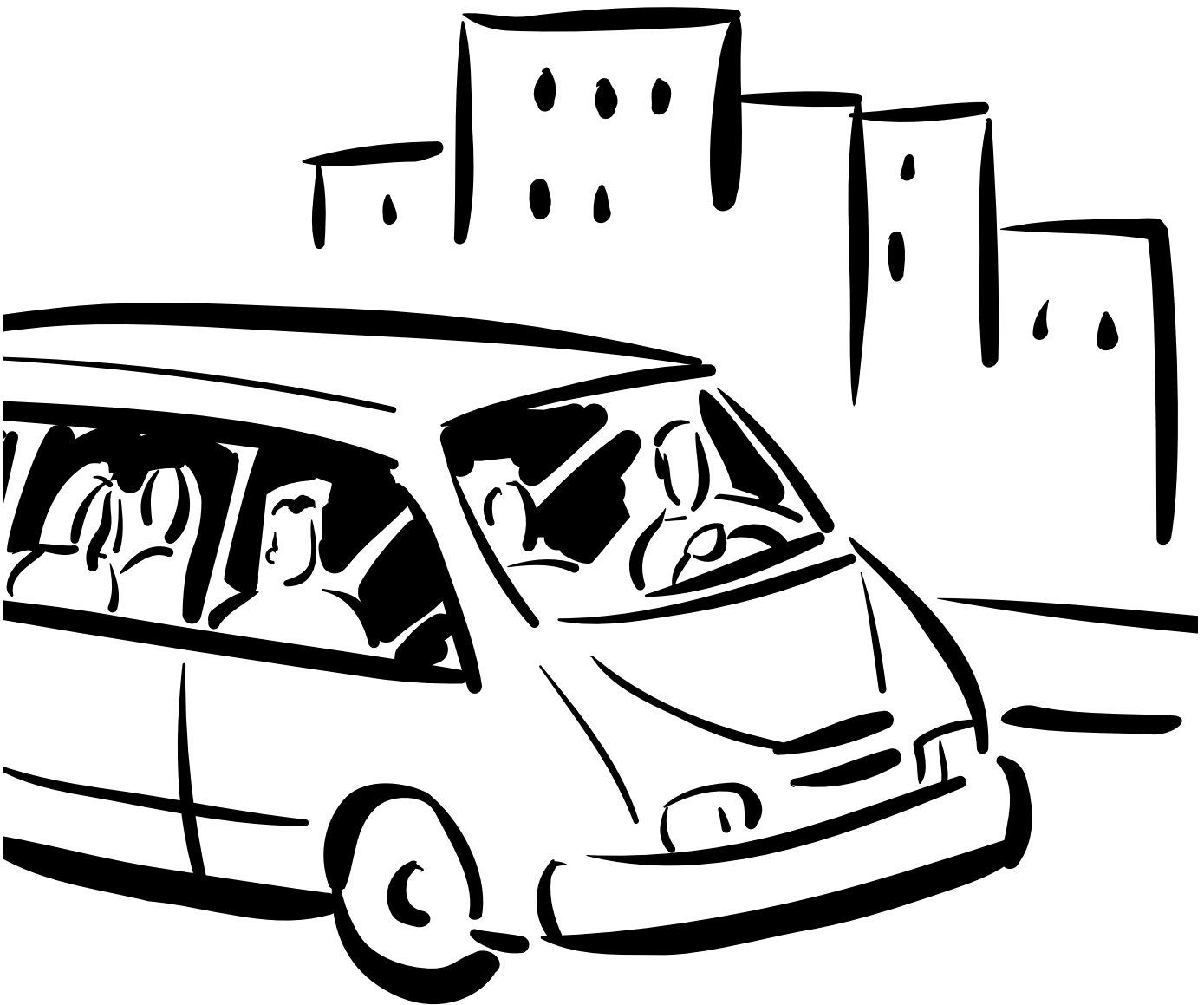


# Section 5

## Minibuses



**Churches and charities frequently organise events that include the use of mini-buses, which can be readily hired or borrowed. The more fortunate own such vehicles through fund-raising or by means of a generous donation. These are very useful vehicles but great care is needed in using these especially as they are often driven by volunteers, and the number of passengers in their care is more than they are used to. On many occasions the most vulnerable passengers can be children, elderly or disabled.**

Driving mini-buses is very different to driving a private car, so it is unsafe to allow drivers with no or little experience to do so. A mini-bus is built or adapted to carry more than 8 but not more than 16 passengers.

The 3 main areas to be considered are:-

- The competence of the driver
- The condition of the vehicle
- The legal requirements which involve the organisers and emanate from the drivers' duty of care

Probably the best method to make sure these three areas are satisfactorily covered is by:-

- Assessing the risks generally e.g. hours to be driven, distances travelled etc.
- Making sure any trips planned are vetted and controlled properly.
- Ensuring effective management by clearly delegating areas of responsibility for example:
  - i) providing the right type of vehicle and equipment (inc. emergency equipment).
  - ii) maintaining the vehicle and equipment in a good and safe condition.
  - iii) proper recording of authorised drivers including their assessments and training.

- Setting-up a system to ensure that all drivers are not allowed to drive unless they have been assessed and authorised by an appointed person working within an agreed procedure
- Arranging training and/or additional training (training should include other than purely driving e.g. making sure passengers who have alighted are clear of the vehicle as accidents have been caused by trapped clothing).
- Maintaining regular assessments of drivers competence to drive. This is best undertaken at regular periods of not less than every two years or when there is reason to do so e.g. a driver is involved in an incident or accident which gives reason for concern.
- Checking and maintaining records of licences and drivers records to include an annual review and the retention of duplicate records such as a driver's licence.
- Keeping a record of all incidents and accidents.
- Ensuring that every driver has up to date instructions and guidance.
- Making sure the required vehicle documents are obtained and maintained e.g. MOT certificates are up to date.
- Providing check lists for each driver to use for each trip and regular maintenance (see attached appendix 7A)
- To ensure the drivers' awareness and compliance with the organisation's procedures and of their responsibilities including those required by law.

## Section 5 Mini Buses

Following the tragic accidents of a few years ago in which a number of children died the relevant laws were changed to require that a forward facing seat fitted with a seat belt must be provided for each child carried in a mini-bus. This applies when a group of three or more children are on an organised trip and which is basically where a journey is for the purpose of transporting children.

The seats in the mini-bus with side or rear facing seats can be used but not for transporting children.

In this context:-

- A child is a person aged from 3 to 15 years inclusive
- The seat belt must consist of a lap belt and be at least 400mm in width

Where the laden weight of a mini-bus is 2,540 kilograms or less a person driving is responsible in law to make sure children under the age of 14 wear a seat belt or restraint. Neither is it allowed for a single seat belt to be used for more than one child and this does mean, of course, that a child must not be belted in with an adult.

An organisation transporting children in wheelchairs may be exempt from some of the requirements of the legislation.

Anyone aged over 21 with a full driving licence can drive a minibus capable of seating up to 16 passengers but often, not only are Insurers not prepared to accept this, but nor are the organisers as it is a fact that younger drivers generally have the higher claims ratio.

Other legislation which affects the use of mini-buses is:-

- **The Health and Safety Act 1974** (particularly in respect of safe systems of and safe access and exit)
- **The Road Traffic Act.** It is an offence to drive, cause or permit another to drive a vehicle on a road when it's condition or the way in which it is being used could involve a danger of injury.
- Laws on vehicle standards e.g. **Road Vehicle (Construction and Use) (Amendment ) (2) 1996 Regulations and Licensing of Mini-buses Act.**

The duty of care for operating or driving a mini-bus is to ensure it is operated safely.

There are various organisations such as the Community Transport Association who provide specialist training. This includes not only driving but also what to do in an emergency etc. Their address is:

*Highbank, Halton Street, Hyde, Cheshire SK14 2NY*

Advice line Tel: 0161 367 8780

In addition, there is a duty of care to ensure that the vehicle is properly serviced and maintained.

**Suggestion:** Appoint a responsible person to check weekly the vehicle is in a safe and roadworthy condition. E.g. tyre pressures, seat belts etc. Ensure that the vehicle is regularly serviced by a reputable garage.

## Appendix 7a

### Mini-Bus Checklist

#### Condition Of Vehicle

This will generally be by making sure the mini-bus is:

- obtained from a reputable source.
- serviced regularly

#### Equipment in vehicle

Reflector triangle

First aid kit

De-icer

Rope

Tools

Scraper

Lights-spare bulbs

#### Checks before a journey

No people or objects are near the vehicle before moving

Wipers and washers are working

All doors and compartments are shut properly

Adequate fuel

Mirrors are adjusted correctly

Passengers are seated properly and belted up

Tyres are in good condition and pressures are correct

Ramps and wheelchair mechanisms etc. are working

Lights are working

Electrics are working