

OEAP EG: Transport in Minibuses

This section of the guidance relates to passenger carrying vehicles fitted with between 9 and 17 seats (including the driver). When establishments run or hire their own vehicles and require payment towards the cost of young people being carried, then a Public Service Vehicle (PSV) Operators License is required.

Permits under Section 19 Transport Act

Under the Transport Act 1985, Section 19 Minibus Permits allow defined holders to be exempt from the need to hold a PSV operators' license. These permits cannot be used outside the UK and special rules exist for those wishing to take minibuses abroad. For details of S19 permits, see Department for Transport (DfT) guidance.

Driver's Licensing Requirements

Drivers must be competent and work within legal requirements. The Department for Transport (DfT) issues national guidance relating to driving minibuses. Employers such as local authorities are required to set out their clear interpretation of the national guidance.

Staff changing their employer should ensure that they know the requirements of the new employer.

All minibus drivers must:

- Understand that they are legally responsible for the condition of the vehicle.
- Observe employer guidance.
- Not drive when taking medication or undergoing treatment that might affect their ability or judgment.
- Know what to do in an emergency.
- Know how to use fire fighting and first-aid equipment.
- Avoid driving for long periods and ensure that rests are taken when needed.
- Clarify and comply with transport regulations and the requirements of the vehicle's insurance cover.
- Take into consideration the impact of their normal workload on their driving ability. Have regular medical checks e.g. eyesight tests.

Driving Hours Requirements

Minibus drivers are subject to the UK Domestic Drivers' Hours rules, as set out below;

- A maximum continuous driving time of 4 hours followed by a minimum break of 45 minutes.
- Total aggregate driving time, before a prolonged period of rest is taken, should not exceed 8 hours.
- A prolonged rest period should normally be a minimum of 10 hours free from driving duties.
- A maximum aggregate driving time of 48 hours in any 7 consecutive day period.
- A maximum aggregate driving time of 90 hours in any 14 consecutive day period.

Unless the above guidelines can be met, alternative arrangements should be made.

Minibus Maintenance and standard checks

Establishment Heads/Managers will be deemed to be taking responsibility for the maintenance and standard checks of vehicles based at their establishment, unless such responsibility is specifically delegated elsewhere. The appointed person responsible for maintaining the minibus should:

- Ensure that all drivers understand that they should carry out appropriate checks at the start of any journey. The provision of a driver's checklist requiring a written response is good practice.

- Check the vehicle's general condition on a regular basis (weekly for minibuses with high usage).
- Ensure proper servicing by a reputable garage.
- Maintain the record-of-use book with the service history, insurance and other relevant documents.
- Ensure that any staff or volunteer adult helpers driving the minibus are competent and have undertaken suitable training/assessment to do so.
- Ensure that drivers of the minibus are aware that the vehicle should always be logged in and out.

Supervision of Groups in Minibuses

Establishments must give proper consideration to issues of driver-distraction when considering what supervision is required for the specific group of passengers being transported in a minibus. In determining the staffing ratio necessary to expedite the requirement for effective supervision, establishments should carefully consider the factors that might influence the safety of the driver and passengers.

These factors include:

- The length of the journey and time of day when it takes place.
- The route and the familiarity of the driver with this route.
- The nature of the group (e.g. age / maturity / special needs / behavioural issues) and the level of behaviour management or support they are likely to require during the journey. In any seating arrangements, thought should be given as to where it is best to place leaders, ensuring that the arrangements will support the management of discipline and adult proximity to emergency exits.
- The overall workload of the driver during the day (other responsibilities and duties undertaken or planned by drivers).

Based on an assessment of these factors, establishments should decide whether:

- A sole leader (who is also the driver) is sufficient (e.g. short journey, small groups of young people who are unlikely to present any supervision issues);
- or
- Additional staffing is required to supervise young people and/or share driving duties during the journey.