

The Mercian Trust

Minibus Policy

Policy Owner	The Mercian Trust
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Driving school minibuses

Academies who own/ hire/ lease a minibus must ensure they adhere 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.

<http://www.legislation.gov.uk/ukpga/1988/52/part/III>

<http://www.legislation.gov.uk/ukxi/1999/2864/contents/made¹>

What is a minibus and who can drive one?

A minibus is a motor vehicle with between 9 and 16 passenger seats².

It is described as a category D1 vehicle by the Driving Vehicle Licencing Authority.

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

There are, however, circumstances when a driver can drive a minibus within the UK when they hold a car (category B) licence. These circumstances vary depending on when the driver passed their car driving test. These arrangements only apply when driving the minibus in the UK not if driving abroad.

If you passed your category B (car) 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 body³for 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 weight⁴ of the minibus is not more than 3.5 tonnes (or 4.25 tonnes if including any specialist equipment to carry disabled passengers); and
- you do not tow a trailer.

What is Hire and Reward

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.

What are Social Purposes

¹ The legislation on these links is not generally consolidated and therefore may not show subsequent amendments

² The driver's seat does not count for these purposes.

³ Maintained schools, Free Schools and academies are considered non-commercial bodies, as are independent schools holding charitable status.

⁴ 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. At least three manufacturers are currently making lightweight minibus models of 3.5 tonnes or less which are available in the UK.

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.

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).

What are Out of Pocket Expenses

Out of Pocket Expenses are remuneration for any fuel costs, parking fees, toll fees or similar expenses incurred as part of a trip. The driver should receive no other payments for driving the minibus.

What is 'On a Voluntary Basis'

If the terms and conditions of a teacher's contract of employment state that driving minibuses is a part of their duties, or if a teacher 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.

However, if a teacher'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.

Insurance, other legal requirements and Police

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

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.

This guidance has been cleared by the Association of Chief Police Officers, who will promote awareness of this legislation amongst local traffic police officers.

Minibus Driver Awareness Scheme (MiDAS) Training

The Mercian Trust has made it compulsory that all drivers (regardless if they have D1 on their licence) undertake MiDAS training prior to pupils being transported in school minibuses.

This will ensure drivers feel more confident in their ability to drive and gain valuable experience driving a minibus, thereby, increasing competence.

Drivers

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 line manager.

Approved drivers must inform their line manager if they receive any endorsements on their driving licence.

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:

- Lights, horn, stop lights and reflectors.
- Brakes and steering.
- Windscreen washers and wipers.
- Visually inspect the tyres for damage and wear.
- That there is no damage to the body of the vehicle that is likely to cause harm.
- Seat belts are working correctly.
- The interior is safe and luggage is appropriately stowed.

Drivers must adhere to the current speed limits.

All fines and fixed penalty tickets are the responsibility of the driver of the minibus.

All staff who drive on behalf of School will:

- From the risk assessment findings, take appropriate corrective actions where identified and record the action taken.
- Be required to carry out an annual driving licence check.
- Report any endorsements, impending endorsements and disqualifications to their line manager immediately.
- Carry out the pre-start checklist at the start of your journey when driving on school business.
- Where the journey time is more than 1 hour a second person should accompany the driver, or where the findings of a risk assessment indicates an additional member of staff is required to accompany the trip.
- Take a 15 minute break away from the wheel when you drive continuously for more than 2 hours.
- Wear seat belts at all times unless they hold a medical exemption.
- Not to use mobile phones when the vehicle's engine is running, whether the vehicle is moving or not.
- Not drive under the influence of drugs or alcohol.
- Not eat, drink or use a mobile phone whilst driving.
- Drive in accordance with the Highway Code.
- In the event of a road traffic collision, obtain the following information:
 - Stop and check whether you need the emergency services.
 - Are there any witnesses? If so, record their details.
 - Exchange details with other drivers.
 - Call for further assistance if required and inform SLT.
 - Make a sketch drawing/take photograph of the accident site.