

Driving the School or College Minibus and Transporting Pupils

the fastest growing teachers' union in Scotland

This guide provides essential information and advice for members and activists in schools and colleges throughout the UK relating to driving a school minibus.

This guide does not apply where pupils are transported in a private car. Teachers are strongly advised not to do this.

1. GENERAL GUIDANCE

- 1.1 The NASUWT strongly recommends that teachers refrain from driving a school or college minibus due to the personal and professional risks attached to undertaking such duties. There is no requirement for a teacher under the terms and conditions of their employment to undertake driving duties and it is the Union's policy that such duties should instead be carried out by appropriately trained support staff or specialist drivers.
- 1.2 The Union believes that driving on behalf of the school or college constitutes an additional workload and believes that a teacher's professional skills are utilised more effectively by teaching rather than driving.
- 1.3 Driving a minibus is significantly different from driving a private car and the incidental health and safety risks and responsibilities that a driver assumes as a result of driving a school minibus are profound. The ramifications of any oversight, however minor, may result in the driver being sanctioned by way of a fine, having their licence endorsed (penalty points) or even being subject to criminal proceedings.
- 1.4 Teachers deciding to drive a school or college minibus should take note of the following advice and take appropriate precautions, training and safeguards against the associated risks.

2. DRIVING THE SCHOOL MINIBUS

- 2.1 If a school or college has a section 19 permit (see Appendix 1), any person with a full UK licence can drive the minibus. However, because of the restrictions imposed by the definition of 'hire or reward' (see Appendix 2) there is the possibility that authorities may interpret teachers who drive during 'directed time' as driving unlawfully (in that they are being paid to drive in the course of their employment, the school or college does not satisfy the test of a non-commercial body and the visit is not for social purposes) and

therefore subject them to sanctions (usually penalty points and a fine). In order to avoid this scenario occurring all teachers intending to drive a minibus are strongly recommended to pass the D1 minibus test.

- 2.2 Even where a section 19 permit exists the following points must be noted:
- (i) the minibus must be driven within the terms of the permit;
 - (ii) the driver remains responsible for any driver offences;
 - (iii) the permit must be clearly displayed at all times;
 - (iv) section 19 permits cannot be used on journeys outside the UK;
 - (v) a charge can be made for travel on a 'not for profit' basis.
- 2.3 If no section 19 permit exists, a driver with a full UK driving licence dated before 1 January 1997 is eligible to drive a school or college minibus. However, because of the restrictions imposed by the definition of 'hire or reward' (see Appendix 2), all teachers intending to drive a minibus are strongly recommended to pass the D1 minibus test and to meet the higher health and driver conduct standards that apply.
- 2.4 If no section 19 permit exists, in order to drive the school minibus a driver with a full UK driving licence dated on or after 1 January 1997 may drive on a not-for-profit (hire or reward) basis, subject to the following conditions:
- (i) the driver is at least 21 years of age;
 - (ii) the driver has passed the category B test for at least two years;
 - (iii) the minibus maximum weight must not be more than 3.5 tonnes, excluding any specialist equipment used for the carriage of disabled passengers. Minibuses up to 4.25 tonnes will be permitted if carrying disabled passengers;
 - (iv) the minibus must not tow any trailer; and
 - (v) the driver does not receive any payment, benefit or consideration for driving other than out-of-pocket expenses.

Although the requirement for a D1 minibus test can be waived if the above conditions are met, because of the restrictions imposed by the definition of 'hire and reward' (see Appendix 2) all teachers intending to drive a minibus are strongly recommended to pass the D1 minibus test.

- 2.5 Teachers choosing to obtain a D1 minibus licence should be given paid time off work for training and to take the test. The Employer should

make all the necessary arrangements and meet the cost of the training, test and medical report. Any out-of-pocket expenses should be reimbursed.

3. THE DRIVER'S RESPONSIBILITIES

- 3.1 An employer cannot indemnify a volunteer minibuss driver where a court has imposed sanctions by way of fines or penalty points on her/him as a result of committing a road traffic offence. Therefore, this should be remembered before assuming any driving duties. Attention must be paid to all licensing and insurance requirements that are subject to medical restrictions. It is an individual's responsibility to ensure that they are fit and healthy to drive and to be responsible for any medical condition that affects the validity of their licence or insurance. The law penalises the driver for any offences, however trivial, and it is therefore ultimately the driver's responsibility.
- 3.2 It is of paramount importance that drivers understand that if the general legal requirements are not met, then it will be the driver, not the employer, who will be penalised for any road traffic offences. The sanctions usually entail fines or having your licence endorsed with penalty points, or even a criminal conviction for more serious offences. Also, a teacher who volunteers to act as driver of a school or college minibuss is personally responsible for its roadworthiness. If any defects are found by the police or the Vehicle and Operator Services Agency (VOSA), it is the driver who will be prosecuted. It should also be noted that smoking and drinking alcohol is prohibited in a school or college minibuss.
- 3.3 It is the driver's responsibility to ensure that there is nothing on their part, i.e. penalty points, age restrictions, roadworthiness or any other circumstance(s), that invalidates their insurance cover as this may result in a road traffic offence and may possibly constitute a criminal offence and result in sanctions being imposed. Again, this is your responsibility.
- 3.4 It is important that any insurance provides adequate cover against risk. For instance, a fully comprehensive insurance policy is required to cover against damage to the minibuss being driven and any third parties. The policy should also provide adequate cover for the number of passengers travelling, weight of the vehicle and the personnel who drive it.

3.5 Teachers who drive school or college minibuses are responsible for ensuring that the minibus complies with the following legal requirements:

- it is correctly licensed;
- it displays a valid tax disc for the correct category of vehicle;
- it is adequately insured;
- it is adequately maintained;
- it has a valid Ministry of Transport (MOT) certificate if more than three years old;
- it displays the following retroreflective school bus signs:
 - front – at least 25 cm x 25 cm;
 - rear – at least 45 cm x 45 cm.

3.6 Teachers who drive school or college minibuses are responsible for ensuring that the vehicle is roadworthy by carrying out pre-use checks and logging details. The school or college should also have in place an emergency procedure that should be available inside the minibus. Teachers driving the minibus should familiarise themselves with the procedure.

3.7 Since drivers are legally responsible for vehicle defects, a basic pre-drive safety check is essential. Any oversight of these safety checks may render a driver culpable in court. Should someone be killed in an accident, the driver, having failed to take on board this advice, may be guilty of manslaughter by gross negligence. Safety checks may be carried out by a transport manager or by any other senior member of staff, but it must be remembered that ultimately it is the driver's responsibility. A checklist should be kept in the vehicle and the driver should not drive the minibus unless s/he is certain that the mandatory checks as listed below have been carried out and the vehicle is safe. The following checks should be carried out:

- the tyres should be checked for damage, wear, pressure and the security of the wheels;
- the light lenses, reflectors, mirrors and number plates should be checked for damage and cleanliness;
- all fluid levels – fuel, oil, coolant, brake/clutch, windscreen washer – should be checked to verify that there are no leaks and the levels are sufficient in line with manufacturer's recommendations;

- that fire extinguisher(s) (foam or water) are available and sufficient and if passengers in wheelchairs are being carried, there must be at least two extinguishers;
- that a school minibus sign or section 19 permit is clearly displayed;
- that a high-visibility jacket is available;
- that breakdown assistance is available and the procedure is clearly understood;
- that the lights, indicators, washers, horn, ventilation and any switches are in full working order;
- that the handbrake and footbrake are in working order;
- that a fully stocked first-aid kit is available and suitable training is undertaken to administer emergency first aid; and
- that the location of relevant paperwork is known to the driver (insurance, driving licence, MOT test certificate, breakdown, etc.).

3.8 Drivers are required by law to wear a seat belt. Drivers are also responsible for ensuring that passengers in the front seats and any exposed seat (forward facing and not immediately behind another seat) use seat belts or an appropriate child restraint. Seat belt offences can result in very significant fines. The table at Appendix 4 provides further details in regard to the seat belt requirements for school children. Drivers must also ensure that they comply with any advice and guidance issued by their school or employer.

4. MINIBUS DRIVER AWARENESS SCHEME (MIDAS)

- 4.1 Driving a minibus is significantly different from driving a private car. A higher level of driver competence and health and safety consideration of yourself and other road users, including your passengers, is required at all times. This can prove to be extremely burdensome, especially where teachers have taught before they drive or are due to teach after undertaking driving duties.
- 4.2 If members intend to drive a school or college minibus, then the NASUWT strongly recommends advanced driving training or courses such as MIDAS.
- 4.3 Teachers taking any advanced driving training or course should be entitled to paid time off work for the training and subsequent test or

any exams associated with the training course. The costs of the training and any out-of-pocket expenses should also be reimbursed.

5. PUPIL BEHAVIOUR

- 5.1 The NASUWT recommends that an additional adult who meets the requirements to drive a minibus should accompany every teacher on a minibus journey. This will enable her/him to supervise passengers, since a driver's attention may easily be distracted. The second driver, acting as supervisor, will help to ensure that passengers are well behaved, help to prevent tiredness on long journeys by sharing driver duties and assist in the event of any emergency.
- 5.2 Members are advised not to drive minibuses unless this requirement is met and unless pupils have been made fully aware of the standards of behaviour expected of them as passengers. A suitable risk assessment should be carried out before the journey and appropriate staffing levels considered. Parents of children travelling in a minibus should sign a consent form based on a suitable code of conduct to be observed by all passengers. Also, when travelling with mixed-sex groups, there should be male and female members of staff present. Both members of staff should be able to drive and share supervision duties accordingly.

6. TRAVELLING WITH SPECIAL EDUCATIONAL NEEDS (SEN) PUPILS

- 6.1 Extra care and consideration should be taken where minibus journeys involve pupils with SEN. The minibus must be suitable for the passengers that it is required to carry. This includes the needs of all passengers, including those with disabilities, if carried.
- 6.2 A suitable risk assessment should be undertaken prior to the trip in order to make appropriate arrangements, e.g. such as appropriate staffing levels. As a general rule, there should be a minimum of two members of staff for journeys involving SEN children, in addition to the driver. All employees should ensure that they are appropriately trained, especially if it is necessary for them to assist SEN pupils. Also, your employer, whether a maintained, independent or any other type of school or college, should have a policy in place in order to ensure adequate teacher-pupil ratios.

7. BREAKDOWNS

- 7.1 All school or college minibuses should be covered by a suitable breakdown recovery service. The contact details should be readily accessible in the minibus and the driver should be aware of the procedure of using the service in the event of a breakdown. In addition, drivers should be able to access guidance on what to do while awaiting recovery, including in what circumstances passengers should remain/not remain in the vehicle. The school or college's emergency procedures should be followed in these circumstances and appropriate contact should be made to inform them of the situation.
- 7.2 The Personal Protective Equipment at Work Regulations 1992 require that anyone at risk when moving vehicles should wear a high-visibility jacket.
- 7.3 In the event of a vehicle breakdown, the Royal Society for the Prevention of Accidents (RoSPA) advises that:
- the driver should move the vehicle off the carriageway (on to the hard shoulder on a motorway) or as far away from moving traffic as possible and switch on the hazard warning lights;
 - the passengers should be moved out of the nearside of the vehicle and remain as far away from it and other traffic as possible. No one should stand between the vehicle and oncoming traffic. On motorways or other busy roads, passengers should be taken onto the embankment or grass margin and as far from the traffic as is practicable. The hard shoulder on a motorway is very dangerous;
 - passengers should be kept together in one group. Children should be kept calm and under constant supervision;
 - on a motorway, a mobile phone (once the vehicle is stationary) or a roadside emergency telephone should be used as this will enable the police to pinpoint your location; and
 - in some circumstances it may be safer for passengers to remain seated in the vehicle, for example, if it seems too dangerous to unload passengers in wheelchairs or if there is not a safe waiting area. The driver will need to assess the situation and decide whether or not to unload passengers.

8. REST BREAKS WHILE DRIVING

- 8.1 Tired drivers are much more likely to have an accident. Drivers who drive for more than two hours after a day's work are significantly more likely to be involved in a road traffic accident.
- 8.2 If you drive a school or college minibus, you should take a break of at least 30 minutes after every two hours of driving. The rest time should not include time spent undertaking other duties associated with the supervision, care or responsibility of pupils. Times and lengths of breaks should be noted in a logbook. On longer journeys it is advised that additional drivers should share driving duties and supervision duties in order to allow drivers an adequate rest break. Under no circumstances should teachers exceed these limits.
- 8.3 Teachers who have taught during the day should be allowed sufficient time off to rest before embarking on a journey after the school day. Teachers who are likely to teach immediately after driving for at least two hours should similarly be allowed adequate time off from their teaching duties or other work so as to be properly rested before commencing their teaching duties. For example:

Driving 2 hours	Break 30 minutes		
Driving 30 minutes	Other work 60 minutes	Driving 30 minutes	Break 30 minutes
Other work 60 minutes	Driving 30 minutes	Other work 30 minutes	Break 30 minutes

- 8.4 Under the Working Time Directive 1998 teachers have the right to a daily uninterrupted break of at least 11 hours.

Appendix 1 – Section 19 permits

- A1.1 Section 19 minibus and community bus permits are issued by local authorities to organisations that operate on a not-for-profit basis, e.g. those concerned with education (schools/colleges transporting children and teachers), religion or social welfare or other organisations providing a benefit to the community. Organisations must provide the minibus service for its own members or for groups of people whom it serves (not the general public) and only make a charge on a not-for-profit basis.
- A1.2 By applying for a section 19 permit, a school or college, in effect, is agreeing that it will comply with the requisite licensing criteria and will ensure the vehicle's roadworthiness.

Appendix 2 – Hire or reward

- A2.1 'Hire or reward' is a very widely defined term and covers much more than simply charging passengers to cover fuel or transportation costs. When passengers directly pay a charge for a journey towards the cost of transport, e.g. for a school or college trip or day out, or where the whole cost of hire is divided amongst passengers, or any part of the cost of the minibus is taken from children or parents, it is likely to be deemed 'hire or reward'.

Furthermore, any voluntary donations in respect of transport costs, fuel or maintenance could also constitute 'hire or reward'. Driving during 'directed time' may therefore amount to driving for 'hire or reward', despite a teacher not being paid for the actual journey or being compelled to do so under a contract of employment. Even though driving for social purposes on a non-commercial and not-for-profit basis (hire or reward) is permitted, the Union strongly recommends that teachers do not drive under this threat or that at the very least their school or college take independent legal advice to clarify whether they constitute non-commercial bodies and whether their teachers are permitted to drive during 'directed time' under their Category B ('not for hire or reward') licence.

The ambiguity surrounding the issue of 'hire and reward' is one of the reasons why the Union recommends that all teachers intending to drive a school or college minibus should pass the D1 minibus test before doing so.

Appendix 3 – Trailers

- A3.1 Drivers should have regard to the following information when deciding to tow a trailer.
- A3.2 If you passed your test before 1 January 1997, your licence will automatically show D1 and D1+E ('not for hire or reward'). You are permitted to tow a trailer weighing no more than 750kg under your D1 ('not for hire or reward') entitlement. Category D1+E (minibuses with trailers) allows minibuses to tow a trailer of a maximum authorised mass (MAM) of over 750kg so long as the MAM of the vehicle and trailer is not more than 12,000kg and the MAM of the trailer is not more than the unladen mass of the towing vehicle.

Appendix 4 – Seat belt offences

- A4.1 Seat belt offences can result in a fine of up to £500. The table below clarifies seat belt requirements for school children.

	Front Seat	Rear Seat	Responsible
Driver	Seat belt must be worn	–	Driver
Children under 3 years of age	Appropriate child restraint must be worn	Appropriate child restraint must be worn	Driver
Children aged 3 to 11 (and under 1.5m in height)	Appropriate child restraint must be worn if available. If not, an adult seat belt must be worn	Appropriate child restraint must be worn if available. If not, an adult seat belt must be worn if available	Driver
Children aged 12 or 13 (or younger children over 1.5m in height)	Adult seat belt must be worn	Adult seat belt must be worn if available	Driver
Passengers aged 14 or over	Seat belt must be worn if available	Seat belt must be worn if available	Passenger

Appendix 5 – Further information

A5.1 Further advice and guidance on all of the above is available from the list below:

The Driver and Vehicle Licensing Agency (DVLA)

Any teachers who are in doubt about their licensing position can telephone the DVLA's customer enquiries. The telephone number is 0870 240 0009. Lines are open from 8.00am to 8.30pm, Monday to Friday. Further information is available on their website at www.dvla.gov.uk.

The Vehicle and Operator Services Agency (VOSA)

VOSA can be e-mailed at enquiries@vosa.gov.uk. Their website address is www.dft.gov.uk/vosa.

Minibus Driver Assessment Scheme (MiDAS)

MiDAS is the Minibus Driver Awareness Scheme, organised by the Community Transport Association UK (CTA), which promotes a nationally recognised standard for the assessment and training of minibus drivers. Go to www.midas-training.org.uk.

The Community Transport Association (CTA)

The CTA provides an advice and information service on 0845 130 6195. Their website is at www.ctauk.org.

Scotland office:
54 Manor Place
Edinburgh
EH3 7EH
Tel: 0131 220 0052

Driving a minibus (INF28)

This publication was produced by the DVLA and is available to download at www.dft.gov.uk/dvla/forms/~~/media/pdf/leaflets/INF28.ashx.

The Highway Code

Make sure that you are familiar with the Highway Code, which contains frequently updated advice on traffic law and how to stay safe on the roads. Website: www.direct.gov.uk/highwaycode.

The Royal Society for the Prevention of Accidents (RoSPA)

RoSPA Scotland

43 Discovery Terrace

Heriot-Watt University Research Park

Edinburgh

EH14 4AP

General Information: +44 (0)121 248 2000

Website: www.rospa.com.

Advice and support

For advice and support, contact the NASUWT National Office:

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