Minibus Safety

Scope

This document outlines the key legal requirements on drivers and operators of minibuses and extracts of current best practice taken from ‘The Minibus Code’ which should be referred to for more detailed guidance. We acknowledge the NUT, ROSPA and others for the basis of this guide.

Minibuses are a valuable asset to those fortunate enough to own or have use of one. They allow young people access to the many benefits of off-site activities. Driving a minibus is not, however, a task to be undertaken lightly – the safety of participants and staff should always be the first consideration.

Minibus Law and Driver licensing is a complex area and this only gives a brief overview to highlight the key messages.

General Legal Requirements

Every minibus must:

- be correctly licenced
- display a valid tax disc
- be adequately insured
- be well maintained and have a schedule for management of testing, inspection and servicing
- have a valid MOT certificate, if more than 1 year old.

Driver responsibilities

An Adult who volunteers to act as driver of minibus is personally responsible for its roadworthiness. If any defects are found by the police, 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 Leaders are not liable for any damage which they may cause to the minibus itself as well as to other vehicles. Schools wishing to buy into the council’s vehicle insurance policy should contact Southwark Fleet Services fleetreception@southwark.gov.uk.

Training for Minibus drivers
Leaders/staff should only drive a minibus if they have received proper training. 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 a car park clearly do not constitute proper training. Southwark Council provide access to accredited training schemes for minibus drivers, including essential refresher training. One of these is the Minibus Driver Awareness Scheme (MiDAS) operated by the Community Transport Association (CTA). The CTA also offers Passenger Assistant Training (PaTS) for staff undertaking passenger assistant role. Contact the Health & Safety team for more Information.

**Pre Use Safety Checks on Minibuses**

Those who drive minibuses are not expected to be 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. They should always check and record:

- fuel and oil level
- windscreen wipers
- lights and indicators
- tyres (visual check)
- mirrors
- pedal and hand brakes
- first aid kit
- fire extinguisher
- brake lights and indicators
- windscreen washer fluid level
• location of relevant paperwork (insurance, driving licence, breakdown cover)

• Safety equipment i.e tail lift and wheelchair clamps/restraints where relevant

Minibus drivers must always ensure that passengers are wearing seatbelts and wheelchair passengers are correctly secured before setting off.

Maintenance

The regular vehicle maintenance system should monitor more detailed mechanical matters such as tyre pressure, coolant level and brake fluid level so that you can be confident that these are safe before you set off. If there 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. Southwark Fleet Services offer a range of maintenance/servicing options for schools. Contact fleetreception@southwark.gov.uk for further information.

Permit requirements for Minibuses

Minibus and Community Bus Permits (“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.

Schools etc. must hold a ‘Section 19 permit’ if minibus journeys are funded to any extent by outside sources such as parents or parent teacher associations. To obtain a Section 19 permit or for further advice, please contact Southwark Fleet Services fleetreception@southwark.gov.uk. Drivers 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.

Driving Licence requirements for Minibus Drivers

Anyone who drives a minibus must, by law:

• ensure a permit has been obtained if one is needed, and displayed on the windscreen

• hold the appropriate full car driving licence to do so and hold D1 full entitlement

• 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 Southwark Council, School or insurers. These may relate in particular to training, age, or length of qualification to drive.

Any driver who passed the car driving test before 1 January 1997 automatically gained a licence with Category B and D1 entitlement, or Groups A and B on older licences, qualifying the driver to drive minibuses as well as private cars.
Any driver who passes the car driving test on or after 1 January 1997 no longer automatically gains a licence with Category D1 minibus entitlement. Such a driver will need to pass the additional Category D1 test to drive minibuses, together with the standard theory test and a medical examination.

**Number of Drivers**

There is no legal requirement for a second driver but good practice indicates that, other than on the shortest journeys, a second trained driver should accompany every person 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 teacher is driving a group of post-16 students for a short distance who have no significant special need.

If there are two trained drivers available and only one is a Leader/Teacher, it is recommended that, for short journeys, the non-leader drives and the Leader 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 of course be used by the driver while driving the vehicle. Even 'hands free' Equipment and Satellite Navigation Systems are a distraction.

**Travelling with Special Needs Passengers**

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. Thorough planning of all trips/outings and groups must be undertaken prior to all trips/activities and groups.

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.

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. Southwark council has adopted the British Standard wheelchair passport scheme and pupils/other passengers that need to travel in their wheelchair must not be transported unless they have a current wheelchair passport issued.

**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.

Wearing of Seatbelts

Seatbelts must, by law, be worn at all times by pupils and staff. It is important not to set off until all passengers are wearing their seatbelt. The driver has the legal responsibility for enforcing this requirement and ensuring that seatbelts are worn, except in the case of adults and children aged 14 and over who are personally responsible for the wearing of their 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 in Existing Minibuses

It is clearly preferable to purchase minibuses with seatbelts fitted at the time of manufacture.

Fitting belts to minibuses which lack them is possible in some cases but can be expensive due to the need for strong anchorage points for the belts and for strong seats that are securely fixed to the chassis. Many modern vehicles, however, already have seatbelt anchorages allowing fitting of seatbelts to be undertaken, with reference to the manufacturers, with a standard kit.

Child Car Seats

Regulations came into force in September 2006 which has implications for anyone carrying children in a car, van or goods vehicle, but not a minibus.

The main change to note is that, from September 18, 2006, any child from their 3rd to their 12th birthday, or up to 135cm in height if this is reached sooner, must use a correct child restraint when travelling in the front seat and must use a child restraint if travelling in the back of a car, van or good vehicle.

Minibuses are exempt from these regulations so there is no requirement to purchase booster seats or booster cushions for their vehicle.

Journeys Abroad (See ROSPA Guide)

In almost every case Full PSV Licensing is required and a Tachograph fitted along with comprehensive documentation. If you are considering this an option contact health & safety team for advice.

Workload and Safety Considerations

There are obvious safety issues with regard to travelling in 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. Drivers who drive for more than 2 hours after a day's work are significantly more likely to be involved in an accident.

General Advice
It is preferable, on the basis of both safety and workload issues, that minibus driving is undertaken by individuals who are specifically employed/trained for that role rather than by leaders/teachers.

The burden of driving the minibus must not lead to undesirable pressures or to unacceptable risks to health and safety.

If you are to drive minibuses, you should only do so where you hold the specific licence necessary, Category D1 driving licence entitlement and have received approved training specifically for minibus driving from Southwark Council or other appropriate provider. Even where you hold the required licence, you should not regard yourself as sufficiently skilled to drive minibuses without appropriate recent experience of driving vehicles of this kind.

Southwark Council recognises MIDAS (Minibus Drivers Awareness Scheme) organised by the Community Transport Association and also conducts its own Minibus Test.

You should note that, in addition to meeting licensing requirements, you must also comply with any additional requirements imposed by your Organisation or insurer. 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.

Minibuses and Trailers

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

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.

Any driver intending to drive a minibus with a trailer should first ensure that the appropriate licence is held, especially if the trailer is over 750kg.

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 www.dvla.gov.uk. This leaflet also explains the licence category requirements involved when towing a trailer. Further information is also available at www.direct.gov.uk/motoring.

The manner in which the trailers load is distributed should be considered, to ensure stability and load security when being towed.

Trailer checks, coupling/uncoupling and knowledge of trailer rules are all essential prerequisites for any kind of trailer use.

No driver should attempt to tow a trailer with a minibus without appropriate experience/training. The Caravan Club offers training courses - details from www.caravanclub.co.uk.

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 experienced person.

Further Information

Further advice and guidance on all of the above is available from:

The Driver and Vehicle Licensing Agency (DVLA)  
Anyone who is in doubt about their licensing position can telephone the Driver and Vehicle Licensing Agency’s Customer Enquiries, whose staff will be able to help. The telephone number is 0870 240 0009. Lines are open from 8.15 a.m. to 4.30 p.m., Monday to Friday. An interactive VOICE system is in operation but it is possible to speak to an operator during office hours. Further information is available on their website at http://www.dvla.gov.uk/.

The Vehicle and Operator Services Agency (VOSA)  www.vosa.gov.uk.

Southwark Health & Safety Team  email cshealthandsafety@southwark.gov.uk  0207 525 3808/5035

Southwark Fleet Services email fleetreception@southwark.gov.uk  0207 525 2410

Minibus Safety – A Code of Practice  
This publication was produced by a working group with representatives from Government, The Royal Society for the Prevention of Accidents (RoSPA) and the Community Transport Association, amongst others.  www.rospa.com

OEAP National guidance can be accessed via EVOLVE  www.southwarkvisits.org.uk