

Minibus Guidance

NASUWT

The Teachers' Union

Tel: 03330 145550
E-mail: advice@mail.nasuwt.org.uk
Website: www.nasuwt.org.uk

Further information

Royal Society for the Prevention of Accidents (RoSPA) –
www.rospa.com

Minibus Safety – A Code of Practice

Child seatbelt regulations

<https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat> (England, Wales, Scotland)



The NASUWT strongly advises members not to drive school/college minibuses. This should not be part of a teacher's contractual duty and members are advised not to volunteer to drive school/college minibuses. **An employer cannot indemnify a volunteer minibus driver where a court has imposed a sanction for committing a road traffic offence. This must be borne in mind before a member takes on the responsibility for driving a minibus.**

Where members undertake activities that involve the use of school/college minibuses, the following advice should be considered.

The law applying to schools and colleges

All school/college minibuses require a Section 19 Permit, which must be displayed prominently. In the absence of a permit, drivers of minibuses require a Passenger Carrying Vehicle (PCV) licence.

Minibuses driven on the continent of Europe or the Republic of Ireland must be PCV licensed, fitted with a tachograph and comply with European/Irish driving regulations.

Seatbelts must, by law, be fitted to school/college minibuses. The approved school/college minibus logo must be displayed at the rear. The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 require children to wear a seatbelt where provided, and if a suitable child seat is provided then this must be used.

Driving licence requirements

A minibus is defined as a motor vehicle with between nine and 16 passenger seats and is described as a category D1 vehicle.

In order to drive a minibus for hire or reward, drivers must hold a full D1 (or D) PCV entitlement. Whether a teacher may be deemed to be driving a minibus for hire and reward because they are being paid a salary as a teacher is unclear, and advice on this point is contradictory.

There are, however, circumstances when a driver can drive a minibus within the UK when they hold a car (category B) licence. These circumstances only apply when driving the minibus in the UK, not if driving abroad.

Where an individual has passed a category B (car) driving test before 1 January 1997, they can drive a D1 minibus that is not being used for hire or reward. 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.

The NASUWT strongly asserts that, particularly but not exclusively due to the ambiguity around the hire/reward status, the full D1 licence is the minimum requirement, and a car licence is insufficient in all circumstances. If schools wish to train minibus drivers to D1 level, the costs of any training and testing for the D1 licence must be covered in full by the employer.

In addition to licensing requirements, employers and/or local authorities may impose additional requirements for members wishing to drive a school minibus, such as additional training (sometimes referred to as MIDAS training). Members should ensure that any local requirements are satisfied.

Safety

It is the driver of the minibus who is legally responsible for ensuring that a vehicle is roadworthy in accordance with the Road Vehicles (Construction and Use) Regulations 1986. It is the driver's responsibility to ensure that daily/weekly checks have been undertaken and entered into the vehicle's log book.

A checklist should be available for inspection in every minibus, detailing the checks that should be made. In addition, there should be procedures to be followed in the event of an emergency.

Working hours

Frequent breaks are required on long journeys and no driver should drive continuously for more than two hours without a break away from the vehicle of a minimum of 30 minutes.

Additionally, drivers who are to travel for 50 miles or more each way must be allowed adequate time off from any other work so as to be properly rested before commencing the journey. This is particularly important if a large proportion of the travelling is to take place during the late evening as this is when tiredness can become a serious problem. The rest time should not include time spent undertaking other duties associated with the care of, or responsibility for, pupils.

Schools/colleges should also ensure there are other drivers to provide cover in emergencies and to minimise the risk of driver fatigue.

The NASUWT asserts that an additional adult who preferably can drive the minibus should supervise passengers, since a driver's attention may be easily distracted.

Cautionary tale – M40 minibus crash

In November 1993, a minibus carrying 14 children home to a Worcestershire school from a school trip to London crashed into a stationary maintenance lorry on the M40, killing 12 children and their teacher, who was driving the minibus. The trip had taken place after the school day and the crash occurred just after midnight. The crash led to a number of improvements in minibus design, including the fitting of seatbelts, but the events underline the dangers of driving school minibuses, particularly after the school day.

Be safe. If you are concerned that your employer requires you to transport a group of pupils by driving a minibus or other motor vehicle, contact the NASUWT immediately for advice.