



# The Bishop Konstant Catholic Academy Trust

Learning Communities, Inspired by Faith

## Trust Staff Driving Policy 2022



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<b>POLICY DOCUMENT</b>	Trust Staff Driving Policy
<b>Legislation/Category: School Schools</b>	<b>Highly Recommended</b>
<b>Lead Member of Staff:</b>	Trust Business & Operations Manager
<b>Approved by:</b>	Trust Board
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<b>Review Frequency:</b>	2 years

## Mission Statement

*All policies are written in line with our Trust Mission statement:*

With Jesus Christ at the centre of the life of the Trust, we seek to provide learning communities offering the highest possible standards of education. We are committed to working in partnership and trust for the common good. We strive to encourage and empower children and young people to recognise and realise their God-given potential and to discern their vocation in life. As learning communities inspired by faith, we celebrate achievement, offering each other challenge and support, as together we follow Christ in self-giving love and service.



## Change Control

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Changes</b>
1.2	27/6/22	C. Slater	<i>Numerous changes to terminology and removed the need for MIDAS training and replaced with Minibus Driving Awareness test</i>
1.1			
1.0			



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## Introduction

The purpose of the policy is to ensure that the Bishop Konstant Catholic Academy Trust (**the Trust**) meets its obligations under its duty of care in situations where employees drive on its behalf. The policy is written to meet the requirements of the Health and Safety at Work Act etc 1974 and to ensure compliance with the guidance issued by organisations such as ROSPA, the Department of Transport, the Health and Safety Executive and the Department for Education.

In this document the word “Trust” includes any school for which the Bishop Konstant Catholic Academy Trust is responsible

The Trust is aware of its obligations under the Corporate Manslaughter and Corporate Homicide Act 2007, which came into force in April 2008, and recognises that an organisation will be guilty of a serious offence if the way in which its activities are **managed or organised** causes a death and amounts to a **gross breach** of a **duty of care** to the deceased. Accordingly, this policy in respect of driving on behalf of the Trust must be adhered to.

**The policy applies to all persons who drive on behalf of the Trust;**

- **in vehicles owned, leased or hired by the Trust; and**
- **to employees who drive their own vehicles on behalf of the Trust.**

The Trust recognises that most journeys undertaken on behalf of the Trust are of a voluntary nature and they are appreciative of the goodwill shown by staff in this regard. However, they are required to undertake risk assessments of all activities including those of a voluntary nature and this policy is designed to minimise the risk to employees and students and also to protect the interests of the school.

Driving on behalf of the Trust is defined as staff who drive regularly as a major part of their job, and those who drive occasionally or for short distances for:

- Travelling to and from employment related meetings whether or not on Trust premises
- Split-site journeys
- Site visits
- Travelling to and from home to a non-permanent place of work, including visits to other establishments and training courses, seminars, conferences etc.

Employees driving for any of the above purposes, or any other purpose related to their employment must ensure that their vehicle is insured for business use (in



connection with employment). Such a definition does not relate directly to the payment of expenses or inclusion in job descriptions, but purely to the 'activity' of driving on behalf of the school, with or without payment.

**Travel between home and your usual place of work is defined as commuting and is exempt from this policy.**

### Transporting pupils

Employees of the Trust may only transport pupils in exceptional cases and subject to authorisation from the Headteacher. The Headteacher must also ensure anyone transporting pupils on behalf of the Trust show documentation to prove that:

- They hold a current valid driving licence.

And, in the event that the vehicle to be used is privately owned

- The vehicle is correctly insured for business use (in connection with employment)
- The vehicle is fit for purpose/is roadworthy (MOT certificate if applicable).

In the event of medical emergency or injury involving a pupil, an ambulance must always be called. If the ambulance service advises that attendance by the ambulance service or paramedic is not required or cannot be achieved within a reasonable timescale, then a parent will be asked to take the pupil to hospital. If a parent is unable to attend or is unable to transport the pupil to hospital the Headteacher or a designated deputy shall nominate a member of staff to transport the pupil to hospital, accompanied by the pupil's parent or another member of staff if no parent is in attendance. For further information regarding the transportation of pupils to hospital, please see the Trust Medical Conditions Policy.

Employees must not ask parents to transport pupils, other than their own children.

### Transporting staff or visitors (in the event of medical emergency or injury)

In the event of a medical emergency, employees of the Trust may only transport staff or visitors in exceptional cases and subject to authorisation from the Headteacher. The Headteacher must also ensure anyone transporting staff or visitors on behalf of the Trust show documentation to prove that:

- They hold a current valid driving licence.

And, in the event that the vehicle to be used is privately owned



- The vehicle is correctly insured for business use (in connection with employment)
- The vehicle is fit for purpose/is roadworthy (MOT certificate if applicable).

In the event of medical emergency or injury involving a member of staff or visitor, an ambulance must always be called. If the ambulance service advises that attendance by the ambulance service or paramedic is not required or cannot be achieved within a reasonable timescale, then the person's nominated contact (e.g., next of kin, partner, spouse, close friend) will be asked to take the member of staff or visitor to hospital. If the nominated contact is unable to attend or is unable to transport the staff member or visitor to hospital the Headteacher or a designated deputy shall nominate an employee to transport the staff member or visitor to hospital.

## Transporting staff in connection with employment

Employees of the Trust may transport staff in connection with employment, subject to authorisation from the Headteacher. For example, car sharing to events and meetings for the purpose of work. The Headteacher must ensure anyone transporting staff on behalf of the Trust show documentation to prove that:

- They hold a current valid driving licence.

And, in the event that the vehicle to be used is privately owned

- The vehicle is correctly insured for business use (in connection with employment)
- The vehicle is fit for purpose/is roadworthy (MOT certificate if applicable).

## Licence and insurance

The Trust records, on behalf of BKCAT, details on both the driver and the vehicle(s) used on behalf of the organisation, such as a minibus. In these circumstances, the employee must produce their current driving licence to the school for validation. For further information and guidance on the validation of driving licences [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence). An annual check will take place by the school and recorded for future information.

For vehicles owned or leased, the Trust will keep the following:

- Insurance certificate (also in the case of a hired vehicle)
- Ownership details.
- MOT certificate (if applicable).
- Tax.



- Service record.
- Other vehicle documentation.

For staff using privately owned vehicles, it is their responsibility to ensure that they are licensed to drive, and that the vehicle is correctly insured and roadworthy.

Anyone driving on behalf of the Trust will be required to sign a declaration indicating that:

- They hold a current valid driving licence.

And, in the event that the vehicle to be used is privately owned

- The vehicle is correctly insured for business use.
- The vehicle is fit for purpose/is roadworthy.

The Trust reserves the right to request evidence to support any declaration given.

For privately owned vehicles, the insurance certificate must state for 'business use' or 'for purposes in connection with the business/occupation or the trade or profession of the policyholder', or a similar phrase.

It is the responsibility of each member of staff to inform their Headteacher\ designated senior leader of any change(s) to the information as stated in the declaration. Failure to provide details within ten days of the change may result in disciplinary action being taken.

## Fit to Drive

Each time a member of staff drives a vehicle on behalf of the Trust the following apply:

- That it is the individual's responsibility to ensure that they are fit to drive when they take a vehicle onto the public highway.
- Individuals must comply with drink-driving and drug-driving laws at all times. Committing a drink-driving or drug-driving offence while working for the Trust during or outside working hours may lead to action under the Trust disciplinary procedure and could result in dismissal.
- It is the individual's responsibility to seek advice from their GP or pharmacist about the possible effect that any medical condition or prescribed medicine may have on their ability to drive. It may be necessary to modify an individual's duties or temporarily re-deploy to an alternative role where the individual's ability to drive is impaired as a result of the condition or medication.
- That any person who is required to drive as part of their employment, or as part of an approved activity, must declare to their Headteacher\ designated senior





leader any medical condition which adversely affects their ability to drive safely (all information provided will be treated as confidential). In these circumstances, the Trust will endeavour to make reasonable adjustments, in consultation with the individual employee and occupational health, and other support agencies as appropriate.

- Where the Trust has a concern about a potential alcohol or drug abuse issue, the employee should not drive on Trust business until and unless the concerns prove to be unfounded.

## Disqualification from driving

Employees who drive vehicles on behalf of the Trust are duty bound to inform their Headteacher\ designated senior leader immediately of disqualification from driving on the public highway. Where that person drives as a requirement of their job, they will be relieved of all driving duties with immediate effect and in consultation with the individual employee. The Trust will determine the most appropriate course of action. Each case will be dealt with on its own merits.

## Road Safety

**Each driver is responsible before embarking on a journey, for making sure that the vehicle is roadworthy** – it is recommended that appropriate driver checks are undertaken before taking the vehicle on the road. The following checks are recommended before each journey:

- Fuel level
- Tyre tread
- Foot and hand brake operation
- Lights, indicators and hazard warning lights operate
- Horn operates
- Screenwash and wipers operate
- Seat belts fitted and functioning
- Mirrors adjusted/adjustable

These are tasks which do not require any technical expertise and are the basic checks included in the current UK driving standards.

Additional checks for long journeys might usefully include:

- Fluid levels (oil, coolant and screenwash)
- Tyre pressures
- Locks and security functional



It is not intended that checklists are provided or that records of pre-use checks are kept, as it remains the responsibility of any driver to ensure that a vehicle is roadworthy.

## Route planning and scheduling

It is expected that where an employee has to drive to undertake work-related activity, an assessment of the schedule of driving and work activity is made to ensure that it is reasonable and it allows for rest breaks at least every two hours, when it is recommended that the employee should leave the vehicle. It is also important to ensure that the necessary driving will not result in excessive working hours or working at unsociable hours. Employees should apply common sense and not drive when tired or at unsociable hours.

## Accidents

In the event of an accident, the driver should follow the directions of their insurance policy for reporting and recording the accident.

## Mobile phones

### Hand-held phones

It is illegal to use a hand-held mobile phone while driving. It is also an offence to 'cause or permit' a driver to use a hand-held mobile phone while driving. Therefore, employers can be held liable as well as the individual driver if they require employees to use a hand-held phone while driving.

### Hands-free phones

It can be illegal to use a hands-free phone while driving. Depending upon the individual circumstances, drivers could be charged with 'failing to have proper control of their vehicle'. In more serious cases, the use of any type of mobile phone could result in prosecution for careless or dangerous driving. The police may check phone records when investigating fatal and serious crashes to determine if use of the phone contributed to the crash.

Employees who are driving while at work are required to comply fully with the law, which prohibits the use of hand-held mobile phones while driving. It is also an offence to 'cause or incite' persons who are driving to be in breach of the law.

Employees should avoid making contact via mobile phone with other employees when they are known to be driving. They are encouraged to use the voicemail facility on their mobile phone and make return calls when it is safe to do so.



## Satellite Navigation

Satellite navigation systems can be a useful tool for drivers; however, they be a dangerous distraction.

All destinations should be entered while the vehicle is stationary in a safe place. All drivers should stop if it is necessary to take their eyes off the road to check routes.

The device should not impair vision when positioned inside the vehicle and it should not be positioned inside the vehicles where it is likely to cause injuries in the event of a collision.

## Smoke-free vehicles

From 1 July 2007, it has been against the law to smoke, or permit others to smoke, in virtually all enclosed public places and workplaces in England.

The law extends to vehicles (such as the school minibus). The law requires vehicles to be smoke-free at all times if they are used:

- To transport members of the public.
- In the course of paid or voluntary work by more than one person – regardless of whether they are in the vehicle at the same time.

Smoke-free vehicles must display a no smoking sign in each compartment in which people can be carried.

### Note

It is the legal responsibility of anyone who drives, manages or is responsible for order and safety of a vehicle to prevent passengers from smoking. Employees must not smoke while driving a vehicle on Trust business.

### Monitoring and Review of this Policy

The Trust shall be responsible for reviewing this policy from time to time to ensure that it meets legal requirements and reflects best practice.

The Bishop Konstant Catholic School Trust is an exempt charity regulated by the Secretary of State for Education.  
It is a company limited by guarantee registered in England and Wales, company number 08253770, whose registered office is at  
St Wilfrid's Catholic High School & Sixth Form College, Cutsyke Road, Featherstone WF7 6BD



## Appendix 1 – Use of a School Minibus

### Definition of a Minibus

A minibus is a motor vehicle constructed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver.

### Requirements for Drivers of the School Minibus or any Minibus Leased or Hired by the Trust

It is Trust policy to require all minibus drivers, irrespective of their driving status, to complete a Driver Assessment Training Course before driving a school minibus and produce a copy of their Photo Driving Licence.

You can now drive a minibus with up to 16 passenger seats as long as the following conditions apply:

- you hold a full car (category b) licence
- you're 21 or older
- you've had your driving licence for at least 2 years
- you're driving on a voluntary basis
- the vehicle is being used for social purposes and not for hire or reward

All drivers must inform their Headteacher\ designated senior leader should they receive any endorsements on their licence. If the driver has more than 3 points, they may be removed from the approved drivers list, however each case will be taken on its own merit.

Each driver will need to keep a record of usage and time spent driving and is responsible before embarking on a journey that the vehicle is roadworthy – it is recommended that appropriate driver checks are undertaken before taking the vehicle on the road. The following checks are recommended before each journey:

- Fuel level
- Tyre tread
- Foot and hand brake operation
- Lights, indicators and hazard warning lights operate
- Horn operates
- Screenwash and wipers operate
- Seat belts fitted and functioning
- Mirrors adjusted/adjustable

These are tasks which do not require any technical expertise and are the basic checks included in the current UK driving standards.

Additional checks for long journeys might usefully include:



- Fluid levels (oil, coolant and screenwash)
- Tyre pressures
- Locks and security functional

## Headteacher Responsibilities

The Headteacher of the school has overall responsibility for the health and safety associated with the safe operation and daily use of the of the minibus, including security. The Headteacher may delegate this responsibility to a senior member of staff within the school.

The Headteacher or delegated senior leader will ensure a robust system of near miss incident reporting is established.

## Section 19 Permits

A Section 19 permit is required should the school provide transport services to benefit the community<sup>1</sup> and approval must be granted at Trust level should any school wish to operate this service.

An application will be submitted to the Traffic Commissioners prior to operating this service.

## Minibus Speed Limits

The school minibus is governed by lower national speed limits. Where a speed limit is signed in numbers (e.g.,30mph) this limit applies. Where a national speed limit is displayed, the following applies:

- Single carriageway 50mph
- Dual carriageway 60mph
- Motorway 70mph

The school minibus is fitted with a speed limiter set at 62mph. This is displayed in the vehicle and on the rear door for other road users to see.

**Speed limited minibuses are not permitted in the outside lane of a 3 or more lane motorway.**

## Risk Assessments

The Headteacher or delegated senior leader is required to conduct a thorough risk assessment regarding the use of the minibus and should consider:

- Drivers must be suitably rested before undertaking long journeys, especially when the event is planned after a member of staff has completed a standard working day.

Additional information

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<sup>1</sup> Community refers to own members or other people whom the organisation exists to help and not members of the general public



- Any journeys expected to be over 4 hours long will require 2 drivers.
- Drivers should plan journey times to accommodate a
  - 15 minute break or change of driver every 2 hours, and
  - a 30 minute break after 4 hours of driving.
- Where appropriate, formal consent will be obtained from parents and carers. Note, this is not required for visits during curriculum time (DfE Guidance, Health & Safety of Pupils on Educational Visits) pg. 21 section 112
- When transporting young people or vulnerable adults on trips, the risk assessment process must consider if an additional adult(s) is required for supervision during the journey.
- All drivers must be familiar with the emergency arrangements, including firefighting equipment, safe disembarkation in the event of an emergency, first aid provision and any special medical needs.
- All drivers must be advised of agreed pick and drop off arrangements , and ensure appropriate safe systems are in place.
- All drivers must know how to conduct a safe emergency stop which includes stopping in a place of safety and disembarking away from the vehicle on motorways. Drivers must be familiar with the details for contacting recovery services, etc.
- Ensure drivers have access to a mobile phone, (not to be used by the driver whilst the vehicle is in motion), to use in an emergency, with relevant contact numbers for managers, base location and end of journey location.
- All drivers will ensure arrangements are in place to enable equipment to be secured (luggage and/or heavy items must be secured so they cannot cause injury in the event of a sudden stop or collision).

## Driver Responsibilities

Drivers of any vehicles are considered as the responsible person in law for the safety of their passengers and it is the driver's responsibility to ensure the vehicle being used is in a safe condition to drive.

Drivers are responsible for their own fitness to drive and should report any health issues or adverse events which may compromise their fitness to do so. Any prosecution resulting from the negligent driving of a school minibus, or a minibus hired by the school will result in penalty points being put onto the named driver's licence.

Prior to commencing a journey, drivers are required to:

- Check the safety of the vehicle before each and every journey.
- Drivers must report any defects or concerns to the Headteacher or delegated senior leader.
- Be fully familiar with the content of the risk assessment for the journey.



- Be familiar with routes and all arrangements before departure.
- Ensure all loads are secured appropriately and ensure all access, egress and gangway routes are kept clear.
- Ensure seatbelts are worn correctly by all passengers before commencing the journey.
- Be familiar with procedures in the event of a breakdown, accident or significant delay.
- Be familiar with the agreed code of conduct for passengers and avoidance of distracting the driver.
- Where relevant bring to the attention of the trip leader any concerns prior to departure.
- Ensure any additional staff travelling on the minibus are seated randomly throughout the vehicle and briefed appropriately on the arrangements for an emergency.
- Make an official announcement with reference to wearing a seatbelt belt correctly.
- Ensure robust arrangements are in place and fully understood in relation to dropping off at the end of the journey.

### Responsibility for keeping the minibus pristine

It is important that the academy minibus is maintained in such a way that all users have a positive experience. It remains a shared responsibility of all users to return the minibus clean and tidy.

