



LONGHILL

HIGH SCHOOL

Minibus Policy

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Minibus Policy

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Minibus Policy

A) Aims

- To provide clear procedures relating to use of the school minibuses.
- To ensure that all users of the school minibuses are aware of their legal responsibilities.

B) Those Eligible to Drive a School Minibus

The school Administration Team will maintain an approved list of employees who are eligible to drive the school minibuses.

The Administration Team will also prompt and arrange training for those members of staff who require practical Minibus Driver Training and Assessment.

Only those drivers on the approved list will be allowed to drive the school minibuses.

C) Health and Safety

Members of staff should ensure that they are aware of the minibus generic risk assessment.

The school minibuses are maintained by the school premises team. However all staff using the minibus must carry out their own inspection prior to using the mini bus.

D) Guidelines for Minibus Operations

These guidelines are taken from Brighton and Hove's Driving at Work Standards appendix 5.

Summary of Requirements

1. Under Brighton and Hove City Council (BHCC) policy, drivers of a minibus must hold a licence with a D1 category to drive a minibus. Drivers that have passed the driving test before 1st January 1997 will automatically have D1 entitlement. Drivers who passed their test after the 1st January 1997 are required to take the DVSA Minibus PCV Test.
2. BHCC requires all drivers (whether driving a minibus or MPV) to undertake theory and practical Minibus Driver Training and Assessment, which is delivered by qualified DVSA Approved Driving Instructors who also hold a PCV licence.
3. Minibus and MPV training and assessment must be retaken once every 3 years.
4. Drivers must be aged between 21 years and under 70 years (Drivers over 70 must have an annual DVLA PCV Medical Report Form D4 completed and signed by their GP and be assessed driving a minibus by a DVSA PCV Approved Driving Instructor).
5. Held a full driving licence for at least 2 years. Whilst there is no statutory requirement to ensure drivers have had no fault claims or convictions, Managers and Headteachers should consider the implications of using a driver who may have a driving conviction and/or a fault claim as a potential risk.
6. All Schools who employ staff to drive a minibus or who wish to charge passengers for carriage on the vehicle must have a Section 19 Permit for each Minibus.

Definitions

Minibus

A minibus is defined as a vehicle which has been constructed or adapted to carry more than 8, but no more than 16 seated passengers in addition to the driver. The gross vehicle weight should not be more than 5000 kg.

MPV

'Multi-Purpose Vehicle' - Also known as "people carriers", a car similar to a van that can have seating for up to eight passengers.

Hire or Reward

Any payment (in money or kind), which gives a person a right or expectation to be carried on a vehicle regardless of whether a profit is made or not. This payment may be a direct payment made by the person themselves, or on their behalf – such as a fare, a grant or even a donation to the operator. It may include other things in addition to the cost of travel – e.g. membership fees, grants, payments for access to specific events etc.

Licensing and Insurance

The legal requirements are that any person who is aged 21 or over, and obtained a car licence prior to 1st January 1997, may drive a minibus as defined above, provided the vehicle is not being operated for hire or reward.

Anyone who passed a car driving test **after** 1 January 1997 will be licensed to drive category B (car or MPV) vehicles only, which will cover vehicles up to 3500kg with not more than 8 passengers. An additional test and medical report are required to gain a D1 licence which covers minibuses.

Drivers who obtained their full car driving licence on or after the 1 January 1997 are only licensed to drive a vehicle with up to eight seats (in addition to the driver). To drive a minibus, such drivers need to gain a category D1 (or D) PCV entitlement on their licence by meeting higher medical standards and passing the DVSA's theory and practical minibus test.

Volunteer Drivers

However, 'volunteer drivers' are exempt from this requirement and are allowed to drive a minibus with up to 16 passenger seats (in addition to the driver) under certain circumstances.

This exemption was designed to help charities and other groups who would not be able to provide D1 training and testing 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 PCV D1 driving licence.

For the exemption to apply, the following conditions from section 7(6) of the Motor Vehicles (Driving Licences) Regulations 1999 must be met:

- Drivers must be 21 years or over (but under 70, unless they have passed a PCV Medical test)
- Drivers must have held their category B driving licence for at least two years
- The minibus is being used by a non-commercial body* for social purposes, but not for hire or reward**
- Drivers must not receive any payment or consideration for driving the minibus, other than out-of-pocket expenses (e.g., travel costs to reach the destination where they will be

volunteering or lunch costs)

- The minibus must not exceed 3.5 tonnes (or 4.25 tonnes if specialised equipment for the carriage of disabled passengers is included, but the additional weight is only for the specialised equipment)
- No trailer is towed.

** 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.*

*** Unless the minibus is operated under a section 19 permit.*

Drivers who obtained their full car (category B) driving licence **before** 1 January 1997 may drive a minibus in the UK because their licence included category D1. Such drivers will obviously be older than 21 years, which is the minimum age for driving a minibus. If their licence has the code 101 next to D1 they cannot drive a minibus for hire or reward.

The entitlement to drive a minibus remains valid until their licence expires. However, if they have renewed their licence (for example, because they have changed address or renewed their photocard licence) they should check that the D1 (101) entitlement has been retained on their new licence.

When their licence expires, because they reached 70 years of age or have developed certain medical conditions, they will not automatically retain the D1 (101) entitlement on their licence. They must apply to retain this entitlement and pass a medical to PCV standards.

To drive a minibus within BHCC, drivers must be aged 21 or over and under 70 and have held a full driving licence for at least 2 years. It is strongly recommended that drivers have no fault claim or convictions, as having either may be an indication of poor driving ability/experience/behaviour. Where a minibus driver has either a fault claim or conviction, the Manager/Head Teacher must consider the implications of this in terms of foreseeable risk. A risk assessment may be useful to help assess this risk and document the decision making process to allow/ dis-allow the member of staff to drive a minibus.

Obtaining a D1 Driving Licence

Car drivers who passed their car driving test (category B) **after** the 1st January 1997 who want to drive a BHCC School minibus with up to 16 passengers must:

- 1) Pass a **DVLA PCV Medical** with a GP using a **D4 Medical Report Form** available from DVLA Local Offices and complete a **D2 Form** and apply to the DVLA, Swansea for a PCV Provisional Licence
- 2) Pass a Driving & Vehicle Standards Agency (DVSA) **PCV Theory Test**
- 3) Pass a Driving & Vehicle Standards Agency **PCV Minibus D1 practical Driving Test**
- 4) PCV drivers undertake theory and practical Minibus Driver Training and Assessment, which is delivered by qualified DVSA Approved Driving Instructors who also hold a PCV licence.

It is strongly recommended that the PCV Theory and Minibus D1 Driver training is undertaken by a Driver and Vehicle Standards Agency approved training provider. The DVSA and the driver training industry have a single register of suitably qualified and inspected driving instructor trainers and training businesses. Find your nearest inspected trainer, training schools or businesses in your area via: <https://www.gov.uk/driver-cpc-training>

All Driving Licences

It is the operator's and individual driver's responsibility to ensure that the driver is appropriately licensed to drive the minibus. If challenged, an individual driver and the operator would have to show that the driver had a valid licence to drive the minibus.

An interactive flowchart that allows people to check what vehicles their driving licence entitles them to drive is available at <https://www.gov.uk/vehicles-can-drive>.

Minibus Section 19 Permit

Under the Section 19 permit scheme, non-profit making organisations (bodies concerned with education, religion, social welfare, recreation or other activities for the benefit of the local community) can make a charge to passengers for providing transport without the need to obtain a PSV Operator's Licence.

Certain conditions have to be met:

- Section 19 permits can be used for vehicles for carrying 9-16 passengers
- Permits are issued to groups (e.g. Youth Service, Parent Teacher Association, Scouts) or a named individual on behalf of the group
- Each vehicle must have (and display) a permit and be used in accordance with its conditions;
- The vehicle must not be used to carry the public at large;
- The vehicle must not be used for a visit which is carried out for profit;
- The permit is not valid for journeys outside the UK.
- The driver is providing their services on a voluntary basis.

Permits are available from the Office of the Traffic Commissioner which can be contacted via post:

The South Eastern and Metropolitan Traffic Area
Ivy House
3 Ivy Terrace
Eastbourne
BN21 4QT

A charge is made for the permit. Only one minibus can be used at any one time under a single permit, although the permit is not specific to the vehicle but to the "operating body". Where establishments run more than one minibus they will need an extra permit or permits. If an extra vehicle is borrowed or hired it will require a permit. The permit must be displayed when the vehicle is in use – minibuses displaying a Section 19 permit are permitted to use bus lanes within Brighton and Hove.

The Department of Transport have issued guidance on applying for and meeting the requirements of the permit (Guide number PSV385).

Driver Training and Assessment

It is Brighton and Hove City Council policy that minibus and MPV drivers have undertaken training in Minibus and MPV (People Carrier) driving. The training enhances drivers abilities, driver (and manager) confidence and provides an extra degree of assurance and safety for passengers. A minibus driver who has had training to drive such a vehicle will be a safer driver with a better understanding of the particular driving characteristics of a minibus as distinct from the car they are used to driving.

The training and assessment of minibus drivers must be undertaken by **qualified Driving & Vehicle Standards Agency (DVSA) PCV Approved Driving Instructors** with minibus PCV D1 qualifications and experience.

East Sussex County Council Minibus and People Carrier Driver Training & Assessment

ESCC Minibus & People Carrier Driver Training consists of two modules - a half-day theory workshop which covers hazards, defensive driving techniques and the health requirements of drivers. The

second module is a practical on-road driver training and assessment. On completion of the course and passing the assessment, drivers receive a **minibus driver authorisation card**.

Arrangements for minibus and MPV (people carrier) training and assessment can be made by contacting:

County Road Safety Unit, ESCC,
Telephone: (01273) 482293
Address: County Hall, St Anne's Crescent, Lewes BN7 1UE

There is a small charge for the training and assessment.

Minibus PCV D1 Driver Training (including familiarisation training) must only be carried out by DVSA Approved Driving Instructors with a PCV D1 licence.

Refresher Training

Drivers must be retrained and assessed every 3 years, or after any accident deemed to be their fault. Managers should monitor the performance and safety record of all who drive minibuses, whether it is their main task or an "extra". If there is any doubt about a driver's competence, regardless of the type of licence they hold and their previous record, steps must be taken to investigate.

Tachograph Training

A tachograph is a legal requirement for continental driving. ESCC County Road Safety Unit can offer training in tachograph operation.

Driver's Hours

Managers and drivers of minibuses should pay close attention to drivers' hours and rest periods. EU regulations are shown below and although not compulsory for most minibuses in the UK it is strongly recommended that they should be adhered to. The departure time of journeys, particularly longer ones is also an important consideration. For example, it may be better to leave early Saturday morning on a long journey than depart Friday night after a full day's work.

Where journeys are likely to last longer than 2 hours, or the working day including driving time exceeds 13 hours, it is recommended that a second driver should be taken to share the work and reduce the risk of driver fatigue. On a long trip daily driving should not exceed 9 hours per driver with appropriate rest breaks.

The table below summarises the main rules concerning drivers' hours.

Period	BHCC RULES	Domestic rules	EU rules
Maximum length of working day	13 hours	16 hours	13 hours
Daily driving period	9 hours	10 hours	9 hours
Time driving without a break	2 hours	5 1/2 hours	4 1/2 hours
Minimum length of break	30 minutes	30 minutes	45 minutes
Daily rest period	11 hours	10 hours	11 hours

International Journeys

Drivers must hold a PCV licence to drive abroad.

A tachograph must be fitted and used for international journeys (except in the Republic of Ireland). Drivers must be trained in the use of the tachograph as misuse may lead to prosecution or spot fines. Drivers Hours Regulations must be followed from the start of the journey in the UK.

Driving licence requirements and laws about drivers' hours vary in countries outside the EU. Regulations about what emergency equipment must be carried on the minibus also vary; for instance, a warning triangle must be carried in some countries. The Operator should consult one of the main motoring UK organisations or the country's Embassy or consulate in London for further advice.

The Operator should also consult the vehicle's insurers regarding insurance cover for the journey and for the countries to be visited.