive in its comments. The Operators' Code suggested that an official announcement or an audio-visual presentation might be made by the driver to notify passengers of the requirement to wear the seat belt provided. Translink said that this would not be possible as its fleet did not have the facility to make announcements in this way.
- 3.11 The draft Operators' Code suggested that before driving off a driver might make a visual check, using mirrors or CCTV where necessary, to see if passengers were at least seated. Translink advised that this would not be possible on its fleet and, in any case, would not confirm use of seat belts. Again, the suggestion that drivers might walk down the aisle of a bus on a single stage journey was not considered a practical option as it would require the driver to leave the controls of the bus.
- 3.12 In its comments, the PSNI suggested that parents should ultimately be responsible for their child's behaviour, whether they are present on the bus or not, particularly if the child persistently refused to co-operate. A temporary ban on travel for a child who refused to wear their seat belt might also 'create sufficient inconvenience...to encourage compliance'.
- 3.13 Comments from two of the respondents representing schools were slightly more supportive of the Operators' Code insofar as Operators should be aware of any requirements on them and that training should be provided where necessary. PSNI thought that the Operators' Code 'did not place unduly rigorous obligations upon the Operator'.

Analysis

The principle that a driver is responsible for the use of a seat belt by children less than 14 years of age is already well established for cars, vans and minibuses. By extension, this principle would apply also to drivers of buses. However, drivers of larger vehicles cannot take on this responsibility fully as it would create unreasonable conflict with the driver's duty to drive with due care and attention.

While there was support for the Operator Code of Practice, there were clearly some reservations. However, the Operators' Code was not intended as a prescriptive list of actions that must be taken on every occasion. A 'one size fits all' approach would clearly not be appropriate and other approaches will be viable in some circumstances. However, even if legislation is not in place, it seems appropriate that a driver, as a person of some authority on a bus, could use that position to influence children's behaviour. However, a driver cannot be expected to ensure compliance throughout the journey.

Consultation Questions	
Group 2	
<u>Role of an adult accompanying a child or a group of children on a bus fitted with seat belts</u>	
Q4.	Do you agree with the proposal to require any adult accompanying a group of children aged 3-13 years, to take all reasonable steps to ensure that the children wear their seat?
Q5.	If you do not agree, do you have any alternative proposals?
Q6.	Do you have any comments on the draft Code of Practice for accompanying adults?

Q4. Do you agree with the proposal to require any adult accompanying a group of children aged 3-13 years, to take all reasonable steps to ensure that the children wear their seat belts?

3.14 All but one respondent answered this question. Although the remaining six respondents generally agreed that the accompanying adults should take responsible steps to ensure children wore their seat belts, three provided caveats to their comments.

3.15 Translink in particular saw it as the accompanying adult’s responsibility to take steps to ensure children wear the seat belt provided, with liability for not doing so resting with that adult. It saw no role for drivers in ensuring accompanying adults perform this duty.

3.16 In contrast, Methodist College thought it ‘unfair’ that the accompanying adult would be solely responsible and advocated ‘dual responsibility’. It supported the suggestion in the draft Code of Practice for Accompanying Adults that adults and the driver should have a discussion at the start of the journey to agree respective roles and that the driver provide support where possible throughout the journey.

3.17 Methodist College considered there to be inconsistency in how failure to take reasonable steps would be enforced for bus operators/drivers compared with accompanying adults. A driver who failed to take reasonable steps would be indemnified from prosecution by the

Operator, as the employer, acting on their behalf. Where adults were carrying out their accompanying role as a teacher or group leader they would be solely responsible and prosecuted as an individual. This was considered unfair.

3.18 PSNI considered the Code for Accompanying Adults to be reasonable in most cases where the adult had ‘sufficient authority and confidence’. This would seem to support the view from Methodist College that not all teachers, particularly as new teachers, necessarily had that confidence. PSNI anticipated some difficulties for adults accompanying special needs children but thought that it was likely that measures will already have been developed to encourage these children to wear their seat belt.

3.19 Methodist College asked about the use of on-board toilet facilities on large coaches and the need for children to remove the seat belt to move within the bus.

Analysis

A parent or any other adult travelling with a child under 14 years of age is reasonably expected to take responsibility for the safety of that child. By extension, any adult travelling with a group of children might reasonably be expected to take responsibility for the safety of those children. The duty of care by teachers and other youth leaders is not contested by any of the respondents. It seems reasonable that Operators should seek, through their drivers, to support accompanying adults where possible. This might include waiting for a teacher to confirm that all children are seated and belted and that the journey can begin.

There was some perception (as summarised in paragraph 3.17 above) that drivers are to be treated more favourably than accompanying adults. However, the rationale for the proposed approach lies in the need to avoid driver distraction. Once the journey commences there is little that the driver can do to ensure that children wear their seat belts, without potentially compromising the safety of all passengers.

It is important to point out that the draft Codes of Practice would be non-statutory guides designed to assist Operators and adults in

meeting the requirements of any new regulations. They would not be too prescriptive given the many different circumstances that might arise and ultimately each case would be judged on its own merit.

Some children will not be able to use the seat belt provided, perhaps due to a disability or other medical reason. The legislation would provide an exemption for any child with a medical condition that makes the use of a seat belt difficult or unsuitable provided that the child has a medical exemption certificate signed by a doctor. This would be in keeping with current seat belt regulations.

In circumstances where toilet facilities are available and permitted for use in transit, there should be no restriction from doing so.

Q5. If you do not agree, do you have any alternative proposals?

3.20 Only Methodist College provided additional comments and these were to strengthen the answer given to Question 4. Methodist College accepted that adults clearly have a duty of care for the children they are accompanying. However, many carry out the role on a voluntary basis and it was considered 'unfair and unreasonable that they bear sole responsibility and be liable for prosecution'. It was suggested that accompanying adults working as teachers, youth group leaders or in another similar capacity, whether on an employed or voluntary basis, should be indemnified against liability by the Education Authority or similar organisation.

3.21 Methodist College felt that joint responsibility between the driver and the accompanying adult 'would better ensure reasonable steps are taken'.

Analysis

The Education Authority and schools hire buses and coaches to bring children to and from school and other school related trips. In doing so they assume the same duty of care for the children as they travel as they do while they are in school. This duty of care will have major implications for the person who might ultimately be responsible for ensuring that children use seat belts.

It has been suggested that teachers, youth group leaders etc. should be indemnified against liability. It is not clear whether this would require specific provision in regulations or if any legal protection already provided for the purpose of taking children on educational trips might be extended to cover accompanying adult liability for ensuring seat belts are worn. In the event that legislation is to be introduced, the Department will consider this further and will engage with the Department of Education/Education Authority as required.

Q6. Do you have any comments on the draft Code of Practice for accompanying adults?

- 3.22. Four of the seven respondents made comments on the draft Code of Practice for Accompanying Adults. It was thought that the Code for Adults was 'satisfactory' and helped such adults understand their role and responsibility. Both the Federation of Passenger Transport and the PSNI believed that it would be good practice for the accompanying adult and the driver to discuss and agree respective roles before the start of the journey. The Federation of Passenger Transport suggested that there should also be a risk assessment in advance of the journey.
- 3.23. It was further considered important that children, teachers/youth leaders, as well as parents, receive some level of familiarisation or training relating to bus safety (Federation of Passenger Transport). This might include an explanation of seat belt regulations, correct use of seat belts, good behaviour, safe evacuation and so on. PSNI would be happy to expand its road safety messages when visiting schools to include any changes on seat belt use on buses. St Mark's High School noted that all adults should be informed about the new requirement to ensure children aged 3 to 13 wear their seat belt whilst travelling on busses.

3.24. St Mark's High School advocated no standing or overcrowding on school buses.

Analysis

If all adults accepted a role in ensuring that seat belts are worn, the safety of young children on buses would be improved. There is merit in a joint approach to fulfilling any requirement to ensure children wear seat belts as passengers on buses.

Education is a key component in behavioural change. Delivery of and support for educational intervention measures would be welcomed and would help schools underpin delivery of their road safety policies and educational programmes.

4. Focus Groups and Online Survey: Summary of Parenting NI Findings

Focus Groups and Online Survey

- 4.1 The DOE was keen to take the views of parents on the policy proposals and engaged Parenting NI to facilitate three focus groups and an online survey. Their engagement focused on the following areas:
- (i) Reasonable Steps;
 - (ii) Operator Responsibilities;
 - (iii) Accompanying Adults' Responsibilities; and
 - (iv) Dealing with non-compliance by children.
- 4.2 The findings are summarised below and Parenting NI's report is attached as an annex to this document.

Reasonable Steps

- 4.3 Parenting NI found that all who had participated in the exercise, both in focus groups and on-line, had similar ideas on what steps could be reasonably taken to ensure children aged 3 to 13 years wear their seat belt on buses. These included the use of a checklist by accompanying adults and operators/drivers, assisting very young children fitting the belt, explaining to older children why they must wear the seat belt, walking up and down the aisle before departure, and use of CCTVs and mirrors to monitor behaviour. It was suggested that Operators should also provide child restraints systems. Parents thought that there should be a sign clearly visible on boarding a bus to inform passengers that they are required to ensure that seat belts are worn.
- 4.4 It was suggested that there should be a bus conductor or other similar person on board buses to monitor seat belt use. There was uncertainty over how seat belt use could be monitored on double-decker buses. Seat belt monitoring and alert systems installed on buses were also suggested. On trips involving a group of children it was suggested that the Operator should insist that an accompanying adult or parent should be present.

- 4.5 A number of practical issues were raised around reasonable steps. It was generally thought that while a check could be made at the start of a journey it would be difficult to ensure seat belt use throughout. Accompanying adults working with challenging children might find this particularly difficult. There were concerns that some children might see an opportunity to cause particular difficulty for accompanying adults, potentially getting that adult into trouble. Peer pressure was also seen as an issue.
- 4.6 There was a strong feeling among focus group participants in particular, that drivers should not reprimand children. Similarly, in the event of a challenge on whether reasonable steps had been taken, parents felt that a driver's word would be taken in preference to that of a child. This raised concerns about child protection and child to adult ratios. How to prove whether reasonable steps had been taken by either the Operator or accompanying adult was seen as a difficulty.
- 4.7 A more general concern was raised about what impact the taking of reasonable steps might have on journey times with parents foreseeing potential delays in the timetable. Parents also asked how some of the reasonable steps would be paid for.
- 4.8 When asked where responsibility should lie for ensuring reasonable steps were taken, responses from focus groups and on-line respondents differed greatly. While 76% of on-line respondents agreed that Operators should take reasonable steps, 73% of focus group participants were against this proposal. Interestingly, all focus group members agreed with the draft Operator Code of Practice.
- 4.9 When the responses from both the focus groups and the on-line survey are considered together, there is more substantial support for Operators taking reasonable steps.
- 4.10 The draft Code of Practice for Accompanying Adults was considered by the focus groups and was supported by all members. It was considered, however, to apply specifically to adults accompanying groups of children rather than parents accompanying their own children. On-line respondents were equally supportive of the draft Code.

Responsibility

- 4.11 Both the on-line survey and the focus groups explored where responsibility should lie for ensuring children wear seat belts.
- 4.12 While almost all supporting comments suggested that the driver should not be held responsible one comment suggested that responsibility should “always rest with the driver ... anything else muddles the water”. It was further suggested that this should reflect driver responsibility in all other forms of transport.
- 4.13 There was considerable support for the proposal that accompanying adults should assume responsibility for younger passengers wearing a seat belt (120 on-line responses to this question of which 87.5% agreed). This was also reflected in the number of people who thought that the accompanying adults should be personally liable/fined with 23 of the 30 focus group participants and 117 of on-line respondents agreeing. However, opinion was split when participants/respondents considered whether the accompanying adult was acting on behalf of an organisation, such as a school, or was the parent of the child. Some thought that, ultimately, it fell to parents to take responsibility and, thereby, the fine. Others thought that accompanying adults, in carrying out this role, had assumed a duty of care and should therefore be liable.
- 4.14 Regardless of whether the accompanying adult was a parent or acting on behalf of an organisation, it was generally considered that the accompanying adult was better placed to ensure that young children wore their seat belts – certainly at the beginning of the journey if not throughout it. There were concerns, however, that placing such a legal responsibility on accompanying adults might stop many from volunteering on group trips, which would be a negative consequential impact of the policy.
- 4.15 Overall, there was a view that the safety of children was the responsibility of all adults and that Operators, drivers and accompanying adults should work together to this end. It was considered important that all adults act as role models for young children whilst travelling on buses. Throughout the findings there was a sense that very young children would not be travelling without a parent or an accompanying adult. It was asked whether children under 14 years of age should be

permitted to travel alone.

Dealing with non-compliance by children

- 4.16 The focus groups discussed a couple of scenarios in which a 12 year old child was participating in an organised trip. It was suggested that in advance of the journey taking place children should be advised of the behaviour expected of them. This would include the use of seat belts. Parents would also be advised and asked to sign up to the policy. This might include a notice to parents that they will be liable for any fine associated with the child not using the seat belt.
- 4.17 In one scenario the child removes his seat belt. In response to this situation parents thought that it would reasonable for the accompanying adult to talk to the child to understand why he had removed the seat belt and to explain the risk of doing so. It was also thought fair that the child might miss the next organised trip as a consequence. Some suggested that the bus might be stopped until the child is belted. It was further suggested that the incident be logged by the accompanying adult and this record should be signed by the driver.

5. Summary

Objective

- 5.1 It is clearly desirable that all children should wear a seat belt where one is fitted and this position was supported by all who participated in the consultation.
- 5.2 The policy objective is to increase road safety for passengers aged 3 to 13 years travelling on large buses and coaches as well as to satisfy government's outstanding obligation under Directive 2003/20/EC to ensure that all passengers aged three or over wear their seat belt. It is considered that the Directive obliges Member States to implement in an enforceable way – that is 'require' passengers to use the seat belt provided.

Responsibility

- 5.3 The key challenge has been to establish where responsibility should lie for ensuring that seat belts are worn by such young passengers. It then follows that the person deemed responsible would also be legally liable. This remained the point of debate throughout the consultation.
- 5.4 It was generally expected that anyone accompanying a child or group of children would have a duty of care for their safety. Indeed this was never disputed.
- 5.5 It is clear from responses that most people felt that it would not be practical, or indeed fair, to expect a driver of a large bus to ensure that all children aged 3 to 13 wore their seat belts as this would create unreasonable conflict with the driver's duty to drive with due care and attention.
- 5.6 From the comments provided there would seem to be an expectation that in most situations a child under 13 years of age would be travelling with an adult present. It was further expected that the accompanying adult would have a role in ensuring children wore their seat belt. It was not always clear, however, whether views expressed were based on an understanding that the accompanying adult was the parent, driver or another person acting in a supervisory role such as a teacher. To what

extent liability would then rest with that individual then became the issue of the discussion and split opinion.

- 5.7 On the whole it seemed reasonable that a parent travelling with their children would take responsibility for ensuring that a seat belt was used and assume liability.
- 5.8 Group leaders, having assumed a duty of care, were also expected to take reasonable steps to ensure seat belts are worn. It was considered that in carrying out this responsibility, group leaders would need the support of parents, the organisations that they represented and the Operator. While such an arrangement would seem to be supported by the consultation responses in principle, there were differing views as to how this might be delivered in practice.

Reasonable Steps

- 5.9 The reasonable steps proposed by the DOE were set out in draft Codes of Practice for Operators and Accompanying Adults. There was less support for the draft Code for Operators than for the Code for Accompanying Adults. There are, however, a number of similarities in the Codes and each anticipates a role for Operators, drivers and accompanying adults.
- 5.10 There were mixed responses about what constitutes a reasonable step. Some respondents felt that a number of steps would not work in practice, particularly where a driver was involved. The lack of agreement is of concern. There is clearly no benefit in creating an unworkable system that would place unwarranted burdens on Operators or accompanying adults.

Conclusion

- 5.11 The Department takes seriously the concerns raised through the consultation. While acknowledging that there is no clear and simple solution, it will be important that everyone can work together to maximise seat wearing use by young passengers.
- 5.12 Before bringing forward any legislation to change the law regarding the use of seat belts by child passengers on buses, it will be necessary to

examine further how the objectives of the policy can be delivered in a practical and enforceable way.

- 5.13 In the meantime the Department would hope that all children travelling on large buses and coaches would be encouraged to wear their seat belt (where one is fitted) whether required by law or not.

List of Respondents

7. The Department received responses from the following:
 - Federation of Passenger Transport NI Ltd (incorporating the views of 53 member organisations)
 - Translink (Ulsterbus Ltd and Citybus Ltd (Metro) - incorporating views of business areas such as Bus Operations; Planning and Performance; Healthy and Safety)
 - Methodist College
 - St Mark's High School, Warrenpoint
 - Sandelford Special School
 - Tandragee Junior High School
 - PSNI