

# Hunsbury Park Primary School



## Use of the School Minibus Policy

Last updated: OCTOBER 2019

## AIMS

To provide clear procedures relating to use of the School Minibus

To ensure that all users of the School Minibus are aware of their legal responsibilities

## INTRODUCTION

1. The Hunsbury Park Primary School Minibus is a valuable resource which helps to provide the children with access to numerous extra-curricular activities at a reasonable cost
2. The school recognises that driving a minibus is not the same as driving a car and it requires different levels of knowledge, skills and awareness
3. All minibus drivers will be given a copy of the Minibus Policy
4. The Head Teacher has overall responsibility for the School Minibus and final powers of authorisation over its use. This responsibility may be devolved to the staff member with responsibility for the minibus.

## ELIGIBILITY TO DRIVE THE MINIBUS

Those permitted to drive the minibus must:

1. Be between 21-70 years of age
2. Have a full driving licence (ideally this would include category D1 entitlement) which they have held for at least 1 year.
3. Have no more than 3 penalty points on their driving licence
4. Anyone driving the minibus will have their license checked annually using the DVLA licence checker.
5. Any endorsements incurred by eligible drivers must be declared to the Headteacher **immediately as this may affect eligibility to drive the minibus**

## **TRAINING**

1. All eligible drivers must be trained using Minibus Driver Awareness Scheme (MiDAS) every four years to ensure that high levels of competence and skill are maintained.
2. New staff that want to drive the minibus must undertake individual MiDAS training and that it is current

## **PROCEDURE**

1. Any member of staff wishing to use the minibus must book it with the School Office ensuring the date is entered into the school diary.
2. The Headteacher makes the final decision as to when and for what purpose the minibus is used and who is eligible to drive it.
3. The key must be collected from the School Office and returned at the end of the journey or as soon as possible thereafter.
4. The driver must complete a Minibus Vehicle Check/Log Sheet and the Driver Record Sheet (including mileage) both of which are kept in the minibus.
5. Any minor defects must be noted and reported to the School Office as soon as possible.
6. More serious defects MUST be reported IMMEDIATELY.
7. If the driver is in any doubt as to whether a fault is serious, they MUST NOT take the vehicle on the road.
8. The visit leader may drive the minibus but must delegate child/adult supervision to another adult and brief them on their responsibilities in the event of an accident. Emergency plans are stored within the minibus.
9. If all seats in the bus are to be used then there must be two adults in the rear one by each door.
10. If the bus is not full then the spaces near the emergency door must be left empty. There must be at least one adult in the rear of the bus.

## **LOANING THE MINIBUS TO A THIRD PARTY**

1. The minibus can only be loaned to a school or registered charity
2. HPPS can only charge enough to cover the costs of using the minibus
3. The driver must meet the eligibility criteria and have had the necessary training as described in sections 2 and 3 at the discretion of the Headteacher
4. Any third parties borrowing the minibus must sign a contract agreeing to reimburse the school for any damage caused while they are borrowing it.
5. The procedure, described in section 4, must be followed.
6. All drivers are held legally and personally responsible for driving with any defects and are liable for any speeding or parking fines.

## **HEALTH AND SAFETY OF THE PASSENGERS AND DRIVER**

1. It is a legal requirement that all passengers and the driver wear seatbelts and it is the responsibility of the driver to ensure that all seatbelts are fastened before starting the journey.
2. All passengers must remain in their seats at all times and seatbelts must not be unfastened until the minibus has reached a complete stop.
3. The side door should be used for entry and access, except in an emergency when the Emergency Exit door can be used if necessary.
4. Where possible the bus should be parked so the door is next to a path.
5. If at any time the pupils distract the driver, s/he should stop the bus in a safe place (not a hard shoulder) until the pupils are settled. Do not try to continue. Remember that they may also be distracting other drivers.
6. Drivers **MUST** not drive for longer than 2 hours without taking a break for at least 15 minutes. Remember tiredness kills.
7. It is essential that all journeys in the School Minibus be staffed by the driver and at least one escort. Under no circumstances should pupils be taken on a journey on the minibus accompanied by only one adult.
8. All gangways and doorways must be left clear.
9. Smoking in the minibus is prohibited.
10. A walk-round check must be completed before passengers alight (see appendix), signed and dated and return to the office manager.
11. A School Mini Bus Risk Assessment must be completed at least 48 hours before the use of the vehicle. This risk assessment must be uploaded to Evolve for authorisation by the EVC.
12. For sporting events the risk assessment must be emailed to [bursar@hunsburypark.northants.scl.gov.uk](mailto:bursar@hunsburypark.northants.scl.gov.uk) where the office manager will upload the risk assessments for EVC to approve.

## **MAINTENANCE AND LICENSING**

1. Overall responsibility for ensuring that the School Minibus is properly maintained and licenced lies with the Head Teacher. However, this responsibility may be devolved to a member of staff responsible for the minibus (Kim Ormshaw Business Manager).
2. The School Minibus should be regularly serviced four times a year. The member of staff responsible for the minibus is responsible for arranging this servicing with a reputable and suitable qualified organisation/company.
3. Minor checks of the vehicle (oil, water, tyres, fuel levels etc.) will be completed at least every 21 days by the responsible member of staff (Business Manager).
4. Responsibility for the condition of the vehicle is transferred to the driver whilst they are using it. The driver is responsible for ensuring it is left clean and tidy after it has been used.
5. On returning the minibus to school the driver is to ensure the minibus has sufficient fuel (at least a quarter of a tank) if not it must be refuelled or this must be reported to the person responsible for the minibus.
6. The minibus is to receive a service annually, or before if deemed necessary by the miles driven.
7. Licencing of the School Minibus is the responsibility of the member of staff responsible for the minibus, who must ensure that all Road Tax, Insurance and MOT certificates are up to date.

As our Minibus has been adapted as an accessible minibus all ramps MUST be kept on the vehicle at all times. This is legal requirement.

## EMERGENCY PLANS

### **Breakdown**

<ul style="list-style-type: none"><li>• All passengers to be evacuated away from passenger side of vehicle to safe resting place (beyond side barrier if possible), well away from passing vehicles and appropriately supervised</li></ul>
<ul style="list-style-type: none"><li>• Contact emergency services if appropriate. Dial 112 as this number can be reached even if mobile signal low</li></ul>
<ul style="list-style-type: none"><li>• Contact school base: 01604761566 in school hours.</li><li>• Out of hours:</li><li>• 07960 494890 (KIM ORMSHAW – SCHOOL BUSINESS MANAGER);</li><li>• 07745 161619 (GAIL BARNSHAW – HEAD TEACHER);</li><li>• 07845 182429 (HELEN BAMBRIDGE – DEPUTY HEAD TEACHER)</li></ul>
<ul style="list-style-type: none"><li>• Contact RAC: 03332000999</li></ul>

### **Collision**

<ul style="list-style-type: none"><li>• Stop and make area safe</li></ul>
<ul style="list-style-type: none"><li>• DO NOT ADMIT LIABILITY – DO NOT SAY SORRY the driver should swap insurance details. Insurance details to be kept in the vehicle.</li></ul>
<ul style="list-style-type: none"><li>• All passengers to be evacuated away from passenger side of vehicle to safe resting place (beyond side barrier if possible), well away from passing vehicles and appropriately supervised. REASSURE</li></ul>
<ul style="list-style-type: none"><li>• Contact emergency services if appropriate. Dial 112 as this number can be reached even if mobile signal low.</li></ul>
<ul style="list-style-type: none"><li>• Take photographs if safe to do so.</li></ul>
<ul style="list-style-type: none"><li>• Contact school base: 01604761566 in school hours.</li><li>• Out of hours:</li><li>• 07960 494890 (KIM ORMSHAW – SCHOOL BUSINESS MANAGER);</li><li>• 07745 161619 (GAIL BARNSHAW – HEAD TEACHER);</li><li>• 07845 182429 (HELEN BAMBRIDGE – DEPUTY HEAD TEACHER)</li></ul>
<ul style="list-style-type: none"><li>• Contact RAC: 03332000999</li></ul>

## Fire

<ul style="list-style-type: none"><li>• Stop and turn off engine</li></ul>
<ul style="list-style-type: none"><li>• Leave by the nearest exit</li></ul>
<ul style="list-style-type: none"><li>• Evacuate starting with passengers who are quickest to move</li></ul>
<ul style="list-style-type: none"><li>• DO NOT PUT FIRE OUT – if trapped <b>DO</b> USE THE FIRE EXTINGUISHER – IF SOMEONE IS ON FIRE <b>DO</b> USE EXTINGUISHER</li></ul>
<ul style="list-style-type: none"><li>• All passengers to be evacuated away from passenger side of vehicle to safe resting place (beyond side barrier if possible), well away from passing vehicles and appropriately supervised. REASSURE</li></ul>
<ul style="list-style-type: none"><li>• Contact emergency services if appropriate. Dial 112 as this number can be reached even if mobile signal low.</li></ul>
<ul style="list-style-type: none"><li>• Take photographs if safe to do so.</li></ul>
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<ul style="list-style-type: none"><li>• 07845 182429 (HELEN BAMBRIDGE – DEPUTY HEAD TEACHER)</li></ul>
<ul style="list-style-type: none"><li>• Contact RAC: 03332000999</li></ul>

## Behaviour

<ul style="list-style-type: none"><li>• Stop the minibus at a safe place</li></ul>
<ul style="list-style-type: none"><li>• If necessary all passengers to be evacuated away from passenger side of vehicle to safe resting place (beyond side barrier if possible), well away from passing vehicles and appropriately supervised. REASSURE</li></ul>
<ul style="list-style-type: none"><li>• Keep child on bus to keep safe and secure</li></ul>
<ul style="list-style-type: none"><li>• Contact school base: 01604761566 in school hours.</li></ul>
<ul style="list-style-type: none"><li>• Out of hours:</li></ul>
<ul style="list-style-type: none"><li>• 07960 494890 (KIM ORMSHAW – SCHOOL BUSINESS MANAGER);</li></ul>
<ul style="list-style-type: none"><li>• 07745 161619 (GAIL BARNSHAW – HEAD TEACHER);</li></ul>
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## Appendix 1 MINIBUS SAFETY: A CODE OF PRACTICE Amendment, June 2006 (DCSF) Driver Licences

Section 3.6.3 to 3.6.6 (page 9) of “Minibus Safety: A Code of Practice” are replaced with the following sections

### **3.6.3 Volunteer Drivers**

The EU’s exemption for volunteer drivers was designed to cater for charities who use minibuses but who would not have been able to provide training for all their volunteer drivers. Unfortunately, the term “volunteer driver” was not defined and has not been tested in law. Therefore, there have been differing views and conflicting advice as to whether or not teachers driving a school minibus are ‘volunteer’ drivers and so exempt from the need to have a D1 PCV driving licence.

3.6.4 It is the Operator’s and individual driver’s responsibility to ensure that the driver is appropriately licensed to drive the minibus. The DVLA does not rule on specific cases, as this is a matter for the Police and courts. If challenged, an individual driver and the Operator would have to show that they were complying with the Motor Vehicles (Driving Licences) Regulations 1999 correctly.

3.6.5 In April 2006, the Department for Education and Skills (DfES) published its policy statement entitled “Licensing for Incidental Drivers of the School Minibus.” This states that teachers or other school staff are mostly exempt from having to hold a D1 PCV driving licence to drive the school minibus because they are not being paid specifically to drive, i.e driving is not mentioned in their contract of employment. For the exemption to apply, the following conditions from section 7(6) of the Motor Vehicles (Driving Licences) Regulations 1999 must be met:

- drivers are aged 21 years or over
- they have held their category B driving licence for at least 2 years
- the minibus is being used by a non-commercial body
  - 1 for social purposes, but not for hire or reward
  - 2 drivers are not being paid to drive the minibus, other than out-of-pocket expenses
- the minibus does not exceed 3.5 tonnes (or 4.25 tonnes if specialised equipment for the carriage of disabled passengers is included)
- no trailer is towed.

However, the DfES Statement also states that it would be “bad practice for school staff to drive the minibus solely on the basis that they have held a class B licence for 2 years”. It sets out good practice options for exempted school staff and encourages schools to ensure that staff who drive the school minibus receive appropriate training. It also includes a paragraph on the Certificate of Professional Competence.

1 Independent schools that do not have charitable status should seek legal advice to check if they would be viewed as a non-commercial body for these purposes.

2 Unless the minibus is operated under a section 19 bus permit (see section 2.3). 6

3.6.6 Therefore, it is now government policy that if a teacher’s contract of employment states that driving a minibus is part of their job, the teacher must hold a D1 PCV licence to drive a school minibus. If they drive a minibus with a Maximum Authorised Mass greater than 3.5 tonnes, or 4.25 tonnes if specialised equipment for the carriage of disabled passengers is included, (and this includes most newer minibuses) they must hold a D1 PCV licence. If the contract of employment does not refer to driving, or the Maximum Authorised Mass of the minibus does not exceed 3.5 tonnes (or 4.25 tonnes) they do not need to hold a D1 PCV licence, but it would be good practice to do so.

3.6.7 The DfES statement sets out Government policy. Only a court can issue a legal ruling



3.6.8 RoSPA's advice is that irrespective of the legal requirements, teachers and other school staff who drive a school minibus should receive specific minibus driver training, and preferably hold a D1 PCV licence. Schools that wish to adopt the exemptions for teachers and other staff on the basis that their contract of employment does not refer to driving, should also check if driving is included in the job description. If so, the school should seek legal advice to check if the job description forms part of the contract of employment. The school may also wish to seek legal advice on whether a teacher who is subject to school rules and discipline when driving the school minibus out-of-hours can be regarded as a volunteer - even if their contract does not specify driving.

3.6.9 The DfES policy statement is available at [www.teachernet.gov.uk/wholeschool/healthandsafety/visits/](http://www.teachernet.gov.uk/wholeschool/healthandsafety/visits/) Information is also available in "Driving a Minibus" (INF28) from the DVLA or "Driver Licensing for Minibuses" from the CTA.

**BEST PRACTICE ENSURE THAT ALL DRIVERS HAVE TAKEN APPROPRIATE TRAINING IN A MINIBUS AND HAVE THE APPROPRIATE DRIVING LICENCE**

**Appendix 2 DCFS statement on qualification to drive school minibuses 2006  
Licensing Incidental Drivers of the School Minibus**

This Statement updates Chapter 6 “Planning Transport” in Health and Safety of Pupils on Educational Visits (DfES 1998, supplemented 2002.)

**Summary.** In most circumstances, minibus drivers must hold a D1 PCV (Passenger Carrying Vehicle) licence. However, school staff who hold a car (Class B) licence can legally drive a school minibus without a D1 PCV licence as long as certain conditions are met. The most significant requirement is that staff are not specifically remunerated for driving through their contract of employment or otherwise. The other conditions are set out and explained later in this Statement.

It would, nonetheless, be bad practice for school staff to drive the minibus solely on the basis that they have held a Class B licence for 2 years. There are a range of options for further training, including the D1 PCV licence and other courses established by employers and others to secure a high level of competence for incidental minibus drivers. The statutory risk assessment process should help an employer choose which good practice option is most appropriate.

The exemption is only for a minibus weighing no more than 3.5 tonnes. In the medium term, when a school replaces its minibus, it is likely to lose exemption because newer minibuses tend to weigh more than 3.5 tonnes, and the Government has no plans to change the weight limit on the exemption. Therefore, we advise schools to consider investing in D1 PCV training over the next few years, since the law will require it in the longer term, if or when they move to a heavier minibus.

1. Car driver licences issued before 1997 carried an entitlement to drive a minibus not for hire or reward. Car driver licences issued since then (B category) do not. A category B licence-holder driving a minibus must now also hold a D1 Passenger Carrying Vehicle licence (D1 PCV), unless they meet conditions for exemption which are:

- the driver is 21 or over and has held a car driver (B) licence for not less than 2 years;
- the vehicle is being used by a non-commercial body for social purposes but not for hire or reward; and
- the minibus driver receives no consideration for driving other than out of pocket expenses.

3. It follows that car drivers are exempt from the D1 PCV licensing requirement when they drive a minibus in the course of their employment and are not paid for doing so. This means that most teachers and other school staff may legally drive the school minibus on their category B car driver licence because their contract of employment does not expressly require them to drive a PCV. See also paragraph 7.8

4. Some independent schools which lack charitable status could be viewed as commercial bodies and we advise such schools to seek their own legal advice. There are also restrictions on the minibus weight and on towing a trailer – details available at the DVLA website as below.

Good Practice Options

5. Education employers must ensure, so far as is reasonably practicable, the health and safety of staff and anyone else who may be affected by their activities, including pupils participating in off-site visits. Advanced driver training mitigates the risks to staff and pupils when school staff drive in the course of their work. Acquiring the D1 PCV licence is a good

practice option for exempted staff, but there are other options, for example MiDAS (Minibus Driver Awareness Scheme) certificates, awarded on a 4-yearly cycle of training and assessment. The Department for Education and Skills understands there are other training arrangements provided by the Royal Society for the Prevention of Accidents (RoSPA) and that individual local authorities have their own in-house training and

assessment schemes. Local authorities and other education employers could consider such training/assessment programmes as these. Chapter 1 of Health and Safety of Pupils on Educational Visits (DfES) sets out the legal requirement about risk management.

#### Non-Exemption

6. The exemption does not apply where a driver's employment contract expressly states that driving a PCV vehicle is part of the job. Employers of, for example, support staff hired as drivers, or of instructors at outdoor education centres, should check the contracts of these categories of staff carefully before concluding whether or not a D1 PCV licence is required. Employers of part-time teachers working extra hours and being paid additionally for driving a PCV should also check their contract(s) to establish whether a D1 PCV qualification is needed.

7. The exemption does not apply where a minibus exceeds 3.5 tonnes or where a trailer is attached.

#### Out-of-Hours Driving

7. There are a number of other situations in which the exemption does not apply. These include:

- driving in other European Member States;
- driving in the UK during out-of-hours-situations (for example, during school holidays) where pupils or parents have to pay for carriage (unless the bus has a section 19 permit allowing not for profit charging);
- when a teacher is being remunerated under the Teachers' Pay and Conditions Document for driving the minibus on an out-of-school-hours learning activity.

#### Hire or Reward

8. Where passengers pay for transport, in most cases the driver must hold a D1 PCV licence. The exemption from the D1 PCV requirement applies where the vehicle is used for a non-commercial purpose, for example by a maintained school, and where the pupils are carried not for hire or reward - that is, where pupils are not obliged to pay in exchange for the right to be passengers. It can be argued that independent schools are non-commercial bodies for this purpose. In such schools the minibus is not generally used for a passenger service on a commercial basis but rather to take pupils off-site for curricular purposes. Charitable status assists this argument. Schools who admit pupils on a fee-paying basis may wish to take their own legal advice.

#### Permits issued under Section 19 of the Transport Act 1985

9. If, however, the school offers the minibus to pupils for a charge but on a non-profit basis under a section 19 bus permit then the driver is exempt from the D1 PCV requirement. This

is because the section 19 permit exempts the employer from holding a PSV operator licence and exempts the driver from the D1 PCV requirement.

#### Other Guidelines & Further Details

The Department for Transport is publishing its own guidance for incidental drivers of minibuses, which addresses the generality of PCV driving situations. It focuses on the PCV test – both as a legal requirement and as the good practice option for exempted drivers – and does not discuss the wider range of good practice options available for school staff. The Driver and Vehicles Licensing Agency provides advice (0870 240 009 or <http://www.dvla.gov.uk/drivers/drmbus.htm>) on D1 PCV or section 19 requirements, and the Driving Standards Agency (0115 901 2500) on the PCV test. Schools and local authorities can ‘shop around’ the PCV training providers; anyone who has had a D1 licence for three years can be an instructor for the PCV test; and there is no requirement to attend a full-time course. For details of other training/assessment contact, for example, RoSPA at [www.rospace.com](http://www.rospace.com)

or MiDAS at <http://www.communitytransport.com/midas/midas.htm> Local authorities and schools may wish to discuss exemption from holding a D1 PCV licence with their insurer. They may also wish to bring this Statement to the attention of other local agencies including the police.

#### Certificate of Professional Competence.

11. From September 2008 all new professional bus drivers must also pass an initial qualification to obtain a Certificate of Professional Competence (CPC) ii. This will be on top of the D1 requirement though it is likely that the training for the acquisition of a D1 licence could be combined with the initial qualification CPC training. All professional bus drivers will have to take periodic retraining on a five-yearly cycle. The Driving Standards Agency consulted to February 2006 on the regulations that will implement this requirement in the UK. Most school staff, whether they hold a D1 PCV licence or not, will be exempt from this requirement. This is because the regulations will exempt drivers of vehicles used for the non-commercial carriage of passengers. 10 Harlington Community School Minibus Policy 2008

#### Relevance of this Policy Statement

12. This Statement is also relevant to non-school drivers who drive minibuses for non-commercial purposes incidentally in the course of their employment (for example in childcare or in colleges of further education) or in volunteering activity.

13. The text of this Statement replaces paragraph 134 of the DfES guidance, Health and Safety of Pupils on Educational Visits

(<http://www.teachernet.gov.uk/wholeschool/healthandsafety/visits/>)

The Royal Society for the Prevention of Accidents is amending paragraphs 3.6.3 – 3.6.5 of Minibus Safety: A Code of Practice 2002 (RoSPA and others).