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Article

Safeguard: Sexual Abuse Liability within the Transportation sector

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Sexual misconduct risks in the transportation sector are often underestimated, especially when compared to more closely scrutinized fields like education, healthcare, and religious institutions. The nature of transportation services, where minors and vulnerable adults may be alone in a vehicle with a single driver, presents a heightened risk when appropriate safeguards, risk management strategies and oversight are not in place.

The risk is rising, as reflected in the growing number of settlements across the sector. It’s time for transportation companies to address the issue and take meaningful steps to create safer environments.

Where the risk lies

Providers such as non-emergency medical and school transportation often serve vulnerable groups - including children, the sick, the elderly, and people with disabilities – who may require close physical assistance. These interactions can create situations where misconduct may occur. The rise of on-demand and specialised ride-share services has further increased exposure, with a growing number of reported allegations of sexual assault and abuse by drivers.

By implementing robust safeguarding measures, transportation providers can protect vulnerable groups, prevent serious harm, and mitigate the risk of legal, financial, regulatory, and reputational damage.

- **School district transportation**

  School districts and school bus companies in particular can face significant responsibility for ensuring student safety. When incidents occur on school buses, districts can face allegations related to

inadequate safeguarding measures, such as insufficient background checks, supervision, or response protocols.

Since 2022, a Nevadan school district has paid out almost $28M in relation to sexual abuse perpetrated against several students with disabilities by a school bus driver.[1] These cases highlight the importance of robust hiring practices, clear reporting procedures, and proactive oversight.

It’s also important to recognise that safeguarding concerns may involve peer-to-peer incidents. Allegations of student-on-student abuse require equally diligent attention.

- **Non-emergency medical transportation and paratransit service**

  Non-emergency medical transportation (NEMT) and paratransit services - which cater to individuals with disabilities - are also vulnerable and it’s an area where we have seen claims activity.

  These services can involve a high degree of isolation. NEMT and paratransit face particular challenges due to the need for often close physical interactions between operators and the transported.[2]

Mitigating risks and protecting vulnerable populations

A strong commitment to safeguarding is vital to maintaining a safe and supportive environment for those who rely on transportation services. When incidents occur, the consequences can be devastating, impacting individuals and communities, while also leading to serious financial and reputational harm. This includes increased insurance costs and a loss of trust from families, stakeholders, and the wider public.

Transportation organisations should adopt rigorous hiring, clear policies, thorough training, and ongoing supervision to reduce risk and safeguard vulnerable passengers..

- Here are seven best practices to create safer environments:
- Designate individuals for supervision, separate from drivers
- GPS tracking on vehicles
- Inward facing cameras and robust practices around storage of video footage
- Requirements to take attendance and/or track rider absences
- Specified routes
- Requirements to log and track mileage, stops, and starting/ending times
- Communication/other messaging services to contact parents/guardians/etc.

By proactively addressing safeguarding risks and implementing robust preventative measures, transportation providers can protect vulnerable passengers and reduce exposure to financial and reputational harm.

Safeguard can step in to support clients in strengthening policies, tightening background checks, sharpening risk assessments and

improving incident reporting – all to create safer spaces for those who need them most.

But when prevention isn't enough, Safeguard is built to respond. If an incident occurs, our crisis support activates immediately – deploying legal experts, counsellors, investigators and reputational specialists to help organizations. And beyond the crisis, our consultative approach means insureds have a steady partner to guide them through every stage.

In a sector where trust is everything, Beazley's support is built for the long haul – steady, responsive, and ready when the stakes are high.

Beazley Safeguard, Beazley's market-leading standalone SML policy, offers risk management tools, pre-claim coverage for circumstances, and liability insurance.

[1] https://www.yahoo.com/news/ccsd-consider-settling-nearly-13-005758349.html

[2] https://apnews.com/article/mississippi-crime-sexual-assault-sentencing-3e3964bb6d9898dbd21c514e01091874

References

Attorneys: School district pays $10m five years after abuse of student

Lawsuit alleges sexual abuse on board school bus for students with special needs in Clark County

School District Approves $9M Settlement in Sexual Abuse Lawsuit

- The Clark County School District Board of Trustees approved signing a $9 million settlement for a student sexually abused by a school bus driver.
- It involved a lawsuit against Michael Banco, a convicted sex offender who was driving CCSD buses for about 20 years, according to the board agenda.

$2,000,000 Settlement – Sexual Abuse: Romanucci & Blandin

- Abuse of 2 special needs children
- $2,000,000 Settlement – Sexual Abuse
- For a period of four months, a school bus operator was sexually abusing two 3-year-old special needs children while transporting them home from a school in Burr Ridge, IL. Allegedly, the bus was not equipped with any safety monitoring tools (e.g., video camera or GPS), allowing the driver to re-route the bus and make unscheduled stops to abuse the girls. Both victims sustained permanent psychological injuries requiring extensive counselling--and the abuse may negatively impact their social/emotional development later in life.

Home

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