



# LONGHILL

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## 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's 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 with 9–16 Passenger seats must hold a minibus/bus driving licence of D1category or higher. Most drivers that passed their 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 the above minibus drivers to undertake theory, practical minibus driver training, and assessment every three years. Drivers who have just passed the DVSA minibus PCV test do not need to take this training course and assessment until 3 years after their initial test. The Training and assessment is delivered by qualified DVSA Approved Driving Instructors who also hold a PCV licence.
3. 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, inspected driving instructor trainers, and training businesses. To find the nearest inspected trainer, training schools or businesses in your area go to <https://www.gov.uk/driver-cpc-training>
4. The above minibus drivers must be aged between 21 years and held a driving licence for two years. Drivers over 70 must meet the "Group 2 Medical Standard" and have an annual DVLA PCV Medical Report Form D4 completed and signed by their GP.
5. Driving Convictions: Whilst there is no statutory requirement to restrict the driving of people with at fault claims or driving convictions, Managers and Head Teachers should consider the implications of using a driver who may have a driving conviction and/or a fault accident claim. 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.
6. All non-commercial or non-profit making schools that operate a minibus with 9–16 passenger seats must have a section 19 permit for each minibus. Having a section 19 permit also allows schools to make a non-profit

charge or receive a payment for using the minibus. Operating on a section 19 permit also allows drivers to drive the above minibus with a D1 licence with a 101 restriction.

7. 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>

## 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.

### 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 1<sup>st</sup> 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, 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:

- 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.

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

<https://www.gov.uk/government/publications/section-19-and-22-permits-not-for-profitpassenger-transport/section-19-and-22-permits-not-for-profit-passenger-transport>

A charge is made for the permit. The permit must be displayed on the vehicle windscreen when the vehicle is in use.

### **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:

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

There is a small charge for the training and assessment.

**Minibus PCV D1 Driver Training (including familiarisation training) must only be 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 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.

### **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	<b>13 hours</b>	16 hours	13 hours
Daily driving period	<b>9 hours</b>	10 hours	9 hours
Time driving without a break	<b>2 hours</b>	5 1/2 hours	4 1/2 hours
Minimum length of break	<b>30 minutes</b>	30 minutes	45 minutes
Daily rest period	<b>11 hours</b>	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.

### Volunteer Drivers:

There is a provision within the Motor Vehicle (Driving Licences) Regulations 1999 to have 'volunteer drivers' exempt from holding a D1 category on their driving licence to drive a minibus with 9-16 passenger seats. However to meet this provision a driver must meet all the following obligations:

1. Drive in the UK.
2. The minibus is not being used for hire and reward and no charges are made to any passenger.
3. The driver is 21 or older and has held a driving licence for at least 2 years.
4. If over 70 the driver meets the 'Group 2' medical standards  
<https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals>
5. The driver is driving on a purely voluntary basis and the minibus is used for social purposes by a non-commercial body. (See note, "Who is a Volunteer" below)
6. The maximum weight of the minibus is not more than 3.5 tonnes - or 4.25 tonnes including specialist equipment for disabled passengers, for example a wheelchair ramp (see note below: Vehicle Gross Weight).
7. You are not towing a trailer.
8. You meet BHCC Driver Assessment requirements (see note below: BHCC Driver Assessment)

### Who is a Volunteer?

If a teacher or member of school staff is driving as part of an expectation of their work, they are not purely volunteering, under these circumstances they will not be exempt and are not a voluntary driver. This is certainly the case during working hours (on a school outing) and if this individual is expected to drive a minibus during school hours or even after school hours.

To meet this provision and to be able to drive as a volunteer the individual must volunteer and not receive any payment, some examples of this could be:

- Volunteering and taking people on a Duke of Edinburgh award at the weekends or after school.
- Taking people on a trip to Wales during half term holidays.

The key question to ask is the driver doing this voluntarily and giving up their own time to do this. If the answer is “yes” then you are purely volunteering and you are meeting one of the requirements above. If the answer is “no” then the driver of such vehicles will require a full D1 licence.