



# SOUTH DARLEY C of E PRIMARY SCHOOL

## TRANSPORTING PUPILS IN CARS

<b>Person/Committee responsible for reviewing/updating this plan</b>	PREMISES HEALTH & SAFETY
--	--------------------------

<b>Date of Review</b>	<b>Governors Meeting Reference Number</b>	<b>Approved by name</b>	<b>Comments</b>
05.11.15	FGM25012016.7.1e	P WILDE	
22.01.18	PHSSC22012018.7.9	P SIDDALL	

## **1. Introduction**

The issue of transporting children/young people in cars, particularly a member of staff's own cars is one which causes concern to some staff. It is however a necessary part of the work that some staff carry out. These guidelines aim to give advice to those who undertake this task in order to keep themselves and the people they are transporting safe. They should be read in conjunction with the County's Occupational Road Risk Policy and the Schools risk assessment for this activity.

## **2. Guiding Principles**

The guiding principle should be that transporting children/young people in staff cars should be the exception to the rule rather than the norm unless it is an accepted part of a member of staff's role and included in their job description. Any journeys undertaken should always be planned, absolutely necessary and not undertaken on an ad hoc basis and must be authorised by a manager.

In certain circumstances children/young people may need to be transported in an emergency situation where management cannot be contacted to approve this. It is anticipated that these by the nature of them being emergencies would be very rare. This guidance however, still needs to be followed to ensure the safety of staff and young people. Services where this is a possibility should therefore put plans in place for such situations that will allow workers to carry out such transport functions with delegated management approval to ensure we act in the best interests of the child/young person.

In situations that have not been planned for or where a section has not agreed its procedures workers will still need to act in the best interest of young people. If this means they have to be transported in a car then as long as the worker is acting in accordance with their job role, is following this guidance and associated risk assessment and is not breaking any road traffic legislation, then they will be covered by the Council for this action as long as they are not acting in a negligent manner.

A range of alternative options should be considered where a child/young person needs to be transported including:

1. Contact the parents/carers in order for them to transport the child/ young person.
2. Contact the parents/carers for them to arrange a taxi to transport the young person.
3. Arrange for a taxi with escort to transport the child/young person from an approved list of taxi operators.
4. Only where none of these options is appropriate or viable should young people be transported in a member of staff's car.

## **3. Drivers and their Vehicles**

Drivers are responsible for their own vehicles roadworthiness and appropriateness for the task to be undertaken and their fitness to drive. Managers are responsible for monitoring and verifying this. All staff who drive as part of their role, volunteers and their managers must be fully familiar with the Councils Management of Occupational Road Risk Policy and Guidelines, and ensure that these are complied with.

Key features of this document include drivers must ensure that they:-

- Have an appropriate valid driving license
- Are insured for the journey ( Business Use)
- Have a valid MOT certificate
- Have a valid Excise licence (TAX disc)
- Have checked the vehicle is in a roadworthy condition
- Are not excessively tired, fatigued or under the influence of alcohol or drugs (this includes prescription drugs if they affect your ability to drive).
- Meet minimum eyesight standards for driving. If they need to wear glasses or contact lenses to meet minimum standards, these must be worn at all times.
- Have no medical condition including the taking of medication or infirmity that may affect their ability to drive safely.

Additionally all drivers should ensure that they have regular eyesight tests to ensure that their eyesight remains within minimum standards for driving. Drivers should also ensure that if their health changes and this could affect their ability to drive then they inform their manager of this immediately. Drivers are also obliged to notify their manager of any driving convictions, endorsements or disqualifications immediately.

#### **4. Managers**

Managers of those who transport children/young people in their cars must ensure that the staff being asked to carry out this role have the necessary competence and experience. Whilst defining driver competence is always a subjective decision drivers will not normally be deemed competent unless they are between the ages of 21 and 70 and have at least 1 years driving experience after passing their driving test. Managers deeming staff competent to drive outside these parameters will need to fully justify and record the reasons for this decision, equally where a member of staff meets the criteria but the manager has concerns regarding their competence to drive the reasons a member of staff is not deemed competent and therefore not allowed to transport children/young people, should be recorded. Valid reasons may be such things as a number of driving endorsements, driving convictions or a history of driving accidents as examples

In making any such decision the needs of the service need to be balanced against the safety of the children/young people and members of staff, and where there is any doubt the safety of the children / young people and staff should take priority.

Managers should check the documentation of their drivers and vehicles before they have staff driving for them in the first instance and then periodically at an interval relevant to the service after that, for staff who regularly transport children/young people as part of their role on annual check may well be appropriate, for staff who only carry this out very infrequently a check each time this happens may be more appropriate.

#### **5. Children / Young People**

Before children/young people are transported in staff cars, the need and reasons for this method of transportation should be clearly established. Once this has been established a full picture of the needs of the child/young person (including physical, emotional, behavioural and medical) and the risks that this may present to them or the staff involved when transporting them needs to be established. This should involve gathering and sharing information with all agencies involved with supporting the child/young person. This information is required to inform specific risk assessment for transporting the

child/young person. The information will need to be reviewed regularly to ensure it remains valid.

## **6. Risk Assessment**

South Darley CE Primary School has produced a risk assessment for transporting children/young people based on their circumstances and way of working. Over and above this where information gathered on a child/young person indicates there may be a significant risk to the child/young person or staff member's safety during transportation, then a specific risk assessment relating to this activity will be carried out

When considering children/young people with medical conditions and their transport, any control measures required during transport, if this is to be a regular occurrence, should be included in their individual care/treatment plan. This should be used to inform any risk assessment. A second person, trained in administering medication or the relevant medical procedure should always be provided where the risk assessment indicates this is necessary.

For children/young people who present with behavioural issues a range of control measures could be considered; from not transporting the person if it is felt their behaviour is such that doing so is not safe, providing an escort to ensure the driver can concentrate safely on driving, placing the child/young person so they cannot easily distract the driver (diagonally across from the driver in the back seat) amongst others.

Child locks should be used when transporting children/young people as a control measure.

## **7. Travelling**

Except in emergency situations which are in the best interests of the young person as previously mentioned, only pre planned journeys should be undertaken and these should always be pre-approved by a manager. All journeys should have a fixed start and finish point and these should not be altered without authorisation. A system should be in place for the details of all journey's to be recorded (where to and from, route details, time journey starts and ends, who is going to be transported, car details etc) All staff need to be made aware of this and the details should be monitored.

A system has to be put in place to ensure staff contact a fixed point/person to confirm their arrived at destinations and that the journey has been completed. This will be communicated before the start of any journey. There is also a system in place to ensure an appropriate response, should a member of staff not confirm completion of any journey within a specified time.

A system is also in place and communicated to staff to ensure an appropriate response is summoned and action taken in the event of an accident or emergency during transport. All staff and volunteers who transport children/young people as part of their role must have access to a mobile phone during the journey and this will be checked before commencement.

All journeys should only be for named children/young people and other people family/friends etc should not be transported with the child/young person if they are not named and part of the arrangement.

The law makes drivers responsible for ensuring those under 14 years of age wear an appropriate seatbelt or child restraint. However, where staff and volunteers are transporting children/young people as part of their job/volunteering role then they will at

all times be responsible for ensuring the children/young people they are transporting are wearing a suitable restraint irrespective of their age. As there are very clear dangers to passengers and drivers if restraints are not worn then if a driver becomes aware of this they should stop the journey as soon as it is safe to do so. If the passenger continues to refuse to wear a seatbelt/restraint then the contact system should be implemented and the journey ceased until a solution is found. For further details on child restraints see section (8)

Drivers must not use mobile phones etc, drink, or smoke while driving on school business and should be aware of the Highway Code and drive appropriately and within speed limits. In order to facilitate this when planning journey's, adequate time for the journey must be allowed.

Staff and volunteer drivers should not be expected to drive an excessive number of hours in a day especially if they are undertaking other work.

All Loads should be carried in the boot where possible or should be suitably secured.

## **8. Child Restraints**

There are two key groups within the in car safety guidance that are most significant in impacting on child in car safety and the reduction in casualties

- a. Public service workers who are involved in all aspects of child care and transporting other people's children (including volunteers transporting other people's children).
- b. Professional dealing with children with special needs

For the purposes of this guidance "Child Restraint" is the collective term for the following: "baby seats", "child seats", "booster seats" and "booster cushions"

The law requires that ALL children travelling in the front and rear seat of any car, van or goods vehicle must use the correct child restraint until they are either 135cm in height or 12 years of age, whichever they reach first. After this they must use an adult seatbelt. It is the driver responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

Since 1<sup>st</sup> March 2017, under new regulations, manufacturers are no longer permitted to introduce new models of backless booster seats (booster cushions) for children shorter than 125cm or weighing less than 22kg. Although the new regulation doesn't mean that existing seats and cushions are 'unsafe or illegal', under good practice high back booster seats will only be used to transport children.

Exemptions:

There are a few exceptions which allow children 3–12 years or up to 135cms in height to travel in the rear and use an adult belt, are as follows:

- in a licensed taxi/private hire vehicle, if the right child restraint is not available; or
- for an occasional journey over a short distance for reasons of unexpected necessity, if the right child restraint is not available; or
- where two occupied child seats in the rear prevent the fitment of a third child seat.

Children under 3 may travel in the rear of a taxi unrestrained if no child restraint is available. If the appropriate child restraint is not available, and the journey is not an exempt journey, as above, then the child must not travel.

All child restraints seats must be R44.04 compliant. Whilst R44.03 seats are legal under good practice the authority will always use seats that comply with the most current standard.

Under good practice the authority will not use seats which are older than six years old.

If using other people's child restraints, they must be fitted in accordance with the manufacturer's instructions or demonstrated by the person loaning the child restraint. The child restraint loaned or hired must be in good condition.

Any staff or volunteer driver who transports young people who require a child restraint must establish which is the most appropriate child restraint for that young person and must ensure this is correctly fitted before any journey in a car takes place. The child restraint must always be fitted in accordance with the manufacturer's instructions. If in any doubt or you are unable to fit the seat correctly, always stop and ask for assistance, never assume that the seat will be fine and that a collision will not occur

It is the responsibility of the driver to ensure this and to ensure the seatbelt or integral harness in child and baby seats, is worn at all times.

Under good practice South Darley CE Primary School will not use seats which are older than six years old.

## **9. Children/Young People**

Parents/carers must give their permission for children/young people to be transported in a staff member's or volunteer's vehicle, where this is necessary. Every effort should be made to gain written consent but where this not practically possible; details of the verbal consent should be recorded. If no type of consent is obtained, transportation should not be permitted, unless it is an emergency situation in the best interests of the young person. This will usually only be where the young person would be put at risk by not transporting them. South Darley CE Primary School collects this consent on an annual basis from all children.

Pupils must behave appropriately while travelling in the vehicle. If there are any concerns during the journey a dynamic "on the spot" risk assessment should be carried out to determine if there is a significant risk to the driver or passenger and appropriate action taken.

If the pupil has a medical condition that is likely to require additional support/medication, a copy of their Care Plan plus appropriate medication must be available. A parent/carers or member of staff who has received training in administering support/medication should accompany the young person in the vehicle.

## **10. Accidents/Incidents**

Any accident which occurs when transporting young people must be reported immediately to the Headteacher.

In the case of a road traffic accident, this must be reported by the driver, to their own insurance company and passengers must be advised of the name and address of the insurance company, if wishing to make a claim.

All accidents/incidents that occur whilst transporting children on behalf of the school must be recorded on the DCC Accident Reporting System, following the school's procedure.