

Driving & transport Policy.VI.4

<u>Last reviewed:</u>	<u>August 2025</u>
<u>Next review date:</u>	<u>August 2026</u>
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Introduction

The employer's duty of care extends to all employees driving on Clover Learning Community's business, no matter who owns the vehicle, this includes personal vehicles being used to take staff and students on school trips, sporting fixtures, replenishing stores or other outings.

Recent revisions to legislation relating to corporate manslaughter have created legal liabilities for company directors – and management, should negligence be proved.

Passive observance of transport regulations, such as having a valid driving licence, the vehicle being properly licensed, insured and MOT tested is now insufficient to meet corporate obligations for staff safety. Active measures need to be taken to demonstrate that the employer recognised its duty of care to its staff and those for which it is responsible.

Management Structure

- The procurement, maintenance, documentation and use of Clover Learning Community's vehicles are the responsibility of Jadie Wardle - Director
- The director will make arrangements for the servicing and tasking of all vehicles leased to Clover Learning Community.

Documentation

- Any minibus leased to Clover Learning community will be licensed with the Department of Transport to carry passengers and will operate by a permit granted by Section 19 of the Transport Act 1985 and the provisions of the Minibus and Other Section 19 Permit Buses Regulations 1987.
- The vehicles will be adequately insured and have a valid MOT certificate (if more than a year old).
- Insurance will be provided by Clover Learning Community for all staff who drive these vehicles
- All staff will provide a copy of their insurance stating they have business use so private vehicles can be used.

Driving Qualifications

The Section 19 permit allows staff of Clover Learning Community to drive the minibuses with up to 11 passengers using a normal car licence, having passed an approved driving assessment.

- Drivers must be over the age of 24 and have held a clean, full licence for at least two years before being eligible for assessment to comply with both licensing regulations and the terms of Clover Learning Community's Insurance.
- These qualifications only allow members of staff to drive the minibuses within the United Kingdom.

Vehicle Maintenance

- The maintenance programme for the minibuses will be controlled by Jadie Wardle.
- The minibuses will be serviced in accordance with the manufacturer's recommended schedule.
- It is the responsibility of all staff to ensure that:
 - a) they are clean, particularly the windscreens
 - b) the vehicle has sufficient fuel
 - c) the oil, water and tyres checked and adjusted as necessary
 - d) the seat belts have been checked and are working properly

- e) all the lights work properly
- Drivers are to report any faults found on the vehicles to Lily Fearn whom will arrange for repairs to be carried out
- The minibuses will require a yearly Class V MOT test which must be carried out by a designated testing station. This is arranged by Jadie Wardle and Bhavini Karia as part of the annual maintenance programme.
- Personal cars used on behalf of Clover Learning Community must be kept in a fully roadworthy condition and have valid MOT certificates. All staff transporting students in their own vehicles must have comprehensive business class insurance. Business class insurance certificates must be shown to Clover Learning Community's management team before any member of staff takes a student in their own car.

Safe Driving

- Drivers will ensure that they and their passengers wear seat belts whenever the vehicle is on the move.
- Any cargo carried by the vehicle is to be secured and the stowage checked by the driver.
- The driver is to check that the lights work properly and that there is not visible damage to the tyres before starting a journey.
- While on the move, the driver is not to eat, drink or use a mobile phone. If a message needs to be responded to, the driver is to stop at the first safe opportunity.
- Journeys must be planned to take account of the time of day, likely traffic conditions, opportunities for breaks en-route, types of road to be used and the distance involved.
- If the journey is to take more than two hours, the driver is to take a break of at least 30 minutes at the first safe opportunity after the first two hours and for 20 minutes after each subsequent two hours.
- If the journey is to take more than six hours, two drivers are to be taken and can take two hourly stints at the wheel; however, a stop of 30 minutes must be taken after four hours' driving.
- No journey is to exceed seven hours driving in any one period of 24 hours and a rest of at least 10 hours is to be taken between one day's driving and the next.
- Drivers are to be sufficiently fit (all pre-existing medical conditions must be declared) to undertake planned journeys and nobody is to drive a minibus or a personal car on behalf of the provision under the influence of alcohol or drugs.
- Smoking is prohibited in vehicles.
- All vehicles must ensure they carry a first aid kit.

Accident/Breakdown Procedure

- **In the event of an accident the driver (or if the driver is incapacitated, the most senior passenger) is to:**
 - a) make the accident scene as safe as possible
 - b) do not move injured passengers unless this is necessary to keep them from further harm
 - c) ensure passengers are moved to safety
 - d) call the emergency services and then stay at the scene of the accident
 - e) obtain the details of any independent witnesses to the accident
 - f) contact the School and report the circumstances of the accident
 - g) (try to contain the spread of information about the incident to allow Clover Learning Community to maintain a single coherent message about the incident to parents and the public. This must involve preventing pupils all ringing their parents and spreading alarming rumours)
- **In the event of a vehicle breakdown, the driver is to:**
 - a) Attempt to move the vehicle off of the carriageway

- b) Switch on the hazard warning lights and place the warning triangle 50m behind the vehicle (warning triangles are not to be used on motorways)
- c) Evacuate passengers to a place of safety (all students should be kept under close adult supervision)
- d) Telephone the breakdown service
- e) Inform Clover Learning Community of what has happened and pass on a contact number and keep the telephone switched on

Other Transport

Travelling on public transport

When travelling on public transport with students the staff leader of the activity must contact a member of staff at the bus or train station to inform them that they are on a provision trip / activity and ask to escort them to the correct platform and to inform them of their destination. Leaders must ensure all students and staff are on the public transport and board once it is safe. Once the students have boarded the transport, they must be seated wherever possible, all staff and volunteers to give priority to the students. If at any point, whilst using the transport, a group of students are left behind with an adult- the rest of the staff and students on board must get off at the next station and wait until the leader arrives. The leader must inform the provision immediately or whenever possible.

Use of staff cars to transport pupils

Only those staff with appropriate business insurance and an in-date MOT certificate can transport students in their own cars for work purposes. If staff are to transport students in their cars, they must ensure their vehicle is free of personal items and that their windscreen washers are in full working order and tyres are inflated to the correct pressure amount prior to transporting students. When staff are transporting students there must always be 2 members of staff; staff will sit in the front of the vehicle and students must be seated in the back of the vehicle. Staff are to ensure students wear seatbelts and remain seated throughout the duration of the journey. Staff must maintain professional boundaries at all times during the transportation process.