



Minibus Policy 2023

The Link Academy Trust is a company limited by guarantee and an exempt charity, regulated by the Education & Skills Funding Agency (ESFA). All Members of the Board of Trustees of the exempt charity are also Directors of the company; the term 'Trustee' used in this Policy also means Director. This Policy applies to all academies within the Link Academy Trust.

Rationale

The Link Academy Trust (the Trust) minibuses are a valuable resource, which help to provide pupils with access to school visits and residentials, as well as to numerous other extra-curricular activities. It is essential that all users of this resource are aware of all legal and procedural responsibilities pertaining to its use.

Aims

1. To provide clear procedures relating to use of the Trust's minibuses
2. To ensure that all users of the Trust's minibuses are aware of their legal responsibilities.

Eligibility to drive a Trust Minibus

Those permitted to drive the Trust's minibus must be between 21* and 70 years of age. All drivers must hold a full Category B (car) licence.

***N.B. In some cases insurance restrictions on specific Trust minibuses means that the minimum driving age is 25. Specific information regarding insurance restrictions is available from the school administrator at the school where the minibus is held.**

All drivers must have held a car (category B) driver's license for at least 2 years.

New staff will be asked to undertake individual training unless they are able to provide evidence of previous minibus training. Minibus drivers may be expected to attend periodic refresher training in order to continue to be approved to drive minibuses on behalf of the trust.

It is the responsibility of the licence holder to inform the Estates Manager (EM) and their Executive/Academy Head (E/AH) of any changes to their licence including:

- Details of any offences, and any pending prosecutions;
- Details of any medical condition that could affect their ability to drive safely.

Staff employed solely as minibus drivers must hold a PCV license, for incidental drivers for example teachers the following rules apply;

Drivers who passed their category B (car) driving test before 1 January 1997

In this case drivers 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*.

Trust 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.

**** Drivers who have renewed their licence (e.g. when a photo licence is issued) should check that this entitlement has been retained***

Drivers who passed their category B driving test on or after 1 January 1997

In this case drivers may drive a minibus that is not being used for hire and reward if the following conditions are met:

- 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 for social purposes. Schools are considered non-commercial bodies.
- they receive no payment other than the recovery of out of pocket expenses (e.g. fuel and parking costs);
- they 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)*;**
- they do not tow a trailer

*** The trust operates a variety of minibuses these include “lightweight” Peugeot Boxer minibuses that fall within the weight restrictions listed above. Other minibus models including Ford Transits may exceed the gross weight guidance above and can only be driven by staff with D1 entitlement on their licence. The vehicle VIN plate will provide information regarding a vehicle weight but staff should check if they have any concerns.**

Section 19 Permits

Organisations that accept any sort of payment for passenger transport would usually need to hold a public service or private hire licence. In most cases, the driver would also require a passenger carrying vehicle entitlement on their driving license.

A Section 19 Standard Bus Permit allows the Trust as a non-profit organisations to charge for transporting school pupils for trips, without the need to hold a license. This is for vehicles holding 9 to 16 passengers.

If payment is made for using the minibus in any way, then a permit is required. This includes indirect payments, the permit must be displayed whilst the vehicle is in use.

These permits can't be used to provide transport to the general public.

Drivers operating under a permit must meet the licence restrictions listed above.

Procedures

The Trust's minibuses must not be used unless the named driver meets the eligibility requirements above.

All drivers must submit their driver's license at least annually (but always upon request). After abolishment of the paper driving licence counterpart on 8 June 2015 this is now done electronically. Instructions will be issued to drivers on how to do this as appropriate.

Those wishing to use a Trust minibus should book it out via the administrator at which the vehicle is located. In the event that the minibus is unavailable, academies must seek alternative transportation for the event/trip according to budget and trip costings, via the Finance Officer.

The DCEO has overall responsibility for the Trust's minibuses and final powers of authorisation over their use.

Drivers of the Trust's minibuses must complete a Minibus Vehicle Check / Log Sheet stored in the minibus along with the mileage and driver record sheet. This is to allow careful monitoring of the minibus, its condition and its general use.

The Trust's minibuses should be collected from and returned to their primary location(s) and keys should be returned to the Administrator's Office at the end of the journey, or as soon as possible thereafter.

Any defects noted should be reported to the school administrator's office as soon as possible. More serious defects MUST be reported IMMEDIATELY. Minor defects can be reported after the journey has taken place. However, if the driver is in any doubt the vehicle MUST NOT be taken onto the road.

Maintenance/ Licensing of the Trust's Minibuses

Overall responsibility for ensuring that the Trust's minibuses are properly maintained and licensed lies with the EM.

The minibuses must be regularly serviced according to manufacturer's recommended practice and with a reputable and suitably qualified organisation. In addition to servicing minibuses will require a regular safety inspection as prescribed by the DVSA which will be completed by a suitably qualified organisation.

Minor checks of the vehicles (oil, water, tyres etc.) will be completed at least every 21 days by an allocated member of staff within the Trust.

Prior to ANY journey, the named driver must complete a visual check of the vehicle. This must be completed using a Minibus Vehicle Check/Log Sheet kept in the minibus. Drivers should remember that as driver, they will be held legally responsible for driving with any defect.

Licensing of the Link minibuses is the responsibility of the EM, who must ensure that all Road Tax, Insurance and MOT certificates are up to date.

In the event of an accident

The driver should inform the EM and the E/AH as soon as is reasonably possible.

Insurance details should be swapped with a third party as soon as is possible. However, NO LIABILITY should be admitted.

Where it is safe and reasonable to do so, pupils should be removed from the vehicle and taken to a safe area away from the accident site, where they should be fully supervised.

A visual check of the vehicle should be undertaken before the journey resumes.

If the vehicle is not roadworthy the driver should contact the insurance company for the affected vehicle in order to arrange recovery.

In the event of a breakdown

The driver should inform the EM or the E/AH as soon as is reasonably possible.

The Breakdown service should be contacted as soon as is reasonably possible.

Where it is safe and reasonable to do so, pupils should be removed from the vehicle and taken to a safe area away from the breakdown site, where they should be fully supervised.

Health and Safety of Drivers and Passengers

The named drivers should state the following to the pupils before the commencement of the journey:

- Seatbelts must be worn at all times. This is a legal requirement. (It is the driver's responsibility to check this).
- Everyone should remain seated at all times.
- Which entry and exit doors are to be used. (It is recommended that side doors be used except in emergencies).
- Gangways and doorways are to be kept clear at all times. Bags should be kept on laps or stored under seats securely.

Travel

The Trust's minibuses are NOT permitted to be driven abroad. The minibuses are only to be used within the boundaries of the British Isles.

Other considerations

- If at any time the pupils distract the driver, s/he should stop the bus until the pupils are settled. Do not try to continue. Remember that they may also be distracting other drivers.
- Where possible park the bus with the side doors to the kerb. Where this is not possible, pupils should remain seated until you are able to supervise them from the road.
- It is essential that all drivers of minibuses have had sufficient rest prior to undertaking a journey. The driver must therefore assess whether they are safe to drive before commencing a trip.
- Drivers should remember that prescribed medication or over the counter medications may affect their ability to drive.
- On no account should you drive a minibus if you have had any alcohol within the previous 12 hours.
- Drivers MUST NOT drive for longer than 2 hours without taking a break for at least 15 minutes. Remember tiredness kills.
- It is essential that for all journeys in the Trust minibuses with a distance over 60 miles they be staffed by the named driver and at least one other qualified driver.
- Pupils should only be taken on a journey in the minibus accompanied by one adult after an agreed risk assessment.

This Policy is reviewed by the Trustees' Audit Committee on a 2 yearly cycle.

Approved by the Board of Trustees: 18 May 2022

Reviewed and approved by the Audit Committee: 7 December 2023

Next Review: Autumn 2025