

NEU Guidance for Members, Reps and Local Officers

This document outlines the key legal requirements for drivers and operators of school minibuses and describes the support school staff should be given before they agree to drive a school minibus.

SCHOOL MINIBUSES

Minibuses are a valuable asset to those schools which are fortunate enough to own or have use of one. They allow pupils access to the many benefits of out-of-school activities. Driving a minibus is not, however, a task to be undertaken lightly – the safety of pupils and staff should always be the first consideration. Employers are required to provide a safe place of work. This includes ensuring that any minibus an employee drives, is safe.

Teachers cannot be required to drive a school minibus. Teachers who volunteer to do so, however, should take careful note of the advice in this document. Support staff also cannot be required to drive a school minibus, if the requirement is not in their contract of employment.

GENERAL LEGAL REQUIREMENTS

Every minibus must:

- be correctly licenced;
- have up to date vehicle tax for the correct category of vehicle;
- be adequately insured;
- be well maintained; and
- have a valid MOT certificate, if more than 1 year old
- only be driven by drivers legally entitled, and properly insured, to drive the minibus.

THE DRIVER'S RESPONSIBILITIES

A member of staff who volunteers to act as driver of a school minibus is personally responsible for its roadworthiness. If any defects are found by the police or the Vehicle and Operator Services Agency (VOSA), it is the driver who will be prosecuted. The driver is also responsible for any road traffic offences committed. The minibus insurance policy should cover:

- all the uses to which the minibus is put;
- the total number of passengers allowed and the total weight; and
- all the people allowed to drive the minibus.

Comprehensive cover is required to ensure that staff are not liable for any damage which they may cause to the minibus itself as well as to other vehicles.

TRAINING FOR MINIBUS DRIVERS

Teachers and school staff should only agree to drive a minibus if they have received proper training. Indeed, some employers make driving school minibuses conditional upon successful completion of the appropriate training. The NEU recommends, in line with Community Transport Association advice, that refresher training should be provided at least every 4 years. Even teachers who have received such training cannot, however, be **required** to drive a minibus. The same notion applies for support staff, unless the requirement to do so is contained within their job description. Trained

drivers are safer drivers. Driving a minibus is significantly different from driving a car. Driver training should normally include:

- familiarisation with the vehicle;
- simple vehicle checks to be conducted before each journey (see next section);
- emergency procedures;
- passenger care, including disability awareness;
- use of seatbelts/harnesses, etc;
- use of passenger lifts or ramps, if relevant;
- loading/unloading and securing of wheelchairs;
- journey planning; and
- road assessment on the types of road the driver is likely to use, for example, motorways, dual carriageways, urban/rural roads etc.

Practice circuits around the school playground clearly do not constitute proper training. Some local authorities may provide accredited training schemes for minibus drivers, including essential refresher training every 4 years, or more often if an incident merits it (for example if a driver is convicted of a traffic offence, or is involved in a blameworthy collision). One of these is the [Minibus Driver Awareness Scheme](#) (MiDAS) operated by the Community Transport Association (CTA).

SAFETY CHECKS ON SCHOOL MINIBUSES

School staff who drive school minibuses should not be expected to act as mechanics; there should always be a proper vehicle maintenance system in operation. Since drivers will be legally responsible for vehicle defects, however, a basic pre-drive safety check is essential. A checklist should be kept in the vehicle and staff should always check:

- the location of relevant paperwork (insurance, driving licence, MOT certificate, vehicle tax ;
- all doors (including emergency doors) - unlocked but firmly shut;
- tyres - for damage, wear, pressure and the security of wheels;
- exterior bodywork for damage (including glass);
- light lenses, reflectors, mirrors and number plate (for damage and cleanliness);
- presence of a valid Section 19 Permit;
- Disabled Passenger Vehicle class (DPV)¹ shown where applicable;
- condition and operation of all seatbelts - vehicle not to be used otherwise;
- all fluid levels - fuel, oil, coolant, brake / clutch, windscreen washer - verifying that there are no leaks;
- interior condition of vehicle - cleanliness, damage and secure stowage of loose items;
- seat anchorage, tail-lifts and any securing devices (accessible vehicles)
- first aid kit²;
- fire extinguisher(s) (foam or water) (if passengers in wheelchairs are being carried, there must be two);
- position of driving seat and mirrors;
- there is a spare set of bulbs;
- operation of lights, indicators, washers, horn, ventilation and any switches;
- operation of handbrake and footbrake;
- that passengers and driver are wearing their seatbelts;
- on moving off, the operation of steering, footbrake and speedometer; and
- whilst driving, gauges are working and no warning lights appear and no excessive engine exhaust smoke is present.

The regular vehicle maintenance system should monitor more detailed mechanical matters. If there

¹ Where a minibus is used solely for the transportation of mentally or physically disabled students, it may qualify for licensing in the DPV taxation class - which exempts it from road tax.

² See Appendix 2 for details of what should be included in a minibus first aid kit and other useful items to carry on board.

appear to be any faults which might affect the passengers' safety, then the vehicle should not be used until they are all remedied. According to the Belt Up School Kids (BUSK) campaign, the commonest fault affecting minibuses, particularly twin rear wheel minibuses, is under-inflated tyres. Where access to rear tyre valves is difficult, the fitting of extension valves is a cheap and effective solution.

DfE GUIDANCE ON SCHOOL MINIBUSES

The DfE and Department for Transport have produced [guidance](#) for schools and local authorities which clarifies driving licence entitlement when driving school minibuses.

First it is important to set out the key qualifications and requirements needed to drive school minibuses. School staff who have passed the necessary test and hold a full D1 (or D) PCV entitlement can drive minibuses for *hire or reward* (see below for a definition of 'hire or reward'). If the terms and conditions of an employee's contract of employment state that driving minibuses is part of their duties or if an employee is paid an additional sum for driving the minibus (other than out of pocket expenses) then they would be considered as receiving payment for driving a minibus. In such circumstances a D1 (or D) PCV entitlement licence would be required.

However, the DfE advises that if an employee's contract of employment does not state that driving minibuses is part of their duties and they receive no extra payment for driving pupil on school trips etc., they will be driving on an *extra-contractual, voluntary basis*; in this case a category B car licence would suffice (assuming compliance with the conditions below) even if the school reimburses the employee for fuel, parking and tolls.

CONDITIONS FOR DRIVING A MINIBUS ON A CAR LICENCE

Staff who passed their category B (car) driving test before 1 January 1997 can drive a minibus (so long as it is not being used for *hire or reward*) as such licences automatically include category D1 (101) (not for hire or reward) entitlement³. 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.

Those employees who passed their category B driving test on or after 1 January 1997 can drive a minibus (again, not being used for *hire and reward*) so long as:

- 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 (this will apply to most schools except independent schools without charitable status);
- the driver receives no payment other than out of pocket expenses (e.g. fuel and parking costs);
- the maximum unladen weight of the minibus is no more than 3.5 tonnes (or 4.25 tonnes where specialist equipment is used for carrying disabled passengers); and
- a trailer is not towed.

Your employer should take responsibility for checking that you are legally permitted to drive a minibus.

CHARGING FOR RUNNING COSTS – SECTION 19 PERMITS

If you need to charge passengers for running costs you can apply for a minibus permit (known as a 'Section 19 permit'), as long as:

- you are 21 or older;
- the vehicle can carry between 9 and 16 passengers;

³ Drivers who have renewed their licence (e.g. when a photo licence is issued) should check that this entitlement has been retained.

- you're driving it for a voluntary organisation that benefits the community (such as an educational, religious or sports organisation);
- the minibus service is only available for members of your organisation - not to the general public; and
- any charges are to cover running costs and are made on a non-profit basis.

The application form for a Section 19 permit is available [here](#).

Section 19 permits are issued to organisations concerned with education, social welfare or other activities of benefit to the community. They allow certain organisations, including schools, to make a charge without having to comply with the full public service vehicle operator requirements and without the need for the driver to have a full PCV Category D1 or D, licence.

It should be noted that Section 19 permits only apply within the UK. They are usually free, or available for a small fee. Schools must hold a Section 19 permit if minibus journeys are funded (including voluntary contributions) by outside sources such as parents or parent teacher associations. Staff may be held personally liable if they drive a minibus without such a permit where one is required. Only non-profit making charges, such as for the recovery of running costs including depreciation, may be made under a Section 19 permit.

All school staff who drive a minibus under a Section 19 permit must, by law:

- ensure a permit has been obtained if one is needed, and displayed on the windscreen;
- hold the appropriate full driving licence to do so;
- be at least 21 years old;
- be insured to drive the vehicle in question;
- not drive a minibus with more than 16 passenger seats; and
- have held a full driving licence for at least two years when driving a minibus under a Section 19 permit.

All drivers must comply with any additional requirements imposed by the employer, or insurers. These may relate in particular to training, age, exemption from holding a minibus D1 PCV or length of qualification to drive.

'HIRE OR REWARD'

A vehicle which is operated for hire or reward is one where the passengers pay a fare for the right to be passengers, irrespective of the person to whom the payment is made. The payment could be in cash or in kind; it could be a direct payment such as a fare or an indirect payment which gives a person the opportunity to travel. The operator of the minibus may or may not be a profit-making entity. A minibus is used for hire or reward if there is a clear and logical link between payment and the provision of transport and that link is not too remote.

In other words, if pupils are not obliged to pay for the right to be passengers, the minibus is not being used for hire or reward. This applies to most types of school including independent schools with charitable status, free schools and academies, where the minibus is not used for a passenger service on a commercial basis but to take pupils off-site for curricular purposes. Independent schools which lack charitable status could be viewed as commercial bodies and consequently the DfE advises such schools to seek their own legal advice.

If schools (or their insurers) are concerned that they may not meet the definition of not operating for hire or reward the DfE advises them to consider applying for a Section 19 permit.

OUT OF POCKET EXPENSES

Out of pocket expenses are remuneration for 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; as such payments would constitute hire or reward.

WEIGHT OF VEHICLE

The weight of the vehicle (sometimes known as the Maximum Authorised Mass or MAM) is displayed on a metal or plastic plate situated in the engine shell or on a door pillar. Minibus weights vary, but it is possible to find UK manufacturers currently making lightweight minibus models of 3.5 tonnes. If the minibus is fitted with specialist disability equipment, the weight exemption level is raised to 4.25 tonnes. These weight limits are important as they are a legal requirement for those teachers who passed their category B driving test on or after 1 January 1997.

INSURANCE MATTERS

The employer should provide comprehensive insurance for all circumstances in which a minibus is proposed to be driven but drivers should check with their employer that they are covered before driving the minibus.

AGE AND HEALTH REQUIREMENTS

Every driver must comply with medical requirements for any driving licence issued. Drivers reaching the age of 70 will have to renew their licence, meeting the appropriate medical standards. Regardless of age, every driver must comply with the applicable medical standards.

‘SOCIAL PURPOSES’

The DfE views ‘social purposes’ as non-commercial activities. This includes school trips and travel to sporting fixtures both during and outside the school day. Non-commercial activities do not fall into the definition of hire and reward.

Where a minibus is operated for commercial purposes the driver must hold the full D1 (or D) licence.

OTHER REQUIREMENTS

It is up to school staff to check any other legal responsibilities which might apply to them, such as the laws in respect of drivers’ hours, tachographs, medical checks and Certificates of Professional Competence.

Vehicles with more than 8 passenger seats, including minibuses must be fitted with a speed limiter in order to limit the maximum speed of the vehicle.

NUMBER OF DRIVERS

There is no legal requirement for a second driver but the NEU recommends that, other than on the shortest journeys, a second trained driver should accompany every member of staff driving a minibus. This will help cover emergency situations and prevent tiredness on long journeys. Even on short journeys, a second adult acting as a supervisor is likely to be required. Exceptions might be where a member of staff is driving a group of post-16 students for a short distance.

If there are two trained drivers available and only one is a teacher, it is recommended that, for short journeys, the non-teacher drives and the teacher supervises. A second driver, acting as supervisor, will help to ensure that passengers are well behaved and that they do not distract the driver and will also assist in the event of any emergency. Insurance policies may also specify a requirement for a supervisor.

It is also recommended that a mobile telephone be carried in all minibuses to cover emergency situations. This must not, however, be used by the driver while driving the vehicle. Although hands-free kits are legal if properly installed, the NEU recommends that they are not used by staff driving a school minibus. They can be a distraction and drivers risk legal action if they drive erratically while using one. Employer policies may, in any case, prohibit their use. To make and receive calls

safety, the vehicle should be properly parked with the engine turned off.

TRAVELLING WITH SEND PUPILS

Particular consideration needs to be given to minibus journeys involving pupils with special needs. The minibus itself must be suitable for the needs of all passengers, including those with disabilities.

As a general rule, it is recommended that journeys involving groups of special needs children should have a minimum of two staff, in addition to the driver. A risk assessment undertaken in advance of the trip will enable a decision on staffing levels to be made.

The children may have a wide range of needs which could include physical, mental, emotional, medical, behavioural and learning difficulties. Crisis situations, including epileptic fits, challenging behaviour, breathing difficulties and tantrums are just as likely to occur on the minibus as anywhere else. Consideration should also be given to the possibility that children may undo their seatbelts and attempt to escape out of the nearest exit. To avoid this happening, children can be sat in window seats so as to delay any movement towards the aisle and a member of staff can sit next to the exit.

Passengers in wheelchairs should be afforded the same level of safety as all other passengers. Ensuring that this is the case is equally important when using a hired minibus. All drivers and escorts should be trained in the care of passengers in wheelchairs, including use of passenger lifts and ramps and, where the wheelchair user needs to remain in the wheelchair for the journey, securing the wheelchair. Unoccupied wheelchairs, walking frames, and crutches must also be secured.

The Community Transport Association offers training through its [Passenger Assistant Training Scheme](#) on how to safely assist passengers who travel in wheelchairs and on supporting passengers with special needs.

BREAKDOWNS

All school minibuses should be covered by a breakdown recovery service. The NEU recommends that details should be readily accessible in the minibus. In addition, drivers should be able to access guidance on what to do while awaiting recovery including in what circumstances passengers should remain/not remain in the vehicle.

Anyone who is at risk from moving vehicles should wear a high visibility jacket. This is a requirement under the Personal Protection Equipment at Work Regulations 1992.

In the event of a vehicle breakdown, the Royal Society for the Prevention of Accidents (ROSPA) advises that:

- The driver should move the vehicle off the carriageway (onto the hard shoulder on a motorway) and switch on the hazard warning lights. If this is not possible, it should be moved as far away from moving traffic as possible. If a warning triangle is used, it should be placed on the same side of the road, at least 45 metres from the minibus. Always take great care when placing and retrieving a warning triangle and never use them on the motorway.
- The passengers should be moved out of the nearside of the vehicle and as far away from it and other traffic as possible. No one should stand between the vehicle and oncoming traffic. On motorways or other busy roads passengers should be taken onto the embankment or grass margin and as far from the traffic as is practicable. The hard shoulder on a motorway is very dangerous.
- Passengers should be kept together in one group. Children should be kept calm and under constant supervision.

- In some circumstances, it is safer to leave the passengers in the vehicle - for example, if it seems too dangerous to unload passengers in wheelchairs or if there is not a safe waiting area. The driver will need to assess the situation and decide whether or not to unload passengers.

SEATBELTS IN MINIBUSES

Minibuses Registered Before 1 October 2001

When the main purpose of the trip is to transport three or more children, minibuses registered before 1 October 2001 must have a forward-facing seat for each child, fitted with either a three-point seatbelt or a lap belt. If there are also side or rear-facing seats in the minibus, the children must only use the forward-facing seats. If adult passengers are carried, they may sit in side or rear-facing seats, but it is much safer not to use side-facing seats. If seats are fitted with integral seatbelts, the seats and their anchorages are considered as part of the seatbelt anchorage system, and must conform to the Road Vehicles (Construction and Use) Regulations 1986, as amended.

Minibuses Registered On or After 1 October 2001

All minibuses registered on or after 1 October 2001, whether they carry child or adult passengers, must have forward-facing or rearward-facing seats. Minibuses up to 3.5 tonnes gross vehicle weight, except those designed for urban use with standing passengers, or those manufactured six months before that date, must have inertia reel three-point seatbelts in forward-facing seats, and inertia reel three-point seatbelts or retractable lap belts in rearward-facing seats. Alternatively, disabled persons seatbelts, or child restraints, may be fitted. If seats are fitted with integral seatbelts, the seats and their anchorages are considered as part of the seatbelt anchorage system, and must conform to the Road Vehicles (Construction and Use) Regulations 1986, as amended.

Sharing of Seats

The “3 for 2” concession, which allowed three children under the age of 14 to share a double seat in a minibus or coach, no longer applies. Each child must occupy one seat with a seatbelt.

Use of Seat Belts and Child Restraints

Front seats

Drivers must wear a seat belt.

Passengers in the front seats, and any exposed seat, must use seat belts or an appropriate child care restraint. In these seats, the driver is responsible for ensuring that:

- Children under three years of age use an appropriate child restraint; (see separate NEU health and safety briefing Seat Belts and Child Restraints).
- Children aged from three years up to their 12th birthday, and under 1.35 metres (approx 4’5”) tall use an appropriate child restraint if available, or if not available, wear the seat belt; and
- Children aged 12 and 13 years (and young children who are 1.35 metres or taller) use the seat belt.

Passengers aged 14 years or more travelling in the front seats, or any exposed seat, must wear a seat belt and are personally responsible for doing so. It is, however, good practice for staff not to begin a journey until everyone is wearing their seatbelt and for regular checks to be made to ensure that belts remain fastened. The rule should be ‘no belt, no trip’.

Rear seats

Passengers sitting in the rear of minibuses that have an unladen weight of 2,540 KG or less must wear seat belts or use an appropriate child restraint. It is the driver's responsibility to ensure that:

- Children under three years of age use an appropriate child restraint
- Children aged from three years up to their 12th birthday, and under 1.35 metres (approx 4'5") tall, use an appropriate child restraint if available, or if not available, wear the seat belt
- Children aged 12 and 13 years (and younger children who are 1.35 metres or taller) use the seat belt.

Passengers 14 years or over must wear seat belts and are personally responsible for doing so.

It is best practice to ensure that all passengers (regardless of age) wear seatbelts. An unrestrained passenger could put themselves and others at greater risk in an accident. It is therefore important that schools and colleges have clear policies on what happens should an individual refuse to wear a seatbelt.

Type of Belt

Three-point seatbelts provide better protection than lap belts, although lap belts are better than none at all. Lap belts should be worn over the pelvis, not the stomach, and worn as tightly as possible.

Installing seatbelts to existing minibuses

For many years minibuses have been fitted with seatbelts, initially lap belts and more recently lap and diagonal seatbelts. An operator must not use a minibus without seatbelts being provided for children or young people. It should be noted too that the cost of installing seatbelts to minibuses which lack them is likely to be prohibitive. It is clearly preferable for schools to purchase minibuses with seatbelts fitted at the time of manufacture.

PURCHASING A MINIBUS

When schools buy a minibus, it is strongly recommended that a Type Approved vehicle is chosen. The term 'Type Approved' means that the vehicle has passed all legal and safety requirements for a minibus to be manufactured and sold in the UK and Europe.

SCHOOL BUS SIGNS

Minibuses carrying children on a school-related activity are required by law to display retro reflective School Bus signs. The requirements are:

Front: at least 25cm x 25 cm

Rear: at least 45 cm x 45 cm

Legally, the driver is responsible for displaying these signs.

JOURNEYS ABROAD

All International Journeys

Key points to take on board are summarised below. However, strict regulations govern the use of minibuses on international journeys.

A tachograph must be fitted and used for international journeys. 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. Government guidance is available [here](#).

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.

Note: Section 19 Permits are not valid abroad. The driver must hold a full PCV licence if any payment is made by passengers for the trip i.e. where it constitutes 'Hire or Reward'. Hire or Reward embraces **any** payment - in money or kind - which gives a person a right, or expectation, to be carried 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. Although such indirect payments are usually made in respect of other services, rather than for transport, they are nonetheless viewed by the courts as hire or reward because anyone who had not made the payment would have no right to be carried.

If the bus is owned, an 'Own Account' certificate should be used for trips within the EU. If the vehicle is hired, then a 'Waybill' must be used instead of the Own Account certificate.

Left-dipping head lights are not permitted abroad. There are a variety of adaptors that can be used.

Documentation for International Journeys

Operators must ensure that all the necessary documentation for journeys abroad is carried. The requirements may vary according to the country or countries being visited and further advice should be obtained. Some or all of the documents/items below will be required.

- Full driving licence with appropriate entitlement.
- International Driving Permit or translation of licence (for some countries).
- Full passport for everyone in the vehicle.
- European Health Insurance Cards (EHICs) for everyone in the vehicle. This card entitles the holder to reduced cost, sometimes free, medical treatment that becomes necessary while in an European Economic Area (EEA) country or Switzerland. The EEA consists of EU countries plus Iceland, Liechtenstein and Norway. Switzerland applies the EHIC arrangements through a separate agreement with the EU.
- A 'Restricted Operators' Licence if charges to passengers exceed exact costs incurred.
- A letter of authority ('attestation') to drive the minibus from the vehicle owner (not a hire company)
- Valid vehicle tax for the correct category of vehicle.
- GB plate.
- Current MOT certificate (minibuses require a MOT certificate if more than one year old).
- Tachograph charts or rolls, and digital tachograph driver card for digital tachograph use.
- Waybill (if a hired vehicle is used) or an Own Account Certificate (if the vehicle is owned) provided journey is non profit-making.

- Model Control Document - this is a set of reusable translations of the instructional sheets of the book of waybills.
- Vehicle Registration Document (V5 in original form).
- Green card (international motor insurance certificate).
- If any payment is made by or on behalf of passengers – a full PCV driving licence.
- A first aid kit is required in many European countries. A standard British one is acceptable which is in any case required in the UK by the Road Vehicles (Construction and Use) Regulations 1986.
- A warning triangle is compulsory. In Spain two triangles must be carried. In Spain if a driver needs spectacles to drive, a spare set must be carried.
- In France, fluorescent vests for all passengers must be carried, but not in the boot.
- In France a portable breathalyser kit must be carried. Paradoxically this is a legal requirement, but there is no longer a fine for failing to do so. These can be purchased in a wide variety of shops or at all channel ports.

Further information about any of the above requirements can be obtained from the [Driver and Vehicle Licensing Agency](#) (DVLA).

WORKLOAD AND SAFETY CONSIDERATIONS

The NEU has devoted considerable effort to its campaigns to reduce the pressures and stresses of excessive workload and administrative burdens upon teachers. Driving a school minibus contributes to these pressures. In addition, the growing volume of traffic on Britain's roads means that the pressures of driving itself have increased recently.

There are also obvious safety issues with regard to travelling in school minibuses. In particular, if you have been involved either in supervising a visit or in teaching throughout the day, you should consider very carefully whether you are sufficiently alert to drive a minibus. Tired drivers are much more likely to have an accident. You should always observe the Highway Code recommendation of at least a 15 minute break after every 2 hours of driving. Times and lengths of breaks should be noted in a log book. Drivers who drive for more than 2 hours after a day's work are significantly more likely to be involved in a road traffic accident.

The NEU is concerned that members may be expected to drive for lengthy periods before, or after, supervising pupils on the trip itself, which will cause fatigue and lengthen the working day for the driver. This is especially so on residential trips where the driver should not be expected to be on call at night, but should be able to get uninterrupted rest.

SEPARATION OF VEHICLES AND PEDESTRIANS

The HSE has urged all schools to review their on-site traffic arrangements and design layouts after its prosecution of a council in Wales over the death of a 15 year old pupil, who was knocked over by a school minibus, resulted in a £300,000 fine.

An investigation by the HSE found that a layby was not large enough to accommodate all the school buses that parked outside the school at the end of the school day. Concerns over drop-off points, walkways and parking has been raised during construction but no changes were made.

For three years prior to the collision, some school buses had parked on the other side of the road, which had no pavement. This sometime required children to board from the middle of the road,

while other vehicles were free to drive in both directions between the waiting buses.

School staff and bus drivers told the court there had been a number of “near misses” before the death, including one where a minibus driver had to “brake hard”. Another bus driver described the situation at the end of the school day as a “free for all”.

All schools should have a risk assessment for vehicle movements on site. Risk assessments should include vehicle movements occurring immediately outside the school premises, which may be associated with school activities, such as staff arriving and leaving work, school buses or minibuses delivering pupils, or delivery vehicles.

NEU ADVICE

The NEU is not advising members generally that they should not under any circumstances drive school minibuses. The NEU does, however, strongly advise members to respond appropriately to changed attitudes and circumstances. You should consider very carefully your willingness to drive a school minibus.

In particular the NEU advises that:

- It is preferable, on the basis of both safety and workload issues, that minibus driving is undertaken by individuals who are specifically employed for that role rather than by teachers or other members of staff;
- Only where you are certain that the burden of driving the minibus will not lead to undesirable pressures or to unacceptable risks to health and safety should you agree to drive school minibuses;
- If you are prepared to agree to drive minibuses, you should only do so where you hold the specific licence necessary, Category B or D1 driving licence entitlement **and** have received approved training specifically for minibus driving from an appropriate provider;
- Even where you hold the required licence, you should not regard yourself as sufficiently skilled to drive school minibuses without appropriate recent experience of driving vehicles of this kind;
- The NEU believes that all school employers should provide the opportunity of appropriate training to all staff that express a willingness to drive minibuses. The best-known training scheme is the [MIDAS scheme](#).

You should note that, in addition to meeting licensing requirements, you must also comply with any additional requirements imposed by the employer or their insurers. These may relate in particular to training, age or years of qualification to drive. Where any such conditions exist, you should under no circumstances breach these, since doing so could nullify insurance policies and could also lead to disciplinary action by employers.

Indeed the Community Transport Association recommends that a minibus driver’s licence should be checked by someone knowledgeable every six months to ensure continued compliance with the legal, insurance and organisational requirements.

AND FINALLY

It should be noted that this advice does not constitute legal advice nor is it a ruling on the law. Individual schools should seek independent legal advice on these issues should they have any queries or concerns.

FURTHER INFORMATION

[NEU Adviceline](#)

[DfE - Advice on Driving School Minibuses](#)

[The Driver and Vehicle Licensing Agency \(DVLA\)](#)

The [Department for Transport \(DfT\)](#) website has an interactive flowchart to help drivers identify whether or not they meet the conditions to drive a minibus.

[The Driver and Vehicle Standards Agency \(DVSA\)](#)

[The Community Transport Association \(CTA\)](#)

[ROSPA advice on minibus driving](#)



APPENDIX 1: MINIBUSES AND TRAILERS

NEU HEALTH AND SAFETY GUIDANCE

The towing of trailers by minibuses raises a number of safety issues that need to be addressed.

1. Minibus Construction and Use legislation requires access to and through passenger entrances and emergency exits. It is important that the trailer does not prevent the rear doors from opening, and allows passengers sufficient space in an emergency. An unobstructed gangway of at least 300mm should suffice.
2. Any driver intending to drive a minibus with a trailer should first ensure that the appropriate licence is held.
3. The maximum weight of trailer that can be towed is governed by the unladen weight of the tow vehicle. A DVLA leaflet on this topic, *Driving Licensing Requirements for Towing Trailers in Great Britain* (INF30) can be obtained from dvla.gov.uk. This leaflet also explains the licence category requirements involved when towing a trailer. Further information is also available at direct.gov.uk/motoring.
4. The manner in which the trailers load is distributed should be considered, to ensure stability and load security when being towed.
5. Trailer checks, coupling/uncoupling and knowledge of trailer rules are all essential prerequisites for any kind of trailer use.
6. No driver should attempt to tow a trailer with a minibus without appropriate experience/training. Many local authorities provide the relevant training. Also the Caravan Club offers training courses - details from www.caravanclub.co.uk.

Notwithstanding the above points, the NEU would advise its members to think very carefully before attempting to tow a trailer in this way. Due to the space constraints within a minibus and the need to maintain gangway access through the vehicle to both entrances/exits, the need for space to stow luggage/equipment is understandable. There are, however, alternatives to towing a trailer. These would include:

- a roof rack, in which case roof load capacity and the stability of the vehicle must be considered; or
- the use of an additional vehicle - which does of course involve staffing and cost implications.

Ultimately, the decision to tow a trailer should only be considered following a proper risk assessment, conducted by a suitably qualified person. If in doubt, don't tow it.



APPENDIX 2: FIRST AID KIT AND OTHER RECOMMENDED ITEMS TO CARRY ON BOARD A MINIBUS

NEU HEALTH AND SAFETY GUIDANCE

First aid kit – minimum contents (as advised by RoSPA)

- 10 antiseptic wipes, foil packed
- 1 conforming disposable bandage (not less than 7.5 cm wide)
- 2 triangular bandages
- 1 packet of 24 assorted adhesive dressings
- 3 large sterile unmedicated ambulance dressings (not less than 15 x 20 cm)
- 2 sterile eye pads with attachments
- 12 assorted safety pins
- 1 pair of rustproof blunt-ended scissors
- disposable gloves
- mouth mask for resuscitation

Other items to carry on board a minibus (RoSPA recommended)

- Pen and paper
- The organisation's internal instructions and contact details
- Insurance details
- Motoring breakdown policy details
- Mobile phone
- Webbing cutter
- A high-visibility coat complying with BS EN 471
- An emergency warning triangle or a flashing beacon (not fitted to the vehicle)
- A working torch
- Sterile gloves and mouth masks