



ST IVO SCHOOL

Policy for the Management of Educational Visits

Approved: February 2015, Governors Curriculum Committee

Next review due: February 2016

*This policy is largely based upon the document provided by adviser Stephen Brown:
Employer Policy Document for the Management of Educational Visits
Version 3 October 2013*

1. Provision of Employer Guidance

St Ivo School has formally adopted “**National Guidance**”(NG) as “**St Ivo School Employer Guidance**”. This Educational visits guidance can be found on the following web site: www.oeapng.info

It is a legal expectation that employees **must** work within the requirements their employer’s guidance; therefore **St Ivo School** employees must follow the requirements of National Guidance”, as well as the requirements of this Policy Statement.

St Ivo School employees should also follow NG recommendations.

Where a **St Ivo School** employee commissions activity, they must ensure that such commissioned agent has:

1. systems and procedures in place where the standards are not less than those required by National Guidance.

2. Scope and Remit

The NG document “**Basic Essentials MUST Read - Status and Remit**” clarifies the range of employees whose work requires them to use the guidance. In summary, it applies to employees whose work involves any one of the following:

- direct supervision of young people undertaking experiences beyond the boundary of their normal operational base;
- direct supervision of young people undertaking experiences that fall within the remit of Educational visits and LOtC.
- facilitating experiences for young people undertaking experiences beyond the boundary of their normal operational base;
- deploying staff who will supervise or facilitate experiences of or for young people undertaking experiences beyond the boundary of their normal operational base;

This applies regardless of whether or not the activities take place within or outside of normal working hours, including weekends and holiday periods.

For a more expansive explanation of legal expectations, all users of the guidance are strongly recommended to read the NG document: “**Underpinning Legal Framework**”

This Policy relates to the following St Ivo School policies (Health and Safety Policy, Employment, Insurance)

3. Ensuring Understanding of Basic Requirements

As an employer, **St Ivo School** is required to ensure that its employees are provided with

- appropriate guidance relating to visits and LOfC activity;
- employer-led training courses to support the guidance to ensure that it is understood;
- suitable systems and processes to ensure that those trained are kept updated;
- access to advice, support and further training from an appointed Adviser that has proven expertise and professional understanding of the guidance, the training and expectations set by current good practice.

The appropriate guidance for the management of outdoor learning and LOfC in **St Ivo School** is the National Guidance web site www.oeapng.info

The relevant training courses for St Ivo School are:

1. Educational Visit Coordinator (EVC) Training - St Ivo School establishment is required to have a current, trained EVC in post.
2. Educational Visit Coordinator (EVC) Revalidation – St Ivo School EVC are required to undertake a formal revalidation from time to time.
3. Visit Leader Training – this course is strongly recommended for all those who lead visits and off site activities.

For the purposes of day-to-day updating of information, St Ivo School EVC and Visit / Activity Leaders are directed to the posting of “*Information Updates*” from Cambridgeshire County Council on Evolve.

Where an employee experiences problems with finding the material they are looking for, or require clarification or further help and guidance, they should contact their Educational Visits Coordinator (EVC), or the **Outdoor Education Adviser**

The Outdoor Education Adviser for the Academy is: Stephen Brown
Contact Details: stephen.brown@cambridgeshire.gov.uk
Office phone. 01480 372677

4. Approval and Notification of Activities and Visits

The Employer Policy **must** provide clarity on issues where responsibilities and functions are delegated. This is particularly critical in establishing requirements regarding formal notification and formal approval of activities. Activities in Zone 1 must be defined, and what is covered under generic risk management processes within the school.

St Ivo School uses an online system for notification and approval called Evolve.

It is a requirement that St Ivo School use the Evolve system; for further advice and help using the system, the establishment should contact the outdoor education adviser (see section 3)

Approval Route 1

All visits are the responsibility for the Academy to approve. The Outdoor Education Adviser will review the approved plans for Abroad and Adventure visits, and add a third level approval, confirming that the

visit meets the standards expected for planning and appropriate standards for the visit. This runs via the current set up in Evolve.
This will include D of E expeditions.

5. Risk Management

As an employer, **St Ivo School** has a legal duty to ensure that risks are managed - requiring them to be reduced to an “acceptable” or “tolerable” level. This requires that proportional (suitable and sufficient) risk management systems are in place, requiring **St Ivo School** to provide such support, training and resources to its employees as is necessary to implement this policy.

The risk management of an activity should be informed by the benefits to be gained from participating. St Ivo School strongly recommends a “Risk-Benefit Assessment” approach, whereby the starting point for any risk assessment should be a consideration of the targeted benefits and learning outcomes. This appreciation of the benefits to be gained through participating provides objectivity to a decision that any residual risk (i.e. the risk remaining after control measures have been put in place) is “acceptable”. HSE endorse this approach through their “**Principles of Sensible Risk Management**” and advocate that it is important that young people are exposed to well-managed risks so that they learn how to manage risk for themselves.

There is no legal or **St Ivo School** requirement to produce a risk assessment in a particular format; but there is a legal requirement for the process to be recorded and for suitable and sufficient control measures to be identified for any significant risks i.e. those that may cause serious harm to an individual, or harm several people.

Refer to NG document: “**Risk Management**”

6. Emergency Planning and Critical Incident Support

A critical incident is an incident where any member of a group undertaking an off-site activity has:

- either suffered a life threatening injury or fatality;
- is at serious risk;
- or has gone missing for a significant and unacceptable period.

As an employer, **St Ivo School** is committed to providing emergency procedures to support staff in the event of a critical incident. Cambridgeshire County Council Childrens Services Learning offer this support to all Cambridgeshire Academies as a free service, and this should be reflected in school plans.

Refer to NG document: “**Critical Incident Management for Visits**”

To activate support from St Ivo School, the following telephone numbers should be used:

Normal office hours: 01480 375400

Outside normal office hours: M.Craig EVC

These numbers should be carried by leaders at all times during an off-site activity but should only be used in the case of a genuine emergency. Under no circumstances should these numbers be given to young people or to their parents or guardians.

7. Monitoring

As an employer, **St Ivo School** ensures that there is sample monitoring of the visits and LOTC activities undertaken by its staff. Such monitoring should be in keeping with the recommendations of National Guidance. There is a clear expectation that the monitoring function is a delegated task, principally carried out through systems put in place by the EVC.

Refer to NG document: **“Monitoring”**

8. Assessment of Leader Competence

National Guidance provides clear advice regarding the assessment of leader competence. It is an expectation of **St Ivo School** Policy that all leaders and assistants have been formally assessed as competent to undertake such responsibilities as they have been assigned in line with the NG guidance. Staff should maintain their training and qualifications on their own profile within Evolve. For D of E leaders, there are clear established standards for leading expeditions, and these are published on Evolve.

Refer to NG document: **“Assessment of Competence”**

9. Role-specific Requirements and Recommendations

National Guidance sets out clear and detailed responsibilities and functions of specific roles that relate to roles to be found within **St Ivo School** management structures. These are:

Governing Body (Employers)

Head
EVC

Refer to individual NG documents headed as above.

National Guidance sets out clear and detailed responsibilities and functions of specific roles that relate to roles to be found the establishment. These are:

1. Member of Board of Governors or Management Board
2. Headteacher
3. EVC
4. Visit or Activity Leader
5. Assistant Visit leader
6. Parents/ Volunteer Adult Helper

Refer to individual NG documents headed as above.

10. Charges for Off-site Activities and Visits

St Ivo School Heads/Managers, Curriculum Planners, EVCs and Visit/Activity Leaders must take account of the legal framework relating to charging, voluntary contributions and remissions as set out in sections 449 to 462 of the Education Act 1996.

Refer to NG document: **Charges for Off-site Activities and Visits in an Educational Establishment**

11. Vetting Checks

St Ivo School employees who work *frequently* or *intensively* with, or have *regular access* to young people or vulnerable adults, must undergo an enhanced DBS check as part of their recruitment process.

However, it must be clearly understood that a DBS check (or other vetting procedure) in itself, is no guarantee as to the suitability of an adult to work with any given group of young or vulnerable people.

The placement of an adult within a situation of professional trust (where young people could be vulnerable to physical or mental exploitation or grooming) should always be on the understanding that an overview based on a common sense risk-benefit assessment process has been considered.

Refer to NG document: ***“Vetting and DBS Checks”***

12. Requirement to Ensure Effective Supervision

In general terms, the Law does not prescribe activity-specific staffing ratios; but it does require that the level of supervision and group management is “effective”.

Effective supervision should be determined by proper consideration of:

- Staff Competence
- Activity - nature and location of the activity (including the type of activity, duration, skill levels involved)
- Group - age (including the developmental age) of the group; ability of the group (including special learning needs, behavioural, medical and vulnerability characteristics etc);
- Environment - nature and location of the activity (including the type of activity, duration, skill levels involved, as well as the time of year and prevailing conditions,
- Distance away from the base

However, as an exception to the above, Ofsted and DfE guidance prescribe ratios for Early Years.

Refer to NG document: ***“Ratios and Effective Supervision”***

Refer to NG document: ***“Group management and Supervision”***

13. Preliminary Visits and Provider Assurances

All visits should be thoroughly researched to establish the suitability of the venue and to check that facilities and third party provision will meet group expectations. Such information gathering is essential in assessing the requirements for effective supervision of young people. It is a vital dimension of risk management.

Wherever reasonably practicable, it is good practice to carry out a preliminary visit. This policy clarifies the circumstances where a preliminary visit is a requirement.

Consider the following Option for decision.

1 Pre visit are required for visits where there is a high complexity factor and the visit has not happened previously.

2 Additionally required when the visit is solely led and managed by academy staff.

Residential, visits abroad, exchange visits, adventure led by school staff all have aspects of complexity.

If the visit is led and managed by a provider, then a variety of approaches can reduce the need to pre visit.

It is good practice for Visit Leaders to take full advantage of the nationally accredited, provider assurance schemes that are now available, thus reducing bureaucracy.

Examples of such schemes include:

- The LOfC Quality Badge
- AALS licensing
- Adventuremark
- NGB centre approval schemes (applicable where the provision is a single, specialist activity).

St Ivo School takes the view that where a provider holds such one of the above accreditations, there should be no need to seek further assurances.

Refer to: NG document ***“Preliminary Visits and provider Assurances***

14. Insurance for Off-site Activities and Visits

Employer’s Liability Insurance is a statutory requirement and **St Ivo School** holds a policy that indemnifies it against all claims for compensation for bodily injury suffered by any person employed by it. This cover should extend to those persons who are acting in a voluntary capacity as assistant supervisors. St Ivo School also holds Public Liability insurance, indemnifying it against all claims for compensation for bodily injury from persons not in its employ, as well as for the accidental loss of, or damage caused to, property. Employees (as agents of the employer) are indemnified against all such claims, as are voluntary helpers acting under the direction of the employer’s staff. The indemnity covers activities such as off-site activities and visits organised by staff for which the employer is responsible.

Some level of Personal Accident Insurance is provided for all **St Ivo School** employees in the course of their employment, providing predetermined benefits in the event of an accident. However, Visit/ Activity Leaders should be advised that they should consider taking out less limited personal accident cover privately, or obtain cover through a professional association.

St Ivo School should contact the Insurers to seek clarification of the above, including any circumstances requiring early notification of specialist activities to the insurer. They should also ensure they have obtained current information regarding any special policies that may be available to offer more comprehensive cover.

Refer to NG document: ***“Insurance”***

15. Inclusion

Every effort should be made to ensure that outdoor learning activities and visits are available and accessible to all, irrespective of special educational or medical needs, ethnic origin, gender or religion. If a visit needs to cater for young people with special needs, every *reasonable* effort should be made to find a venue that is both suitable and accessible and that enables the whole group to participate fully and be actively involved.

St Ivo School takes all *reasonably practicable* measures to include all young people. The principles of inclusion should be promoted and addressed for all visits and LOfC thus ensuring an aspiration towards:

- an entitlement to participate
- accessibility through direct or realistic adaptation or modification
- integration through participation with peers

Employers, Heads/Managers, Curriculum Planners, EVCs and Visit Leaders should be aware of the extent to which Inclusion is or is not a legal issue.

Under the Equality Act 2010, (previously the Disability Discrimination Act 1995), it is unlawful to:

- treat a disabled young person less favourably;
- fail to take reasonable steps to ensure that disabled persons are not placed at a substantial disadvantage without justification.

Refer to NG document: ***“Inclusion as a Legal Issue”***

16. Good Practice Requirements

To be deemed competent, a **St Ivo School** Visit / Activity Leader, or Assistant Leader must be able to demonstrate *the ability to operate to the current standards of recognized good practice for that role.*

All staff and helpers must be competent to carry out their defined roles and responsibilities.

National Guidance sets a clear standard to which **St Ivo School** leaders **must** work. The guidance states:

“a competent Visit /Activity Leader (or an Assistant Leader where they may take sole responsibility for a sub-group) requires:

- *Knowledge and understanding of their employer’s guidance supported by establishment-led training.*
- *Knowledge and understanding of establishment procedures supported by a structured induction process specified by the establishment.*
- *Knowledge and understanding of the staff, the activity, the group and the venue.*
- *Appropriate experience*
- *In some circumstances (e.g. first aid, adventurous activities) a formally accredited qualification.”*

Staff participating in off-site activities and visits must be aware of the extent of their duty of care and should only be given such responsibilities as are in keeping with the above guidance. It is particularly important that careful consideration of competence issues is applied to both newly qualified and newly appointed staff. The EVC should view the original documents and certificates when verifying leader’s qualifications, and not rely on photocopies.

Where a Volunteer Helper is a parent (or otherwise in a close relationship to of a young person taking part in the visit) they should be made aware of the potential for their relationship to compromise the Visit Leader’s plans for group management. The Visit Leader should directly address this issue as part of the Risk-Benefit assessment.

Refer to NG document: **“Good Practice Basics”**

17. Transport

Minibus Policy:

A new Minibus policy must reflect the DfE advice. See Appendix 2 for details:

Please note that this applies to minibuses not exceeding 3.5 tonnes and minibuses over 3.5 tonnes will need to be covered by a transport policy.

Careful thought must be given to planning transport to support off-site activities and visits. Statistics demonstrate that it is much more dangerous to travel to an activity than to engage in it and establishments **must** follow the specialist guidance provided in **St Ivo School** transport policy. All national and local regulatory requirements **must** be followed.

The level of supervision necessary should be considered as part of the risk management process when planning the journey, giving proper consideration to issues of driver-distraction when considering what supervision is required for the specific group of passengers being transported in a minibus.

The Visit Leader should ensure that coaches and buses are hired from a reputable company.

Transporting young people in private cars requires careful consideration. Where this occurs, there should be recorded procedures.

Refer to NG document: **“Transport: General Considerations”**

Refer to NG document: **“Transport in Minibuses”**

Refer to NG document: **“Transport in Private Cars”**

18. Planning

Planning should reflect the consideration of legal and good practice requirements, ensuring:

- The plan is based on establishment procedures and national guidance.
- All staff (including any adult volunteer helpers) and the young people to be involved, have a clear understanding of their roles and responsibilities, including their role in the risk management process.
- Those in a position of parental authority have been fully informed and, where appropriate, formal consents have been obtained.
- Proportionate assurances have been obtained from any providers (making full use of national schemes that accredit that assurances have already been obtained by credible inspection regimes).
- Designated emergency contact(s) have been identified that will work on a 24/7 basis where required.
- All details of the activity provision are accessible to the emergency contact throughout the period of the activity.

It is strongly recommended that at a very early stage of the planning process, the provisional staffing team carry out an exercise in order to identify the benefits and learning outcomes that the activity (or range of activities) might achieve. If the outcomes are to be evaluated with any rigor (an Ofsted expectation), then it will be essential that these outcomes are prioritised, and appropriately targeted. A record of these outcomes will help keep the plan focussed and also be a vital part of the risk management process in providing some objectivity in a “Risk Benefit Analysis”. Once the targeted outcomes have been recorded, it will then be possible to identify appropriate on-going review and evaluation strategies, including indicators.

To reduce bureaucracy and encourage activity, the need for formal consent must be considered. When an activity is part of a planned curriculum in normal curriculum time and no parental contributions are requested, then a formal consent is not necessary. However, in the interests of good relations between the establishment and the home, it is good practice to ensure that those in a position of parental responsibility need to be fully informed.

This supports the move towards developing establishment activity-specific policies for regular or routine activities. Such policies should be robust and equate to “*operational guidance*” that makes it clear how the activity should be planned and delivered, meeting all necessary recommendations and requirements, as well as assuring educational quality.

The degree of complexity of a particular plan or policy (along with its supporting procedures) will need to reflect the nature and complexity of several variables that can impact on any given activity. These variables can be remembered as “**SAGED**” as explained below.

- **S**taffing requirements – trained? experienced? competent? ratios?
- **A**ctivity characteristics – specialist? insurance issues? licensable?
- **G**roup characteristics – prior experience? ability? behaviour? special and medical needs?
- **E**nvironmental conditions – like last time? impact of weather? water levels?
- **D**istance from support mechanisms in place at the home base – transport? residential?

Refer to NG document: **“Planning Basics”**

Appendix 1 D of E Standards for Leadership

Cambridgeshire County Council's leadership standards for D of E Training and Assessed Expeditions are held on Evolve and need to be followed by D of E groups working under the Cambridgeshire D of E License agreement. These also can apply to other Academies, in terms of good practice. The standards are found on the Evolve guidance pages.

Appendix 2 Minibus Driving

Details for Route 2 in Section 17, to be added to the Establishment Transport Policy

Final version August 2013

DRIVING SCHOOL MINIBUSES ADVICE FOR SCHOOLS AND LOCAL AUTHORITIES About this guidance

1. This is non-statutory advice jointly produced by the Department for Education (DfE), the Department for Transport (DfT) and the Association of Chief Police Officers (ACPO) on driving licence entitlement when driving a school minibus.

What the law says

2. This advice does not constitute legal advice nor is it a ruling on the law: individual, schools etc should seek independent legal advice on these issues if they have any queries or concerns. The relevant legislation is Part III of the Road Traffic Act 1988 and the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999/2864):

<http://www.legislation.gov.uk/ukpga/1988/52/part/III>

<http://www.legislation.gov.uk/uksi/1999/2864/contents/made>¹.

¹ Please note that legislation on these links are not generally consolidated and therefore may not show subsequent amendments.

Expiry/ review date

3. This document replaces the relevant section of the DfE health and safety departmental advice. It will be reviewed should the law change.

Who is this advice for?

4. This advice is for:

- School employers including local authorities, governing bodies, academy trusts and proprietors, and
- Head teachers and other school staff.

This advice may also be of interest to local authority youth workers and charitable groups working with young people.

Key points

1. There are circumstances in which a member of school staff with a car driving licence (category B) can drive a minibus. This licence entitlement is set out here and in an interactive [flowchart](#) on the DfT website. Schools are also advised to check their insurance and any employer's policies on this matter.
2. There is also an exemption under which drivers can drive minibuses on behalf of non-profit making bodies such as schools using a Section 19 permit. If schools are in any doubt about their legal position they are advised to apply for a Permit.

Final version August 2013

What is a minibus and who can drive one?

1. A minibus is a motor vehicle with between 9 and 16 passenger seats² with a maximum length of 8 metres. It is described as a category D1 vehicle by the Driving Vehicle Licencing Authority.
2. Drivers who hold a full D1 (or D) PCV entitlement can drive minibuses for *hire or reward*.
3. There are, however, circumstances when a driver can drive a minibus within the UK when they hold a car (category B) licence. These circumstances vary depending on when the driver passed their car driving test. These arrangements only apply when driving the minibus in the UK not if driving abroad.
 - a) **If you passed your category B (car) driving test before 1 January 1997**, you can drive a minibus that is not being used for *hire or reward* as these 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.
 - b) **If you passed your category B driving test on or after 1 January 1997**, you may drive a minibus that is not being used for *hire and reward* if the following conditions are met:
 - you are over 21 and have held a category B licence for at least 2 years;
 - the minibus is used by a non-commercial body⁴ for *social purposes*,
 - you receive no payment other than the recovery of your *out of pocket expenses* (e.g. fuel and parking costs);
 - you provide the service on a *voluntary basis*;
 - the maximum unladen weight⁵ of the minibus is not more than 3.5 tonnes (or 4.25 tonnes if including any specialist equipment to carry disabled passengers); and
 - you do not tow a trailer.

²The driver's seat does not count for these purposes. ³Drivers who have renewed their licence (e.g. when a photo licence is issued) should check that this entitlement has been retained. ⁴Maintained schools, Free Schools and academies are considered non-commercial bodies, as are independent schools holding charitable status. ⁵The weight of the vehicle (sometimes known as the Maximum Authorised Mass or MAM) is shown on a metal or plastic plate situated in the engine shell or on a door pillar. At least three manufacturers are currently making lightweight minibus models of 3.5 tonnes or less which are available in the UK. *Final version August 2013*

What is *Hire and reward*?

1. A vehicle which is operated for hire or reward is one where payment is made, in cash or in kind, for the carrying of passengers, or matters which include the carrying of passengers, irrespective of the person to whom the payment is made. This includes direct payments such as a fare or an indirect payment which gives a person an opportunity to travel. It does not matter whether or not the operator is a profit-making entity. A minibus is used for *hire or reward* if there is a clear and logical link between payment and the transport provided and that link is not too remote.
2. A minibus is not being used for *hire or reward*, for example, where the pupils are not obliged to pay in exchange for the right to be passengers. This applies where independent schools with charitable status, Free Schools and academies use a minibus not for a passenger service on a commercial basis but to take pupils off-site for trips within the school day or as an extra-curricular activity, where the pupils do not pay for their transport. Independent, fee-paying schools which lack charitable status could be viewed as commercial bodies that operate minibuses for *hire or reward*; the *hire or reward* element being school fees. We advise such schools to seek legal advice.
3. If schools (or their insurers) are concerned that they may not meet the definition of not operating for *hire or reward* they are advised to consider applying for a Section 19 permit (see below).

What are Social Purposes?

1. We consider social purposes to mean non-commercial activities. This includes school trips and travel to sporting fixtures within the school day or as an extra-curricular activity.
2. Where a minibus is operated to provide passenger services for commercial purposes, the driver must hold a full D1 licence (or a full D licence, which entitles the holder to drive minibuses).

What are Out of Pocket Expenses?

15. Out of Pocket Expenses are remuneration for any 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.

What is 'On a Voluntary Basis'?

1. In our view, if the terms and conditions of a teacher's contract of employment state that driving minibuses is a part of their duties, or if a teacher is paid an additional sum specifically for driving the minibus (other than a sum to reimburse the teacher for out of pocket expenses on a cost recovery basis), such staff would be deemed as receiving payment for driving a minibus and would not be driving the minibus 'on a voluntary basis'. In these cases, a full D1 licence (or a full D licence) would be needed.

Final version August 2013

1. However, in our view, if a teacher's contract of employment does not state that driving minibuses is part of their duties and they receive no additional payment for driving a minibus to take pupils on trips or to social sporting events (except for reimbursement for out of pocket expenses), they will be driving on an extra-contractual, **voluntary basis**. In this case, the category B licence would suffice (assuming the conditions are met) even if the school reimburses the teacher for fuel, parking and tolls.

Medical standards and renewing a driving licence

1. When your category B driving licence expires at age 70, the entitlement to drive a minibus can be renewed upon request, if you meet the medical standards for category D1 drivers. You will need to complete a D2 application form and provide a Medical Examination Report (D4). Further information can be obtained from the DVLA's INF28 leaflet, [Driving a Minibus](#).
2. Every driver must comply with medical standards for any driving licence issued.

Driving under the Section 19 permit scheme

20. A Section 19 permit is usually issued free of charge and is given to non-profit making bodies⁶ that run transport services which benefit the community. Section 19 Permits are issued to bodies to enable them to provide transport for their own members or other people whom the organisation exists to help. The vehicle must not be used for carriage of members of the general public. It must also not be used with a view to profit, nor incidentally to an activity which is itself carried out with a view to profit. Category B and Category D1 (101) (not for Hire or reward) licence holders are entitled drive minibuses that are operated for *hire or reward* in accordance with a Section 19 permit. Apart from the *hire or reward* test, the same driving licence requirements as described in paragraph 9 apply.
21. Permits are available free, or for a small fee, from [Traffic Commissioners](#) and designated bodies such as local authorities and various church organisations. Once a permit has been obtained, a member of staff can drive a minibus under the conditions outlined above. These Permits only apply within the UK.

⁶ Examples of such non-profit making bodies are bodies concerned with education, religion, social welfare, recreations and other activities that are beneficial to the community. Schools would fall within this classification.

Insurance, other legal requirements and Police

1. It is up to drivers to check with their insurer whether their insurance policy covers a minibus in the circumstances in which it is proposed to be driven.
2. It is also up to drivers to check whether their driving triggers other legal requirements, such as the laws in respect of drivers' hours, tachographs and

Certificates of Professional Competence. *Final version August 2013*

24. This guidance has been cleared by the Association of Chief Police Officers, who will promote awareness of this legislation amongst local traffic police officers.

Frequently Asked Questions

Question: We are taking a small group of pupils on a school trip and asking for a contribution toward petrol costs. Does this constitute *hire or reward*?

Answer: Yes, we would consider a payment by pupils toward petrol costs to fall within the meaning of *hire or reward*.

Question: Do staff need MIDAS⁷ training?

Answer: The MIDAS scheme allows organisations to assess and train minibus drivers and is highly recommended for school staff driving on a category B licence. Although the scheme is not mandatory there are many advantages to successful completion of the training. Drivers will feel more confident in their ability to drive and valuable experience of driving a minibus is gained, increasing competence. Some employers may require drivers to have taken this training and some insurance companies may offer lower premiums based on drivers having completed the training.

Question: How does the status of the school affect the teacher's right to drive under the above derogations (usually in Charitable Trusts, Private Schools)?

Answer: The right to charitable status for a fee paying school is determined by a number of criteria, one of which is how the school will work with the local community. It is arguable that a fee paying school which does not have charitable status operates as a business rather than on a community basis and that their teachers would be driving minibuses on a "hire and reward" basis because the pupils' school fees amount to a payment for matters that include carriage by minibus. Schools without charitable status are advised to seek legal advice. (Academies and Free School have charitable status.)

⁷ MiDAS is the Minibus Driver Awareness Scheme (organised by the Community Transport Association U.K.) which promotes a nationally recognised standard for the assessment and training of minibus drivers.

Further sources of information

- The DfT website has an interactive [flowchart](#) to help drivers identify whether or not they meet the conditions to drive a minibus.
- All drivers should be familiar with the [Highway Code](#).
- Further details of exemptions and permits:
http://www.direct.gov.uk/en/Motoring/DriverLicensing/WhatCanYouDriveAndYourObligations/DG_4022498.

Schools may also like to consult The Outdoor Education Advisers' Panel website <http://oeap.info>.

The Guidance above:

This is non-statutory advice jointly produced by the Department for Education (DfE), the Department for Transport (DfT) and the Association of Chief Police Officers (ACPO) on driving licence entitlement when driving a school minibus.