



Driving on Trust Business Policy

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SECTION A

1. Introduction

Education South West (ESW) recognises that, as employer, it has a duty of care to its employees with regards to the rules and expectations regarding driving whilst on Trust activity/business. This policy and procedures document includes what we expect of our employees as drivers, and what they can expect from us as the employer.

2. The Law

The employer's duty of care extends to all employees driving on work-related Trust business. This includes all work-related driving activities including driving with colleagues, volunteers, pupils and governors/directors. Health and safety law applies to work activities on the road in the same way as it does on a fixed site.

The law applies to both company and grey fleet vehicles. A grey fleet vehicle is owned and driven by an employee for business purposes, i.e., driving your own car.

Commuting to work is not generally classified as driving for work, except where someone's journey starts from their home and they are travelling to a work location that is not their normal place of work. Health and safety law does not apply to commuting.

3. Who does this Policy apply to?

This document considers the safety implications and identifies the key control measures that are in place. The policy and procedures apply to the following groups of people: -

- All staff who are required to drive in relation to their work.
- Any member of staff or volunteer who drives a Trust minibus.
- Any member of staff who drives any other Trust vehicle.
- Any member of staff using their own vehicle in relation to their work (not including an employee's normal commute to work).
- Volunteer drivers who drive on Trust business.

The policy relates to all drivers, including whether or not you are transporting children as passengers.

4. Trust Business

Examples of business use, or work-related driving activities can include:

- Attending professional development activities
- Attending Trust meetings at another school or location
- Driving between ESW Trust sites as part of your role
- Driving for a trip or off-site visit
- Attending a conference or exhibition
- Union duties e.g., to represent a member at a meeting

5. Trust Owned Vehicles

ESW owns minibuses and vans which are used by the staff within the Trust. As employer, and owner of the vehicles, it is our duty of care to ensure all vehicles have the correct checks and tests in place to ensure they are legally compliant. Each vehicle has Vehicle Excise Duty (known as car tax) and a valid MOT certificate (where applicable).

6. Minibuses

The Trust own a variety of minibuses which have between 9 and 17 passenger seats. These are either weighing over 3.5 tonnes (requiring a Category D licence) or less than 3.5 tonnes 'minibus lite' (requiring a Category D or B licence) – refer to section 10. – Licences.

7. Section 19 Permits

All minibuses have a Section 19 permit which is displayed in the minibus. The Section 19 permits allow Trust schools to provide transport for pupils on a 'hire and reward' basis, this means that the costs are recovered by the charging of a fee for e.g., school trips/off-site visits.

As the minibuses operate under the provisions of the Section 19 permit scheme, regular maintenance and inspection records are in place (inc. 6-10 weekly safety check by a competent mechanic); failure to do this would invalidate the permit.

The Section 19 permit is applied to the organisation who is operating the vehicle and not who owns the vehicle. These permits only apply within the UK.

8. Minibus Driver Checks

It is the responsibility of the driver of a vehicle to ensure it is safe to use prior to commencing any journey. All drivers must complete the QR code 'Minibus Driver Checklist' prior to starting their journey using their phone or other suitable device, or via the intranet link. The checklist covers items such as tyres, lights, horns, windscreen wipers and washers, mirrors and windows, brakes.

9. Vehicle Insurance

Under the ESW insurance business use is covered.

10. Driving Licences

All drivers must have a current full driving licence which is valid for the type of vehicle to be driven.

Those who passed their driving test before 1 January 1997 automatically received category D1(101) entitlement as part of their category B licence, therefore they can drive any ESW minibuses.

Those who passed a driving test on or after 1 January 1997 may drive a minibus with a gross vehicle weight not exceeding 3.5 tonnes ("Minibus Lite"), although there are limitations:

- you are over 21 and have held a category B licence for at least 2 years.

- the minibus is used by a not-for-profit organisation.
- you receive no payment other than the recovery of your out-of-pocket expenses.
- you provide the service on a voluntary basis.
- you do not tow a trailer.

All drivers must make their licence available for inspection when requested and must also inform their line manager immediately of any changes in the status of the licence or any change in medical circumstances that may affect their ability to drive. Disqualifications must be reported immediately to the line manager.

11. Use of mobile phones

The mobile phone hands free holders must be used if you will be using your phone during the journey, including for navigation purposes. There are mobile phone hands free holder in each of the ESW minibuses.

12. Seatbelt legislation

Amendments to road transport legislation require the compulsory fitting of seat belts for each child carried in cars, minibuses and coaches of all ages. The legal requirements since May 2006 are that:

- Children aged 3 and above travelling in a car or goods vehicle must use the correct child restraint until they reach EITHER their 12th birthday OR 135cm in height (whichever comes first).
- From May 2008, only child restraints complying with UN ECE Reg 44.03 or a later standard may be used.
- Drivers remain responsible for seat belt wearing and use of the relevant child seat or booster by children under 14 years of age

It is ESW Policy that any child under the age of 12 years old must not travel in the front seats of a minibus.

For children under 3 years old, it is ESW policy that any child under three (aged 2 and under) will be transported to and from off-site venues by their parent's/carers.

13. Driving your privately owned vehicle

Private cars of both members of staff and voluntary helpers, such as governors or parents, are sometimes used to assist with transport on school visits or other activities. In these circumstances, staff must follow the Outdoor Education, Visits & Offsite Activities Health and Safety Policy (OEVOA).

Visit Leaders must take reasonable precautions to satisfy themselves that such drivers and vehicles are suitable for the proposed use; for instance, by ensuring the private car has valid MOT, tax and insurance, that there are sufficient seatbelts for the number of passengers. Parents must be informed via a school email or letter if their children are to be carried in private cars and be given the opportunity to indicate if they do not wish their children to be transported in this manner.

Due consideration with respect to cars with two doors (or two doors plus a hatchback – some of which do not have 3 seatbelts in the back), and any left-hand drive vehicles, must be made and documented within the off-site visit Standard Operating Procedure (SOP) document. Vehicles with a “soft top” and three-wheeled vehicles must not be used.

NOTE: where parents organise their own transport for their children to an event (e.g., a sports fixture) and there is no school involvement in the organisation of this, then the employer does not hold a responsibility for this journey.

When driving your privately owned vehicle for work-based journeys e.g., attending a training course, it is the driver's responsibility to ensure their vehicle is roadworthy, has a valid Vehicle Excise Duty (known as car tax), a valid MOT certificate and is in a roadworthy condition and that the vehicle is suitable for its intended purpose.

14. Supervision of pupils whilst driving

When pupils are being transported during arranged activities the level of supervision necessary must be carefully considered and documented in the off-site visit SOP and may depend on the type of vehicle; the ages of the pupils/clients, the length of the journey.

The driver should not normally be responsible for supervision. However, on short journeys involving older pupils or small groups, it may be acceptable if risk assessed prior to the journey. For instance, an ESW employee driving a minibus to a sporting fixture is deemed acceptable.

Where pupils are being transported, the level of supervision must take specific account of their physical / learning disabilities.

The Outdoor Education, Visits and Off-Site Activities Health and Safety Policy details clear guidance on supervision for off-site visits that should be detailed in the off-site visit SOP.

Where private cars are used by ESW employees to transport pupils, there should always be another member of staff present within the car for safeguarding purposes. In exceptional circumstances, it may be necessary for a member of staff to transport a child(ren) in their own vehicle on their own. Where this is the case, this will only be under the direction of the headteacher and the safeguarding procedures outlined below will be in place. This is to protect both the children and the member of staff under these exceptional circumstances

Exceptional circumstances

These procedures only apply in exceptional circumstances where it is not possible for two members of staff to be present in the private vehicle transporting a child(ren).

The headteacher (or designated member of staff) is the only person who can sanction transportation under these circumstances. The headteacher is responsible for ensuring that the actions and requirements outlined below are in place.

The following procedures and actions **MUST** be in place before the member of staff provides the transport:

- The headteacher must ensure that they are satisfied that the conditions outlined in Section 19 - School Responsibilities are in place
- The member of staff driving must ensure that they and their vehicle meet the criteria in this policy outlined in Section 13 - Driving your privately owned vehicle and Section 20 - Employee Responsibilities
- A risk assessment must be in place and available for review that ensures:
 - Parental consent is provided in writing (in an emergency, this may not be possible e.g. the parent is incapacitated/unavailable. Where this is the case, schools should attempt reasonable contact with others in the contact list on Bromcom for the student. Where this is not possible, the Headteacher should risk assess on this basis).
 - The child(ren) will sit in the back seat(s) of the vehicle
 - The member of staff will remain professional in their conduct and safeguarding responsibilities throughout the journey
 - The journey departure and arrival are logged with the Head Teacher or safeguarding officer and that there is a record of this (e.g. via email). Records of journeys to be kept in line with data protection retention schedules.
 - Where the member of staff is transporting a child to the child's home address, a message (phone or email as agreed with the parent) will be communicated with the parent to confirm departure from school
 - The member of staff will communicate any concerning behaviour in regards of the child to the parent (unless to do so would place the child or others at risk, in which case the matter should be reported immediately to the designated safeguarding lead.) as soon as possible and record it using the appropriate school safeguarding systems
 - The member of staff will have the child's contact information on them whilst transporting the child, alongside a means of communication (e.g. working mobile phone)

Where private cars are used by parents for driving pupils, they must not be put into a position where they are alone with a pupil who is not their child, unless this has been agreed in writing by the parent of the child. The Visit Leader must arrange a central dropping point for all pupils rather than individual home drops, unless agreed in writing by the parent of the child.

15. Driver hours

Fatigue is a significant factor in many accidents. The Highway Code (Rule 91) recommends a break of at least 15 minutes after every two hours of driving or every 100 miles, whichever is sooner. Allowance must be made for fatigue. It has been estimated that as many as 20% of road traffic accidents are caused in some measure by drivers falling asleep. When driving children, the off-site SOP must assess the degree of fatigue likely and the need for back up drivers, pupil behaviour must also be taken into account.

16. Emergency procedures

Drivers must make due consideration in the event of any emergency action they may have to take if an accident or breakdown were to occur, especially if transporting pupils. The first concern is to ensure the safety of the passengers/pupils. Drivers must give clear instructions and follow the steps provided below:

- Stop in the safest place possible by pulling as far away from moving traffic as you can.
- If you are not able to stop in a safe place, or if there is a risk of fire, evacuate passengers to a safe place away from any danger, traffic and other possible hazards.
- If on a motorway, ensure you evacuate the vehicle and take all passengers/pupils on to the embankment out of the way of the fast-moving traffic. Never stay in the vehicle.

In an emergency situation drivers must call for the assistance of the emergency services. In the event of a minibus breakdown situation, insurance details and breakdown contact number can be found by scanning the QR code that can be found on the minibus keys keyring.

17. Wheelchairs

Drivers must ensure that all wheelchairs and their passengers are securely restrained using only the approved equipment for this purpose. As there are a variety of wheelchair designs, it is vitally important that the correct restraining device is used in the manner recommended by the manufacturers of the restraint. If you are in any doubt consult with your manager/supervisor before the journey commences.

Similarly, it is essential that passengers travelling in their wheelchairs wear an appropriate personal restraint other than the lap-belt fitted to the wheelchair. When a passenger in a wheelchair is boarding or alighting from the vehicle the driver must ensure that:

- the vehicle is on even ground and remains stationary.
- the wheelchair is stable.
- the handbrakes of the wheelchair are applied.
- the lift guard is in position.
- the driver/escort is standing on the lift behind the wheelchair.

SECTION B

18. Employer's Responsibilities

ESW will ensure, for Trust owned vehicles, that:

- All vehicles have a valid and up to date MOT certificate.
- All vehicles are serviced annually.
- Act on any remedial actions highlighted from the above.
- ESW vehicle insurance covers 'business use' for all its employees driving on Trust business.

For all Trust-owned minibuses, ESW will ensure that:

- All minibuses have a valid and in-date Section 19 permit displayed.
- All minibuses have a 6 or 10 weekly inspection (every 6 weeks for vehicles of 12 years and over, every 10 weeks for all other minibuses) to comply with the Section 19 permits.
- Weekly minibus safety checks are undertaken by the site teams, recorded and audited.
- Each minibus has a first aid kit and in-date fire extinguisher which is serviced annually.
- Each minibus has a visible QR code directly linking to the Driver Checklist.
- The defect reporting form is made available via a QR code in each minibus.
- Act on defects reported.
- Provide information to drivers via a key fob of insurance information and breakdown information in case of breakdown.

ESW will also ensure that:

- An 'Approved Drivers List' is accessible to all schools.
- Vehicle compliance is monitored to ensure vehicle, driver and passenger safety.

19. Schools Responsibilities

Each school, through its Head Teacher, must ensure that:

- Drivers are competent and capable of doing their work in a way that is safe for them and other people.
- Drivers do not have any physical or psychological problems that put themselves or their passengers and other road users at risk.
- ESW employees are made aware of this policy and follow the 'Employees Responsibilities' section.
- The 'Approved Drivers List' is up to date at all times.
- They follow the document checking arrangements when required.
- Arrange familiarisation minibus tests where appropriate and when due.

20. Employee Responsibilities

All drivers must:

- Hold a full license that is valid for the type of vehicle being driven.
- Be fit to drive.
- Inform their line manager of any change to their health which may affect their ability to drive.
- Immediately inform their line manager of any change to their licence (including penalty points and disqualification).
- Not use a mobile phone whilst driving unless using handsfree.
- Report any accidents or incidents whilst driving for work purposes to their line manager.

All minibus drivers must:

- Undertake the required familiarisation test and attend refresher training every 4 years (OEVEESA)

- Ensure they have the correct category licence for the vehicle they are driving.
- Accept documentation checks will take place periodically where staff are driving on work-related business in a Trust-owned vehicle.
- Complete the 'minibus driver checklist' prior to every journey to check the safety of the minibus they are driving.
- Use the 'minibus defect form' to alert the organisation to any defects noticed whilst driving the minibus.
- Use the mobile phone holder.

All drivers must also:

- Ensure adequate supervision is in place when transporting pupils.
- Where appropriate, build in adequate breaks to reduce risk of driver fatigue.
- Be aware of emergency action they may have to take in the event of an accident or breakdown when in the care of children.
- Ensure that all wheelchairs and their passengers are securely restrained using only the approved equipment for this purpose.

21. Policy review

This Policy will be reviewed by the Trust Board once every 2 years.