Net Zero, Energy and Transport Committee
National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026
Children and Young People's Commissioner Scotland

January 2026

Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

The Commissioner is fully independent of the Scottish Government.

1. Prior to the instrument being laid, were you aware of the proposal to introduce powers to suspend or withdraw concessionary bus travel? Were you consulted during its development?

We were aware of the proposals due to their inclusion in the Programme for Government but were not specifically consulted on the content of the instrument.

2. How significant a problem is anti-social behaviour on buses from your perspective?

We are concerned that when anti-social behaviour is discussed, children and young people are "stereotyped based on the behaviour of a minority of individuals. When there is anti-social behaviour by adults, we don't hear calls for all adults to be banned from public transport".[1]

We note that, despite the focus on anti-social behaviour by children and young people, the Independent Working Group on Antisocial Behaviour reported that the majority of anti-social behaviour recorded by police involved older adults, with only 6% of convictions involving under 21s. Children account for only 15% of formal warnings and 21% of fixed penalty notices.[2] Were these proposals focussed solely on children and young people, despite statistics which demonstrate that the majority of anti-social behaviour is perpetrated by adults, they would be highly discriminatory.

There is no agreed or consistent definition of anti-social behaviour.[3] Public perceptions of anti-social behaviour means that behaviours which are not criminal

[1] Guardian, 2024. *Scottish bus drivers say death of colleague part of rising trend in abuse.* https://www.theguardian.com/uk-news/2024/nov/20/scottish-bus-drivers-death-of-keith-rollinson-abuse-free-travel

[2] Independent Working Group on Antisocial Behaviour, 2024. *Current understanding of Antisocial Behaviour from data and research evidence.* https://www.gov.scot/publications/report-independent-working-group-antisocial-behaviour/pages/11/

[3] CYCJ, 2025. *A review of the Antisocial Behaviour (ASB) literature.* https://www.cycj.org.uk/wp-content/uploads/2025/02/A-review-of-antisocial-behaviour-Feb-2025.pdf

are often more likely to be seen as anti-social behaviour in older children and young people than in adults or younger children – for example groups of young people "hanging out in the park". In the context of transport this can include behaviours such as travelling in groups or being louder than others. These reflect their stage of life (travelling to/from school or activities at the same times) and developing maturity (or lack thereof).

Transport Scotland's research into anti-social behaviour on buses demonstrated that anti-social behaviour is a cause for concern for bus users, but that this behaviour was not limited to children and young people. Indeed, they found that children and young people reported experiencing anti-social behaviour from adults, including criminal behaviour such as sexual harassment and assault. This resulted in children feeling unsafe on buses. Yet most research and press discussion focusses solely on the non-criminal behaviour of children.

3. Do you agree in principle that access to free bus travel should be capable of being suspended or withdrawn in cases of serious or persistent anti-social behaviour?

We would be extremely concerned if suspension or withdrawal of bus passes were to become common or widespread. However, we acknowledge that there are some instances where the behaviour of a small number of bus pass holders causes significant distress and in some cases harm to bus drivers and other users, including other children and young people.

By incorporating the UNCRC into Scots law, the Scottish Parliament recognised that children have not only the same rights as adults in many areas, but also rights to additional protections, recognising they are at greater risk of their rights being breached.

Withdrawal or suspension of a bus pass could have a significant negative impact on children's ability to realise their UNCRC rights, including their right to education (UNCRC Articles 28 and 29) where bus passes are used to travel to or from school or college. It could likewise impact their rights through inability to travel by bus to medical appointments (UNCRC Article 24), to take part in sport and recreational activities (UNCRC Article 31) and in the case of older children and young people to access employment or apprenticeships, at an age where many are paid less than the adult minimum wage. There would also be a disproportionate impact on children in poverty – those who could afford to do so could continue to use the bus if they simply paid a fare.

A process for suspension or withdrawal of bus passes does have the potential to protect children and young people, as well as other users of public transport. Transport Scotland presented significant evidence of children and young people being impacted by the antisocial behaviour of adults on public transport. It is important that a similar process for withdrawal of bus passes is in place for other concessionary travel schemes, however any process must ensure it has assessed and mitigated the potential impact on other rights.

For children and young people, suspension or withdrawal of bus passes[4] risks becoming a blunt instrument which disproportionately impacts them and does nothing to address the underlying causes of anti-social behaviour.

Children and young people engaging in anti-social behaviour should be supported to understand and address their behaviour. In the case of such serious anti-social behaviour, it is unlikely to be limited solely to bus travel. There is a strong evidence base in Scotland on effective preventative and diversionary projects which have significantly reduced the prevalence of anti-social behaviour over the last 25 years – however funding for these is often ad hoc and short term.[5] Where children are engaging in behaviour which risks serious harm to themselves or others it may be appropriate.

Removal of bus passes from children and young people could reinforce the disadvantages that are recognised as contributing to anti-social behaviour in both childhood and adulthood. The report of the Independent Working Group on Antisocial Behaviour outlines in detail the causes and impacts of antisocial behaviour for children and young people and the impact of disinvestment in youth services in recent years.[6] The introduction of the Under 22s free bus travel was an important mitigation – removing a significant barrier to accessing remaining opportunities, particularly in rural and semi-urban areas where local provision has been closed.

4. Does the instrument seem to set out a workable way of addressing antisocial behaviour? And are the procedural safeguards set out in the instrument (such as notice, reasons for suspension and the opportunity to make representations) sufficient to ensure decisions are fair, transparent and workable in practice, including how breaches would be identified and evidenced?

There must be a transparent and fair process, consistent nationally, which protects children and young people's human rights, in place before any bus pass is withdrawn or suspended. The following features are essential:

- No arbitrary suspension or withdrawal of a bus pass.
- A process which considers each child's behaviour and circumstances individually.
- Formal notification of proposed suspension or withdrawal, including supporting evidence
- An opportunity for the child or young person (and/or their parents or carers) to make representations about both the allegation of antisocial behaviour and the impact withdrawal or suspension would have on realising their rights

[4] For simplicity, we have used the term "bus pass" to describe all concessionary travel schemes. Children and young people may also be eligible for the disabled persons bus pass and in some areas concessions extend to other forms of transport such as trams or ferries.
[5] Independent Working Group on Antisocial Behaviour, 2025. *Young People Young People.* https://www.gov.scot/publications/report-independent-working-group-antisocial-behaviour/pages/23/
[6] Independent Working Group on Antisocial Behaviour, 2025. *Young People Young People.* https://www.gov.scot/publications/report-independent-working-group-antisocial-behaviour/pages/23/

- The impact on the full range of children's rights must be a key factor in decision making
- Consideration of alternatives, such as a commitment by the child or young person to engage with support services
- An opportunity for independent review and appeal.

Suspension of a bus pass should only occur to address the most serious instances, for example persistent serious behaviour that risks harm to the child or others, or where criminal proceedings are in place. Withdrawal should occur exceptionally.

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