

Braintree Youth Project Charity Transport Guidelines

The Law

RoSPA has a Volunteer Driver's Handbook, which can be downloaded free of charge. This gives detail of the legal requirements and good practice advice for non-professional drivers of cars and minibuses.

General Good Practice Guidelines

1) Driving a minibus

You may be able to drive a minibus if you hold a car driving licence and follow certain conditions; otherwise, you'll need to apply for a minibus licence.

- **If the minibus is not for 'hire or reward'**

You may be able to drive a minibus with up to 16 passenger seats using your current car driving licence as long as it's not for 'hire or reward', i.e. there's no payment from, or on behalf of, the passengers

- **If you held a driving licence before 1 January 1997**

You can drive a minibus in the UK and on temporary visits abroad, although when your car licence is next renewed at the age of 70, you'll need to apply for a PCV licence (category D1)

- **If you obtained your driving licence after 1 January 1997**

You can drive a minibus within the UK as long as the following conditions apply:

- you're 21 or older
- the minibus is used for social purposes by a non-commercial body
- you've had your driving licence for at least 2 years
- you're driving on a voluntary basis and the minibus is used for social purposes by a non-commercial body
- the maximum weight of the minibus is not more than 3.5 tonnes (or 4.25 tonnes including specialist equipment for disabled passengers, e.g. a wheelchair ramp)



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- you're not towing a trailer.

Minibus permit – if you need to charge running costs

- You can apply for a minibus permit if you need to charge passengers, as long as:
 - The driver is 21 or older
 - The vehicle can carry between 9 and 16 passengers
 - You're driving it for a voluntary organisation that benefits the community (e.g. an educational, religious or sports organisation)
 - The minibus service is only available for members of that organisation, not to the general public
 - Any charges are to cover running costs and are made on a non-profit basis
- Apply for a minibus permit from your local authority, or contact the Vehicle and Operator Services Agency (VOSA).

2) Seat belt Regulations

- You must wear a seat belt if one is fitted in the seat you're using – there are only a few exceptions. See www.gov.uk/seat-belts-law/overview
- You're also only allowed one person in each seat fitted with a seat belt. If you don't wear a seat belt and you're caught you could face a fixed penalty of £60 or a fine of up to £500 if the case goes to court
- In almost all cases, every child up to 135cms (4' 5") or the age of 12 (whichever is reached first) must use a child restraint and drivers may not carry children as passengers just in seat belts
- Rear-facing baby seats **MUST NOT** be used in a seat protected by a front air bag unless the air bag has been deactivated manually or automatically
- In some cases, clubs transporting children in minibuses or cars will be required to hold specialist licences, such as a PSV licence in the case of minibuses. **BRAINTREE YOUTH PROJECT CHARITY** will ensure that we have the required licence in place.

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Seat belts – legal requirements

Child from 3rd birthday up to 135cms in height (approx 4' 5") or 12th birthday (whichever they reach first)	Correct child restraint MUST be used.	Where seat belts are fitted, the correct child restraint MUST be used. The child must use adult belt if the correct child restraint is not available as follows: - in a licensed taxi or private hire vehicle; or - for a short distance in an unexpected necessity; or - two occupied child restraints prevent fitment of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Responsibility of the driver
Child over 1.35 metres (approx 4' 5") in height or 12 or 13 years old	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Responsibility of the driver
Passengers aged 14 years old and over	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Responsibility of the passenger

3) Transporting wheelchairs

- If you are going to transport wheelchairs there are particular regulations and procedures you will need to know. [The Disabled Living Foundation](#) website has a particularly useful leaflet 'Out and About with Your Wheelchair', which is available as a free download.

The Different Transport Options

When you are planning your journey you will need to decide the best way to provide transport for members. There are a number of options:

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- **Hire a minibus/coach and driver**

This is the most expensive option but gives you less to worry about, as long as the company you use is currently registered to operate public service vehicles (PSV) with the Vehicle and Operator Services Agency (VOSA). Check their website for companies local to you: [Driver and Vehicle Standards Agency](#)

- **Hire a minibus but use a member of staff, helper/volunteer as driver**

Again, use the VOSA website to find a registered company for minibus hire. Use the driver checklist below to make sure that the member of staff is fully briefed and, if necessary, arrange driver training for anyone who needs it

- **Use the club's own minibus/coach and driver**

If the club has its own minibus/coach it must have seat belts correctly fitted and you will need to keep it fully maintained and insured. Use the driver and vehicle checklists below and arrange driver training as necessary

- **Using volunteer drivers with their own transport**

- For details, see the [ROSPA](#) Volunteer Driver's Handbook (free to download)
- Do keep records about vehicles in which children, young people or vulnerable adults could be transported, including insurance details and a list of named drivers
- Check in vehicles that, where appropriate, there is one seat per child, no side facing seats are used for children and those vehicles carrying children have a fire extinguisher on board
- Make sure all transportation has insurance cover for business use and that [Braintree Youth Project](#) is insured for liabilities to third parties (which covers passengers in the vehicle). If the need arises to transport a child/young person in an emergency situation in a vehicle other than a business insured car/ vehicle, ensure that the insurance policy covers children/young people and staff driving or accompanying them

- **Use public transport**

- The main task here is one of risk assessing the level of supervision needed and this will depend on the age, physical and mental fitness and maturity of your members and whether they are used to using public transport. How will you keep the group together in a public place like a railway station? What happens if one person is late for a bus or if someone gets lost? In any journey a head count must be undertaken when boarding and departing vehicles, and entering and leaving facilities. This is particularly important when using public transport.

Checklists

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- **The Driver**

- Does the driver have an appropriate and valid driving licence? – see ‘The Law’ section above
- Is the driver experienced in driving a minibus? If there is member of staff, helper/volunteer who has an appropriate licence and is willing to drive, but inexperienced, the club could arrange some driver training.
- Your local authority may offer a training course for drivers needing more experience (probably at a cost); if not, they should be able to signpost you to someone who can provide training
- Does the driver know the route/have you provided clear route instructions? Have you agreed with the driver an appropriate length of time to complete the journey, taking into account the possible impact of traffic and weather conditions?

- **The Vehicle**

- Is the vehicle roadworthy with a current MOT certificate?
- Does it carry a first aid kit?
- Does the vehicle comply with seat belt regulations and, if a minibus, are all seats forward facing?
- If you are going to carry passengers in wheelchairs, does the vehicle comply with regulations for carrying, loading and unloading passengers in wheelchairs?
- Are appropriate booster seats provided if required?
- Is the vehicle adequately insured?

- **Supervision**

- Have you obtained written permission from parents/carers prior to transporting children, young people or vulnerable adults? There are sample forms you could use in the Trips, Outings and Hazardous Activities Policy
- Do you have sufficient supervisors for the journey? The Trips, Outings and Hazardous Activities policy and procedures has information on the recommended staffing levels for trips and outings. In general, if there are more than four children being transported in a vehicle, at least one non-driving escort should be with them. Remember the driver should not be considered as a supervisor during the journey

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- If you are transporting children, young people, vulnerable adults or someone with a disability, have you undertaken a risk assessment to ensure that you could provide an appropriate level of first aid during the journey? See the Health and Safety Policy for more about risk assessment

- How will you supervise people getting on and off the vehicle and in car/coach parks?

- How will you ensure all passengers wear seat belts?

- Have you identified the person responsible for doing a head count when members are boarding or departing from a vehicle, and on entering and leaving facilities?

- Do you have appropriate insurance for the journey?

N.B. Our guidelines provide a brief introduction, a description of the key issues to adhere to and an example policy. The documents are not comprehensive and do not constitute legal advice.

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