The GALLERY TRUST

A community of special schools

Driver Policy

Date of Policy	September 2022
Approved at Finance and Personnel	July 2022
Date of review	September 2024
SLT Lead	Chief Operating Officer
Signed: Head Teacher	
Chair of Trustees	Chris Scrivener

Purpose

This policy outlines The Gallery Trust's ("the Trust") driver arrangements, and provides general guidance / procedures to follow, in relation to managing the risks associated with employees and authorised volunteers who drive Trust owned/leased vehicles; or their own vehicle; to carry out Trust related business activities and/or drive students.

The guidance is designed to ensure the Trust complies with (as far as is reasonably practical) the general principles of the Health & Safety at Work (1974) Act and the Management of Health and Safety at Work Regulations (1999). Legislation and obligations associated withdriving are aimed at promoting road safety.

The policy does not cover employee commuting.

No-one may drive on Trust business unless:

- They are in possession of a full (not provisional), current license valid for the type of vehicle they are driving
- They are medically fit to drive
- The relevant arrangements are in place and authorisation to drive has been confirmed by either a member of the Trust Executive Team, a Head Teacher or their delegated representative.

Drivers' Responsibilities

All drivers must:

- Be in possession of a full (not provisional) valid UK driving licence. The licence must be checked by a member of the Trust Executive Team, a Head Teacher or their delegated representative.

- Complete an annual declaration which will be provided by a member of the Trust Executive Team, a Head Teacher or their delegated representative to confirm that they have not been disqualified or received penalty points that would disqualify them from driving under this policy. (Appendix A)

- Advise their Head Teacher or delegated representative of any change in circumstances which might have a bearing on their insurability or fitness to drive. Trust Central colleagues must inform the Operations and Estate Manager.

- Inform the Head Teacher or their delegated representative of any change in their health which affects their ability to drive. Trust Central colleagues must inform their line manager.

- Refrain from driving while taking medication which carries warning to this effect.

- Obey the laws relating to driving and the provisions of the Highway Code.

- Report all accidents, however minor, to the Head Teacher or delegated representative, as a matter of urgency. If students are in the vehicle, contact must be made with the Academy as soon as safe to do so. Drivers should not admit or accept liability for an

accident. The Head Teacher, or delegated representative, must alert the Trust Operations and Estate Manager of incidents in case of insurance needs.

- Be satisfied that the vehicle is in a fit condition for use (check tyres, lights, functioning seat belts etc and Log Book) and ensure that they do not drive a vehicle with a Category A Defect (see Appendix B). If there are any illegal defects with the vehicles, drivers are legally liable - liability does not lie with the School or the Trust. If the vehicle is thought to have a potentially hazardous defect, keys should be handed in to the Head Teacher or delegated representative and the logbook marked accordingly.

- Operate vehicles in accordance with the Vehicle Policy.

- Not use a hand held mobile phone whilst driving – using a mobile phone while driving is illegal and unsafe. Use of mobile devices while driving will be investigated under the Disciplinary Policy.

- Drivers must take a mobile phone with them in case of emergency. The handset should be switched off and kept in the glove compartment. The law states that should drivers need to use a mobile phone, the vehicle should be parked in a safe location. The only exception to the rule is if it is unsafe or impractical to stop and you are dialling the emergency services (999 or 112).

- You can use devices with hands-free access, as long as you do not hold them at any time during usage. Hands-free access means using, for example:

    - A Bluetooth headset
    - Voice command
    - A dashboard holder or mat
    - A windscreen mount
    - A built-in sat nav

  The device **must not** block your view of the road and traffic ahead

- Ensure that vehicles are cleared of litter at the end of each use and that any damage to interior fittings is reported to the Head Teacher or delegated representative.

- Ensure that their eyesight is adequate and if glasses or contact lenses are required, these must be worn to drive.

- Not smoke or vape in Trust vehicles.

- Be aware that the safety of all passengers transported by staff is the responsibility of the driver.

- Check that there is an adequate supply of fuel before every journey, and the vehicle must be left fuelled for the next user as drivers are responsible for fuelling vehicles when the fuel gauge reaches one quarter full. The local arrangements for fuelling vehicles must be followed. The use of a fuel card or claiming expenses to refuel a private vehicle is forbidden and is regarded as gross misconduct which may lead to dismissal.

- Make the necessary entries in the Vehicle Log Book, which is kept in each vehicle, at the start and end of each journey. The logbooks must be completed without fail after every journey.

- Make sure that the maximum permitted number of passengers for the vehicle is not exceeded.

- Check that seat belts are worn correctly at all times. See below for information regarding the use of child seats.

- Check that all luggage or other material is loaded securely in a safe manner and that it presents no danger to occupants of the vehicle or to other road users.

- That they are properly rested before starting a journey, plan appropriate rest stops and/or carry a relief driver if appropriate. The Highway Code advises a 15 minute break every two hours.

- Devise seating plans in advance to minimise potential driver distraction.

- Hold the correct license to drive the category of vehicle. Drivers of 17 seat minibuses with a double axle must have a licence allowing them to drive Category D1 vehicles. A 1:1 induction and training session must take place with the School Site Manager before staff can drive a minibus. Drivers of minibuses must be over 21 and hold two years driving experience.

- Return vehicles to the appropriate place after each journey

- Ensure that the vehicle is locked and secured when not in use.

Additional responsibilities of drivers who drive students, before, during and at the end of the school day

Everyone who drives students must:

- Have been employed by the Trust for a minimum of two calendar months.

- Ensure that students are correctly restrained. There is is a legal requirement for all children travelling in cars to use the correct child restraint until they are either 135cm in height or 12 years old (which ever they reach first). See below.

- It is important to use the right child restraint related to a child's height, weight and age and not to use an adult seat belt before a child is over 135cm in height. Seat belts are designed for adults. Children who have grown out of child seats still need to use booster seats. A booster seat is designed to raise a child up into the right position so that the adult belt can provide adequate protection. Getting the lap strap to go from hip to hip across the upper thigh (rather than across the stomach) is just as important as getting the diagonal strap to fit across the chest properly. The driver must ensure it is safely fitted referring to manufacturer's instructions if necessary.

- The table below summarises the relevant information from the Department for Transport.

	Front Seat	**Rear Seat**	**Who is responsible?**
Driver	Seat belt **MUST** be worn is available		Driver
Child up to 3 years	Correct child restraint **MUST** be used	Correct child restraint **MUST** be used. If one is not available in a taxi, may travel unrestrained.	Driver
Child from 3rd birthday up to 135cms in height (approx. 4'5") (or 12th birthday whichever they reach first)	Correct child restraint **MUST** be used	Where seat belts fitted, correct child restraint **MUST** be used. Must use adult belt if the correct child restraint is not available. Exemptions to this rule are: - - In a licensed taxi/private hire vehicle; - For a short distance for reason of unexpected necessity; - Two occupied child restraints prevent fitment of a third. A child 3 and over may travel unrestrained in the rear seat of a vehicle if seat belts are not available.	Driver
Child over 135cms (approx. 4'5") in height or 12 years	Seat belt **MUST** be worn if available	Seat belt **MUST** be worn if available	Driver
Adult passengers (i.e. 14 years and over)	Seat belt **MUST** be worn if available	Seat belt **MUST** be worn if available	Passenger

- It is the driver's legal responsibility to ensure that the child is correctly restrained.
- Not leave students unattended in a vehicle for a period of time.
- Staff should not use their own cars to transport students unless this is specifically authorised by the Head Teacher.
- Be in possession of a clear Enhanced Disclosure and Barring check (unless there is an Enhanced DBS checked escort in the vehicle).
- Participate in training if this is requested by the Head Teacher or delegated representative
- Read the appropriate risk assessments for school transport routes and for specific pupils driven on transport routes.
- Read the appropriate risk assessments for educational visits and trips.
- Observe the specific school transport procedures and protocols regarding student arrangements and follow the instructions provided regarding students in the school transport route folders.

- Must not accept travel amendments from students without consultation with SLT.

- Observe the Trust's school transport communication protocols regarding routes and students.

- Wear photo ID badges.

- Not convey unauthorised passengers.

- Be aware that driving duties before and after school do not form a contractual relationship with the Trust and driving duties may be withdrawn for a number of reasons without notice or consultation.

- Observe the Trust's Safeguarding and Health and Safety policies at all times.

Responsibilities of drivers who drive on Gallery Trust business in their own vehicles

Anyone who is likely to be requested to drive on the Trust's business, using their own vehicle, must present their insurance certificate (showing an appropriate level of business cover) to their line manager, or Head Teacher or delegated representative before they can drive their vehicles on Trust business. A copy of the certificate will be taken and retained locally. This license/ insurance verification process must be repeated at intervals no greater than 12 months.

Anyone driving on Trust's business must ensure that the vehicle they are driving is:

- Roadworthy, legal and safe.
- Without obvious defects which may affect the car's roadworthiness (e.g. tyres, lights etc.).
- The vehicle is covered by a valid MOT certificate.
- Adequately insured.
- Has a current road fund license.

Restrictions

Employees must not drive while under the influence of alcohol or drugs (including some prescription medication). Drivers must refrain from consuming alcohol, for the twelve hours preceding and throughout the period of time in charge of the vehicle; drivers must be aware that it can take 12 hours for the level of alcohol in the bloodstream to fall to a safe standard.

Personal use of vehicles is not permitted under any circumstances under the Trust Insurance agreements. No personal mileage is permitted. The prime purpose of Trust vehicles is for the transportation of students. Student use must always take priority above business use. If a member of staff needs to attend a meeting or undertake tasks which are part of their job role and needs to use a car, then they should book a vehicle in accordance with local arrangements.

If a meeting is at the end of the day and the location of the meeting is closer to the staff members' home than the Trust, the staff member can drive the vehicle home. The vehicle must be parked securely overnight and not used for personal purposes. Written authorisation should

be obtained from the Head Teacher, as it is intended that vehicles should be parked overnight on the Trust site. Use of vehicles in this manner should only occur infrequently.

It is at the discretion of the Trust as to whether drivers with points on their licence can drive under this policy. A discussion may take place between the Head Teacher and the driver regarding the nature of the points and any decision of the Head Teacher is regarded as final.

The Trust will not:

- Pay fines for parking, speeding or other motoring offences. Staff are responsible for paying fines

- Provide legal support for staff charged with the above

- Claim on its insurance for damage to employees' own vehicles if damaged while on Trust business. The employee is responsible for claiming on their own insurance for any damage to their vehicle.

Appendix A

THE GALLERY TRUST
CONFIDENTIAL

ANNUAL STAFF DECLARATION FOR DISCLOSURE OF DRIVING PENALTY POINTS OR ENDORSEMENTS

Full Name	

I confirm that I do not have any penalty points on my licence and there are no proceedings underway that I am aware of which may impose points on my licence. I attach a photocopy of my driving licence.

Yes / No *(please delete as applicable)*

Signed …….. Date ……

OR:

I have penalty points on my licence and/or am awaiting the outcome of proceedings which may impose points on my licence. I attach a photocopy of my driving licence.

Please provide date of offence, number of points and nature of offence:

Signed …….. Date ……

Yes / No *(please delete as applicable)*

You are required to inform the Business Manager or Headteacher if you accrue any driving penalties whilst you are an employee of the Trust. Failure to declare any of the above information now or any future time during employment with the school may lead to disciplinary action. Further information may be sought from you regarding offences which have resulted in penalty points.

PLEASE RETURN THIS FORM TO THE (insert SLT / Trust Colleague) BY (insert date

Appendix B

Defects

Category A

- Defect to steering, brakes, clutch, tyres
- Damage to swept portion of windscreen
- Damage to doors which prevents their secure closure or which prevents them from being opened easily as intended by the manufacturer
- Damage to the bodywork which results in loose panels or jagged projections
- Damage to bodywork which results in restriction to steering lock or which otherwise results in contact with a tyre
- Insecure seat(s)
- Engine Oil light failing to extinguish within 5 seconds
- Abnormal noise form engine, gearbox or rear axle
- Difficulty in changing gear or clutch slip
- Failure of lights or indicators.
- Defect to windscreen wipers which impairs their ability to clear the windscreen
- Inoperable seat belts