



## Minibus Safety Policy.

This policy is for Barleyhurst Park School and Barleyhurst Park Nursery.

Agreed by Governors: 06.07.2023

To be reviewed: Summer 2025

### **Purpose:**

This document outlines the key legal requirements for drivers and operators of the BHP school minibus and describes the support staff should be given before they agree to drive the school minibus.

The school minibus is a valuable asset and allows pupils access to the many benefits of out-of-school activities. Driving a minibus is not, however, a task to be undertaken lightly – the safety of pupils and staff should always be the first consideration. Employers are required to provide a safe place of work. This includes ensuring that any minibus an employee drives, is safe.

School staff cannot be required to drive a school minibus. Staff who volunteer to do so, however, should take careful note of the advice in this document.

### **General Legal Requirement:**

Every minibus must:

- be correctly licenced;
- have a valid tax disc for the correct category of vehicle;
- be adequately insured;
- be well maintained;
- have a valid MOT certificate, if more than 1 year old.

### **The Driver's Responsibilities:**

A staff member who volunteers to act as driver of a school minibus 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. The driver is also responsible for any road traffic offences committed. The minibus insurance policy should cover:

- all the uses to which the minibus is put;
- the total number of passengers allowed and the total weight;
- all the people allowed to drive the minibus.

Comprehensive cover is required to ensure that staff are not liable for any damage which they may cause to the minibus itself as well as to other vehicles.

### **Training for Minibus Drivers:**

Staff should only agree to drive a minibus if they have received proper training and have passed the local authority test. Refresher training should be provided at least every 4 years. Driving a minibus is significantly different from driving a car. Driver training should



normally include:

- familiarisation with the vehicle;
- simple vehicle checks to be conducted before each journey (see next section);
- emergency procedures;
- passenger care, including disability awareness;
- use of seatbelts/harnesses, etc;
- journey planning;
- road assessment on the types of road the driver is likely to use, for example, motorways, dual carriageways, urban/rural roads etc.

### **Safety Checks on the School Minibus:**

Staff who drive school minibus should not be expected to act as mechanics; there should always be a proper vehicle maintenance system in operation. Since drivers will be legally responsible for vehicle defects, however, a basic pre-drive safety check is essential. A checklist should be kept in the vehicle and teachers should always check:

- the location of relevant paperwork (insurance, driving licence);
- all doors (including emergency doors) - unlocked but firmly shut;
- tyres - for damage, wear, pressure and the security of wheels;
- exterior bodywork for damage (including glass);
- light lenses, reflectors, mirrors and number plate (for damage and cleanliness);
- condition and operation of all seatbelts - vehicle not to be used otherwise;
- all fluid levels - fuel, oil, coolant, brake / clutch, windscreen washer - verifying that there are no leaks;
- interior condition of vehicle - cleanliness, damage and secure stowage of loose items;
- seat anchorage, tail-lifts and any securing devices (accessible vehicles);
- first aid kit;
- fire extinguisher(s) (foam or water);
- position of driving seat and mirrors;
- there is a spare set of bulbs;
- operation of lights, indicators, washers, horn, ventilation and any switches;
- operation of handbrake and footbrake;
- that passengers and driver are wearing their seatbelts;
- on moving off, the operation of steering, footbrake and speedometer;
- whilst driving, gauges are working and no warning lights appear and no excessive engine exhaust smoke is present.

The regular vehicle maintenance system should monitor more detailed mechanical matters. If there appear to be any faults which might affect the passengers' safety, then the vehicle should not be used until they are all remedied. According to the Belt Up School Kids (BUSK) campaign, the commonest fault affecting minibuses, particularly twin rear wheel minibuses, is under-inflated tyres. Where access to rear tyre valves is difficult, the fitting of extension valves is a cheap and effective solution.



## DfE Guidance on Minibuses:

There has in the past been some confusion regarding who is entitled to drive a school minibus. Conflicting interpretations of the law in this area have led to uncertainty amongst employers and employees. The document, published by the Department for Education, the Department for Transport and the Association of Chief Police Officers, available at [www.education.gov.uk/aboutdfe/advice/f00224308/departamental-advice-minibuses](http://www.education.gov.uk/aboutdfe/advice/f00224308/departamental-advice-minibuses), clarified a number of points which had hitherto been the subject of debate amongst employers and others. Whilst the publication of this new advice will not guarantee the absence of further dissent, it certainly resolves the most commonly asked questions on this issue.

First it is important to set out the key qualifications and requirements needed to drive school minibuses. Staff who have passed the necessary test and hold a full D1 (or D) PCV entitlement can drive minibuses for *hire or reward* (see below for a definition of 'hire or reward'). If the terms and conditions of a staff member's contract of employment state that driving minibuses is part of his/her duties or if a member of staff is paid an additional sum for driving the minibus (other than out of pocket expenses) then he/she would be considered as receiving payment for driving a minibus. In such circumstances a D1 (or D) PCV entitlement licence would be required.

However, the DfE advises that if a staff member's contract of employment does not state that driving minibuses is part of their duties and they receive no extra payment for driving pupil on school trips etc., they will be driving on an *extra-contractual, voluntary basis*; in this case a category B car licence would suffice (assuming compliance with the conditions below) even if the school reimburses the teacher for fuel, parking and tolls.

### **Conditions for Driving A Minibus On a Car Licence:**

Staff who passed their category B (car) driving test before 1 January 1997 can drive a minibus (so long as it is not being used for *hire or reward*) as such 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.

Those staff who passed their category B driving test on or after 1 January 1997 can drive a minibus (again, not being used for *hire and reward*) so long as:

- they are over 21 and have held a category B licence for at least 2 years;
- the minibus is used by a non-commercial body (this will apply to most schools except independent schools without charitable status);
- the driver receives no payment other than out of pocket expenses (e.g. fuel and parking costs);
- the maximum unladen weight of the minibus is no more than 3.5 tonnes (or 4.25 tonnes where specialist equipment is used for carrying disabled passengers);
- a trailer is not towed.



## **Charging for Running Costs – Section 19 Permit:**

If you need to charge passengers for running costs you can apply for a minibus permit (known as a 'Section 19 permit'), as long as:

- you are 21 or older;
- the vehicle can carry between 9 and 16 passengers;
- you're driving it for a voluntary organisation that benefits the community (such as an educational, religious or sports organisation);
- the minibus service is only available for members of your organisation - not to the general public;
- any charges are to cover running costs and are made on a non-profit basis.

You can apply for a Section 19 permit from:

- your local authority;
- from the Vehicle and Operator Services Agency (VOSA) at [permits@vosa.gov.uk](mailto:permits@vosa.gov.uk) (telephone: 0300 123 9000);
- from Traffic Commissioners. Details of how to contact Traffic Commissioners in your area are available on [www.gov.uk](http://www.gov.uk).

Section 19 permits are issued to organisations concerned with education, social welfare or other activities of benefit to the community. They allow certain organisations, including schools, to make a charge without having to comply with the full public service vehicle operator requirements and without the need for the driver to have a full PCV Category D1 or D, licence.