

MINIBUS POLICY

V1.1

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1.0 Policy Statement

1.1 Minibuses used to transport pupils and staff have an important part to play in the Trust's activities. Their use facilitates many pursuits, such as educational visits and inter-school sporting fixtures. The Trust is grateful to staff who undertake driving duties as part of their day. This policy aims to clarify how minibuses should be driven and used in a safe and legal manner.

2.0 Scope and Purpose

2.1 The Trust adheres to the current guidelines set out by the Department for Transport (DfT), Department for Education (DfE) and the Association of Chief Police Officers (ACPO) when driving a school minibus:

- [Driving school minibuses: advice for schools and local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/driving-school-minibuses)

2.2 This policy applies to all minibuses that the Trust owns/ hires or leases.

3.0 Overarching Principles

3.1 What is a minibus and who can drive one?

3.1.1 A minibus is a motor vehicle with between 9 and 16 passenger seats (but not including the driver's seat).

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

3.1.3 There are, however, circumstances when a driver can drive a minibus within the UK when they hold a car (category B) licence:

If you passed your category B 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) entitlement. 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.

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 body 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 weight of the minibus is not more than 3.5 tonnes (or 4.25 tonnes if including any specialist equipment to carry disabled passengers)
- you do not tow a trailer.

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.

3.1.4 These arrangements only apply when driving the minibus in the UK, not if driving abroad.

3.2 What is Hire and Reward?

3.2.1 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. 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. 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.

3.3 What is 'On a Voluntary Basis'

3.3.1 If the terms and conditions of an employee's contract of employment state that driving minibuses is a part of their duties, or if a member of staff 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.

3.3.2 However, if an employee'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.

3.4 Out of Pocket Expenses

3.4.1 Out of Pocket Expenses are remuneration for any fuel costs, parking fees, toll fees or similar expenses incurred as part of a trip. These should be claimed, if applicable, by following the Trust's Expenses Policy. The driver should receive no other payments for driving the minibus.

3.5 What are Social Purposes?

3.5.1 Social purposes are non-commercial activities, which include school trips and travel to sporting fixtures within the school day or as an extra-curricular activity.

3.5.2 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).

4.0 Responsibilities and Arrangements

4.1 Headteacher Responsibilities

4.1.1 To ensure that appropriate numbers and types of minibus are available to transport pupils on educational visits, to sporting fixtures etc.

4.2 Risk and Compliance Manager

4.2.1 Is responsible for overseeing this policy and ensuring that the correct insurance is in place at a Trust level.

4.3 Cluster Business Manager

4.3.1 Is responsible for ensuring the minibuses:

- Appear on the Trust Vehicle Register, located in the Trust Vehicle folder on the Risk and Compliance SharePoint.
- Are only driven by competent and checked drivers. By ensuring drivers complete an annual Minibus/Trust Vehicle Driver Declaration Form, which can be found in the Trust Vehicle SharePoint folder.
- Are only driven by staff on the Register of Approved Drivers, located in the Trust Vehicle SharePoint folder.
- If the CBM becomes aware that a driver has points/other endorsements or outstanding court hearings are driving offences, they must make a judgement as to the appropriateness of them continuing to drive minibuses. As a matter of course, a single three-point endorsement should result in a discussion about responsible driving. For anything beyond that a risk assessment should be completed and discussed with the Risk and Compliance Manager who may in turn refer to the COO for a final decision.
- Are properly maintained
- Are only driven when Driver and Daily Vehicle checklists have been completed. Each checklist is featured in a logbook, kept in each trust vehicle. Spot checks and audits of paperwork must be completed on a monthly basis
- Have a green, laminated sheet confirming that they are insured in them at all times
- Are covered by a breakdown recovery service
- Are covered by a section 19 permit (see section 4.7)
- The vehicle has a current MOT, tax and is properly serviced and maintained.

4.4 Driver's Responsibilities

4.4.1 It is the driver's responsibility to check that the Trust's insurance policy covers a minibus in the circumstances in which it is proposed to be driven.

A green laminated A4 Insurance Confirmation Sheet will be kept in each Trust Vehicle listing the vehicles covered by the Trusted Insurance Policy. This will be re-issued on an annual basis by the Risk and Compliance Manager. Drivers must check that the vehicle they are driving is on this list.

4.4.2 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. The rules are complex and should be carefully consulted if a total drive time of longer than 4.5 hours is going to be undertaken on any one journey.

It should be normal practice for the driver to take a break of 25 minutes after no more than 2 hours of driving. This is fully described in section 1.4 of the guidance below:

- <https://www.gov.uk/guidance/drivers-hours-passenger-vehicles>

4.4.3 All Trust minibus drivers will undertake MIDAS training before they can drive.

4.5.6 Other driver responsibilities:

1. Must complete the 'Minibus/Trust Vehicle Driver Declaration Form' (which can be found on the Trust Vehicle SharePoint Folder on an annual basis for review by the Cluster Business Manager.

2. Approved drivers must be medically fit to drive and required by law to inform the DVLA at once if they have any disability, which is or may become likely to affect their fitness as a driver, unless they do not expect it to last for more than three months. They must also inform their Cluster Business Manager.
3. Approved drivers must inform their Cluster Business Manager if they receive any endorsements or disqualifications on their driving licence.
4. Approved drivers are responsible at all times for the operational safety and legal requirements of their vehicle, and must check the following before taking the minibus out on the road:
 - a. The vehicle is insured
 - b. Lights, horn, stop lights, mirrors and reflectors
 - c. Brakes and steering
 - d. Windscreen washers and wipers
 - e. Visually inspect the tyres for inflation, damage and wear
 - f. That there is no damage to the body of the vehicle that is likely to cause harm
 - g. Seat belts are working correctly
 - h. The interior is safe and luggage is appropriately stowed
 - i. That all moveable seats are fully secured (see section 4.8).

A checklist is provided in a logbook in each vehicle to record these checks every time the vehicle is driven.

5. Daily checks must also be undertaken the first time the bus is used each day and recorded in the vehicles logbook . This can be undertaken by the first driver or a competent person in the school who helps with the management of the minibuses (such as a site manager).
6. Drivers must adhere to the current speed limits.
7. All fines and fixed penalty tickets are the responsibility of the driver of the minibus.
8. Where the journey time is more than 1 hour a second person should accompany the driver (or where the findings of a risk assessment indicate an additional member of staff is required to accompany the trip).
9. Take a 25-minute break away from the wheel when they have driven continuously for 2 hours.
10. Wear seat belts at all times unless they hold a medical exemption.
11. Not use mobile phones when the vehicle's engine is running, whether the vehicle is moving or not. This includes hands-free mobile operation.
12. Not drive under the influence of drugs or alcohol.
13. Drive in accordance with the Highway Code.
14. In the event of a road traffic collision, obtain the following information:
 - a. Stop and check whether you need the emergency services
 - b. Are there any witnesses? If so, record their details
 - c. Exchange details with other drivers
 - d. Do not discuss or admit liability
 - e. Call for further assistance if required and inform the school
 - f. Make a sketch drawing/take a photograph of the accident site.

4.5 Minibus Driver Awareness Scheme (MiDAS) Training

- 4.5.1 Beckfoot Trust has made it compulsory that all drivers (regardless of if they have D1 on their licence) undertake MiDAS training prior to driving minibuses transporting children.
- 4.5.2 This will ensure drivers feel more confident in their ability to drive and gain valuable experience driving a minibus, thereby, increasing competence. This must be refreshed every three years. In

exceptional circumstances this renewal period may be allowed to be extended for no more than one period of 6 months, so long as the following conditions are met:

- Reasonable attempts are made to book the member of staff onto MIDAS training as soon as possible
- The member of staff has previously successfully completed the full MIDAS training course
- There are no counter indications of any sort upon the completion of the 'Minibus/Trust Vehicle Driver Declaration Form'.

4.6 MOT and Routine Maintenance

- 4.6.1 Each vehicle must be serviced and maintained in line with the manufacturer's recommendations and the vehicle service maintenance schedule must be completed at every routine service.
- 4.6.2 The vehicle must have a current MOT certificate on file if it is over one year old (from date of first registration). MOTs are required every year. (N.B. This is a higher requirement than that required for private vehicles).

4.7 Section 19 Permit Scheme

- 4.7.1 A section 19 permit is usually issued free of charge and is given to non-profit making bodies 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 this policy apply.
- 4.7.2 Permits are available free, or for a small fee, from the [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 and must be renewed every 5 years.

4.8 Moveable/Removable Seats

- 4.8.1 Some of our minibuses have movable seats. Drivers are responsible for ensuring they are safe and secure before driving the minibus. Visual and physical checks must be undertaken. The physical check is by attempting to rock each seat.
- 4.8.2 Only competent members of staff can move, remove or replace seats.
- Competence is gained in two ways:
- Seat removal/moving practical training as part of MIDAS training
 - By being shown by an experienced colleague.
- 4.8.3 Competence must be recorded on the register of approved minibus drivers kept by the school.
- 4.8.4 Chairs that are not in the minibus must be stored securely and, in a location, where they will not be subject to damage.

4.9 Single Adult on Journeys

- 4.9.1 It is always the safest option to have two adults on a minibus used to transport pupils (one driver and at least one adult passenger to supervise). This is so that the driver can concentrate on driving the vehicle and not be distracted by supervising the pupils on board.

4.9.2 However, it is recognised that in some circumstances this is not feasible. Therefore, a judgement should be made about the likely behaviour and individual needs of the passengers. If any of the passengers may require close supervision, one or more responsible adults must travel in the vehicle as escort(s), so that the driver is not distracted.

In determining the staffing necessary to ensure effective supervision and safety on a minibus journey several factors should be taken into account and a risk assessment completed using the template for **each trip**. The Single Adult on Minibus Risk Assessment template can be found in the Trust Vehicle SharePoint Folder.

5.0 Review of Policy

This policy is formally reviewed every two years.