

ATL ADVICE



Driving Vehicles for School Purposes

This factsheet aims to clarify your rights when asked to drive vehicles for school purposes.

Many ATL members are asked to drive minibuses for school trips or for taking children to inter-school sports events. Unless there is a specific contractual obligation, contained within an individual's contract of employment, driving minibuses is a voluntary activity. You can say no.

There are a number of legal obligations placed upon anyone operating a minibus; these obligations and best practice are summarised below. More detail can be found in the Royal Society for the Prevention of Accidents (ROSPA) publication – Minibus Safety: A Code of Practice.

Legal requirements

Every minibus must:

- only be driven by drivers legally entitled, and properly insured, to drive the minibus
- be well maintained and road legal
- have a valid MOT certificate (required annually from the vehicle's first birthday) and insurance certificate
- display a valid permit disc where necessary (this will be necessary for schools).

If you obtained your driving licence after 1 January 1997 (or have renewed an older licence) you may not be automatically entitled to drive a minibus that has more than eight seats. To drive a minibus, you will need to gain a category D1 PCV entitlement on your licence by meeting higher medical standards, as well as passing a theory and practical minibus test. If your school wishes for you to drive a minibus they should pay for costs incurred in gaining this qualification.

'Volunteer drivers' are exempt from this requirement and are allowed to drive a minibus with up to 16 passenger seats under certain circumstances. Unfortunately, the term 'volunteer driver' was not defined in the relevant

legislation and has not been tested in law. Therefore, there are differing and conflicting views as to whether teachers and other education staff drive school minibuses as volunteers. The exception only applies to non-commercial bodies so if you work in an independent school that does not have charitable status, the school must take legal advice as to whether it would be viewed as a non-commercial body.

For other schools, according to Government policy, whether a staff member is a 'volunteer' will depend on whether they are contractually obliged to drive a minibus. If they are contractually obliged and/or receive additional payment for doing so, that individual is not a 'volunteer'. As is evident, this issue is not straightforward, so if you have any concerns, contact ATL for advice and support. ATL's view is that anyone who drives a minibus should undergo training at the cost of the employer.

Risk assessments

The ROSPA guidance sets out a recommended management system to ensure that the minibus is and remains in a roadworthy condition; and that all journeys are undertaken as safely as possible.

There are two types of risk assessment it is advisable for the minibus operator to carry out: a generic risk assessment and individual risk assessments.

The generic risk assessment should do the following:

- Address the process of recruiting, training and supervising drivers.
- Address issues related to the age, needs and behaviours of users.
- Set out requirements for obtaining parental consent.
- Set out how a suitable minibus will be selected and maintained.

- Address journey planning.
- Set out accident/emergency procedures.
- Deal with general administrative matters.

An individual risk assessment should be carried out for each journey undertaken. If the same journey is undertaken on a regular basis, then it is probably not necessary to carry out a risk assessment each and every time; although the risk assessment should be kept under review. An individual risk assessment should be conducted in advance of any non-routine journeys and/or when passengers have special needs.

Risk assessments should be conducted at regular intervals and detailed records kept.

Pre-drive safety checks

If you are driving a school minibus you are personally responsible for its roadworthiness. If any defects are found by the police, it is you that will be fined, have points on your licence, or even be prosecuted. You are also responsible for any driving offences committed, eg driving through a red light. Someone should be in charge of maintaining the minibus ie ensuring it is regularly serviced, has its MOT and any defects fixed. As the driver is personally responsible for any defects it is recommended that a pre-drive check is carried out before any journey. Linked from the end of this factsheet is a recommended basic checklist. ATL's view is that these checks should be carried out by the person in charge of maintaining the minibus with a checklist similar to the one linked available to the driver. However, for your own peace of mind you may want to carry out the basic checks yourself.

Seatbelts

Seatbelts are required on all minibuses/coaches where groups of three or more children, aged 15 or under, are taken on organised trips. The legal requirement is that either two-point (lap) or three-point (lap and diagonal) belts are fitted. It is best practice to ensure that all passengers (regardless of age) wear seatbelts. An unrestrained passenger could put themselves and others at greater risk in an accident. It is therefore important that schools and colleges have clear policies on what happens should an individual refuse to wear a seatbelt.

ATL believes that when any journey is undertaken it is preferable to have another member of staff or other appropriate adult travelling in the minibus.

Own vehicle

ATL does not recommend that members use their own personal vehicles on school business, unless it is a contractual requirement to do so. This is because it introduces an element of personal liability, in terms of upkeep and driving of the vehicle. This is regardless of whether the school offers to pay for extra insurance (which of course it should) as it does not remove the risk that the teacher could be personally liable if something goes wrong. It is very important to be aware that most insurance policies do not cover the insured vehicle when it is used for business purposes; including travelling between two workplaces. The policy will usually require a specific amendment.

If you are concerned about any aspect of driving a school minibus and need more information and advice, then ATL has a team of member advisers on hand to help. They can also refer you to a representative should you need assistance with your employer. You can contact them on 020 7930 6441 or at info@atl.org.uk. If possible, have your membership number handy.

School trips

ATL recommends that all members involved in school trips read the ATL publication *Taking Students Off-site* which covers a range of activities from supervising pupils onto the school bus, to taking intrepid trips to Tibet. Members can download the guide, or order a hard copy, free of charge from www.atl.org.uk/publications.

ATL is concerned that members may be expected to drive for lengthy periods before, or after, supervising pupils on the trip itself, which will cause fatigue and lengthen the working day for the driver. This is especially so on residential trips where the driver should not be expected to be on call at night, but should be able to get uninterrupted rest.

You can access a model policy and pre-drive checklist on the [ATL website](http://www.atl.org.uk).



Need advice?

Your first point of contact is the ATL rep in your school/college. Your local ATL branch/district is also available to help, or you can contact ATL's member advisers on 020 7930 6441, email info@atl.org.uk. Don't forget there's lots more advice on ATL's website at www.atl.org.uk.

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