

COAST ACADEMIES**MINIBUS POLICY****PRINCIPLES**

To provide guidance on how best to use the academy minibuses.

To detail safe operating procedures for their use which details the checks that should be carried out before and after use by drivers.

Provides information about who can drive minibuses and the times that they may do so.

Includes details about what actions to take in case of a breakdown or an accident.

PURPOSE

The purpose of this document is to set out the various procedures that must be followed to ensure the safe use of the academy minibuses. This document will be given to all minibus drivers as part of the overall induction package.

Driver Eligibility and Training

It is essential that the Academy are satisfied that all persons authorised to drive are competent to safely drive an academy vehicle containing students. The requirements to comply with our insurance are that the drivers:-

- are over the age of 25
- hold a current full driving licence (With category D1 for a bus over 3.5 tons - more detail in appendix 1)

In addition to the above insurance requirements the Academy also has the following driver eligibility criteria:-

- They have completed a familiarisation session with a qualified driving instructor and demonstrated appropriate safety awareness and skill.
- All drivers should hold a current full driving licence with no more than 6 penalty points. If a driver has less than 6 points, the driver may still be precluded if the points are for dangerous driving.

Section 19 Permit

Eden Park Academy has a Section 19 permit. Section 19 permits are either 'standard permits' for vehicles which are adapted to carry no more than 16 passengers (excluding the driver) or 'large bus permits' for vehicles which are adapted to carry 17 or more passengers. These permits may be granted to organisations that operate vehicles without a view to profit to transport their members, or people whom the organisation exists to help. Section 19 permit vehicles can't be used to carry members of the general public.

Drivers Hours

It is the Academy's policy that if there is an academy trip which involves a driver being in charge on an extended day, then a second adult should accompany the party and that person should be competent to share the driving to reduce the possibility of driver fatigue. An extended day is anything beyond 7.00 pm when the teacher started work at 8.45am. This requirement is non-negotiable.

Driver's Responsibilities

Whilst the Academy will ensure a weekly check of the condition of the minibuses, drivers are responsible for the following checks before embarking on their trips:

- Do a visual inspection of the minibuses which includes tyre pressure checks and that the windscreen and glass is clean and can be seen through
- Check brakes to see that they are functioning correctly
- Ensure that mirrors and seat are in the correct driving position
- Check that all lights are functioning correctly
- Ensure that all seat belts are being worn. This includes all passengers, who must wear a seat belt
- Ensure that the windscreen washer system works and that wipers are functioning correctly
- Ensure that the vehicle is correctly loaded and that the maximum number of permitted passengers for each vehicle are not exceeded
- Emergency exits must not be blocked
- Ensure that all doors are correctly closed
- Check that you have enough fuel for your journey
- As soon as possible after moving off, the driver should carry out a running brake test and at the same time, check the operation of the seat belts
- At intervals throughout the journey, all instruments and warning lights should be checked and necessary action taken if a fault is indicated
- Make sure that no rubbish is left on the vehicle and ensure that no malicious damage has occurred to the interior of the vehicle

At the end of the journey the driver must complete the driver's log and lock and make the vehicle secure. Keys should only be taken from the Admin office just prior to making use of the minibuses. The keys should be returned to the office immediately after use.

Passenger Responsibilities

- Should wear seat belts and always remain in their seats until instructed otherwise
- Should never distract the driver by shouting, etc
- Must make sure that escape routes are not blocked by bags, etc
- Pupils are ambassadors of the Academy and must never bring its name into disrepute by gesturing, etc

Additional Adults

It would be usual practice to ensure that an additional adult is in the bus at all times when children are being transported. It is recognised however that there may be times when a dynamic risk assessment should be applied to this requirement. Factors to consider would be the age of the children, the length of the journey, the number of children and who the children are. An example might be a local sports fixture or returning a group from a visit to the town.

Children's Seating Requirements

- An appropriate child/baby seat should be used for any child under three years of age
- There is no requirement for booster seats for children over three but they must use a three point seat belt
- Children may use a front seat if a three point seat belt is used and the driver is happy for the child concerned to do so

Accident Procedures

If an accident occurs and any personal injury or damage to third party property is involved, then the driver must stop.

He/she must be prepared to give his name and address and details of the owner of the vehicle to a Police Officer or any other person having reasonable grounds to ask. If for any reason the driver is not able to give these details then he/she must report in person to a Police Station as soon as practically possible, otherwise an offence is committed, and in any event not later than twenty-four hours afterwards.

Report your accident immediately to the Administration Team who will let you have the appropriate forms to complete for onward transmission to our insurers.

Breakdown and Recovery

The academy minibuses are covered for breakdown and recovery. Details of how to contact them and our membership numbers are attached to the minibus windscreens. Any issues should be reported to the Administration Team.

Parking fines and Penalty Points

Any fines incurred or points issued are the responsibility of the driver. It is expected that the buses would be driven well within speed limits at all times.

First Aid

All minibuses contain first aid boxes which are checked at the end of each term by the caretaker.

Any use of the first aid kit must be reported to the Administration Team as soon as possible thereby maintaining a full kit at all times.

Purchase of Fuel

The Academy holds an account with Gliddon Ford garage at Churston.

Booking of the Minibuses

If you need to book a minibus, please e-mail the Admin Team with your request who will update the minibus calendar booking system and confirm your requirement has been booked.

Loans of Academy Buses

The academy vehicles are not loaned out for individual use but can be borrowed by organisations where there is community benefit. All costs would need to be met by these organisations.

Review

This policy was reviewed in June 2015 and will be reviewed every two years

Appendix 1 – Driving Advice for School Minibuses

DRIVING SCHOOL MINIBUSES ADVICE FOR SCHOOLS AND LOCAL AUTHORITIES

About this guidance

1. This is non-statutory advice jointly produced by the Department for Education (DfE), the Department for Transport (DfT) and the Association of Chief Police Officers (ACPO) on driving licence entitlement when driving a school minibus.

What the law says

2. This advice does not constitute legal advice nor is it a ruling on the law: individual, schools etc should seek independent legal advice on these issues if they have any queries or concerns. The relevant legislation is Part III of the Road Traffic Act 1988 and the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999/2864):

<http://www.legislation.gov.uk/ukpga/1988/52/part/III>

<http://www.legislation.gov.uk/uksi/1999/2864/contents/made1>.

¹ Please note that legislation on these links are not generally consolidated and therefore may not show subsequent amendments.

Expiry/ review date

3. This document replaces the relevant section of the DfE health and safety departmental advice. It will be reviewed should the law change.

Who is this advice for?

4. This advice is for:

- School employers including local authorities, governing bodies, academy trusts and proprietors, and
- Head teachers and other school staff.

This advice may also be of interest to local authority youth workers and charitable groups working with young people.

Key points

5. There are circumstances in which a member of school staff with a car driving licence (category B) can drive a minibus. This licence entitlement is set out here and in an interactive flowchart on the DfT website. Schools are also advised to check their insurance and any employer's policies on this matter.

6. There is also an exemption under which drivers can drive minibuses on behalf of non-profit making bodies such as schools using a Section 19 permit. If schools are in any doubt about their legal position they are advised to apply for a Permit.

What is a minibus and who can drive one?

7. A minibus is a motor vehicle with between 9 and 16 passenger seats². It is described as a category D1 vehicle by the Driving Vehicle Licencing Authority.

8. Drivers who hold a full D1 (or D) PCV entitlement can drive minibuses for *hire or reward*.

9. There are, however, circumstances when a driver can drive a minibus within the UK when they hold a car (category B) licence. These circumstances vary depending on when the driver passed their car driving test. These arrangements only apply when driving the minibus in the UK not if driving abroad.

a) **If you passed your category B (car) driving test before 1 January 1997**, you can drive a minibus that is not being used for *hire or reward* as these licences automatically include category D1 (101) (not for hire or reward) entitlement³. This means school staff with such a licence can drive a minibus carrying up to 16 passengers with no maximum weight restriction on the vehicle. Drivers with a D1 + E (101) (not for hire or reward) entitlement can tow a trailer over 750kg.

b) **If you passed your category B driving test on or after 1 January 1997**, you may drive a minibus that is not being used for *hire and reward* if the following conditions are met:

- you are over 21 and have held a category B licence for at least 2 years;
- the minibus is used by a non-commercial body⁴ for *social purposes*,
- you receive no payment other than the recovery of your *out of pocket expenses* (e.g. fuel and parking costs);
- you provide the service on a *voluntary basis*;
- the gross vehicle weight⁵ of the minibus is not more than 3.5 tonnes (or 4.25 tonnes if including any specialist equipment to carry disabled passengers); and
- you do not tow a trailer.

What is *Hire and reward*?

10. A vehicle which is operated for hire or reward is one where payment is made, in cash or in kind, for the carrying of passengers, or matters which include the carrying of passengers, irrespective of the person to whom the payment is made. This includes direct payments such as a fare or an indirect payment which gives a person an opportunity to travel. It does not matter whether or not the operator is a profit-making entity. A minibus is used for *hire or reward* if there is a clear and logical link between payment and the transport provided and that link is not too remote.

² The driver's seat does not count for these purposes.

³ Drivers who have renewed their licence (e.g. when a photo licence is issued) should check that this entitlement has been retained.

⁴ Maintained schools, Free Schools and academies are considered non-commercial bodies, as are independent schools holding charitable status.

⁵ The weight of the vehicle (sometimes known as the Maximum Authorised Mass or MAM) is shown on a metal or plastic plate situated in the engine shell or on a door pillar. At least three manufacturers are currently making lightweight minibus models of 3.5 tonnes or less which are available in the UK.

11. A minibus is not being used for *hire or reward*, for example, where the pupils are not obliged to pay in exchange for the right to be passengers. This applies where independent schools with charitable status, Free Schools and academies use a minibus not for a passenger service on a commercial basis but to take pupils off-site for trips within the school day or as an extra-curricular activity, where the pupils do not pay for their transport. Independent, fee-paying schools which lack charitable status could be viewed as commercial bodies that operate minibuses for *hire or reward*; the *hire or reward* element being school fees. We advise such schools to seek legal advice.

12. If schools (or their insurers) are concerned that they may not meet the definition of not operating for *hire or reward* they are advised to consider applying for a Section 19 permit (see below).

What are Social Purposes?

13. We consider social purposes to mean non-commercial activities. This includes school trips and travel to sporting fixtures within the school day or as an extra-curricular activity.

14. Where a minibus is operated to provide passenger services for commercial purposes, the driver must hold a full D1 licence (or a full D licence, which entitles the holder to drive minibuses).

What are Out of Pocket Expenses?

15. Out of Pocket Expenses are remuneration for any fuel costs, parking fees, toll fees or similar expenses incurred as part of a trip. The driver should receive no other payments for driving the minibus.

What is 'On a Voluntary Basis'?

16. In our view, if the terms and conditions of a teacher's contract of employment state that driving minibuses is a part of their duties, or if a teacher is paid an additional sum specifically for driving the minibus (other than a sum to reimburse the teacher for out of pocket expenses on a cost recovery basis), such staff would be deemed as receiving payment for driving a minibus and would not be driving the minibus 'on a voluntary basis'. In these cases, a full D1 licence (or a full D licence) would be needed.

17. However, in our view, if a teacher's contract of employment does not state that driving minibuses is part of their duties and they receive no additional payment for driving a minibus to take pupils on trips or to social sporting events (except for reimbursement for out of pocket expenses), they will be driving on an extra-contractual, **voluntary basis**. In this case, the category B licence would suffice (assuming the conditions are met) even if the school reimburses the teacher for fuel, parking and tolls.

Medical standards and renewing a driving licence

18. When your category B driving licence expires at age 70, the entitlement to drive a minibus can be renewed upon request, if you meet the medical standards for category D1 drivers. You will need to complete a D2 application form and provide a Medical

Examination Report (D4). Further information can be obtained from the DVLA's INF28 leaflet, [Driving a Minibus](#).

19. Every driver must comply with medical standards for any driving licence issued.

Driving under the Section 19 permit scheme

20. A Section 19 permit is usually issued free of charge and is given to non-profit making bodies⁶ that run transport services which benefit the community. Section 19 Permits are issued to bodies to enable them to provide transport for their own members or other people whom the organisation exists to help. The vehicle must not be used for carriage of members of the general public. It must also not be used with a view to profit, nor incidentally to an activity which is itself carried out with a view to profit. Category B and Category D1 (101) (not for Hire or reward) licence holders are entitled drive minibuses that are operated for *hire or reward* in accordance with a Section 19 permit. Apart from the *hire or reward* test, the same driving licence requirements as described in paragraph 9 apply.

21. Permits are available free, or for a small fee, from Traffic Commissioners and designated bodies such as local authorities and various church organisations. Once a permit has been obtained, a member of staff can drive a minibus under the conditions outlined above. These Permits only apply within the UK.

Insurance, other legal requirements and Police

22. It is up to drivers to check with their insurer whether their insurance policy covers a minibus in the circumstances in which it is proposed to be driven.

23. It is also up to drivers to check whether their driving triggers other legal requirements, such as the laws in respect of drivers' hours, tachographs and

Certificates of Professional Competence.

24. This guidance has been cleared by the Association of Chief Police Officers, who will promote awareness of this legislation amongst local traffic police officers.

⁶ Examples of such non-profit making bodies are bodies concerned with education, religion, social welfare, recreations and other activities that are beneficial to the community. Schools would fall within this classification.

Frequently Asked Questions

Question: We are taking a small group of pupils on a school trip and asking for a contribution toward petrol costs. Does this constitute *hire or reward*?

Answer: Yes, we would consider a payment by pupils toward petrol costs to fall within the meaning of *hire or reward*.

Question: Do staff need MIDAS⁷ training?

⁷ MIDAS is the Minibus Driver Awareness Scheme (organised by the Community Transport Association U.K.) which promotes a nationally recognised standard for the assessment and training of minibus drivers.

Answer: The MIDAS scheme allows organisations to assess and train minibus drivers and is highly recommended for school staff driving on a category B licence. Although the scheme is not mandatory there are many advantages to successful completion of the training. Drivers will feel more confident in their ability to drive and valuable experience of driving a minibus is gained, increasing competence. Some employers may require drivers to have taken this training and some insurance companies may offer lower premiums based on drivers having completed the training.

Question: How does the status of the school affect the teacher's right to drive under the above derogations (usually in Charitable Trusts, Private Schools)?

Answer: The right to charitable status for a fee paying school is determined by a number of criteria, one of which is how the school will work with the local community. It is arguable that a fee paying school which does not have charitable status operates as a business rather than on a community basis and that their teachers would be driving minibuses on a "hire and reward" basis because the pupils' school fees amount to a payment for matters that include carriage by minibus. Schools without charitable status are advised to seek legal advice. (Academies and Free School have charitable status.)

Further sources of information

- The DfT website has an interactive flowchart to help drivers identify whether or not they meet the conditions to drive a minibus.
- All drivers should be familiar with the Highway Code.
- Further details of exemptions and permits:

http://www.direct.gov.uk/en/Motoring/DriverLicensing/WhatCanYouDriveAndYourObligations/DG_4022498.

Schools may also like to consult The Outdoor Education Advisers' Panel website
<http://oeap.info>.