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Transporting Children or Young People in Cars

1. Introduction

The issue of transporting children/young people in cars, particularly in an employee's own cars is one which causes concern to some staff. It may, however, in a limited number of circumstances, be a necessary part of the role. These guidelines aim to give advice to those staff who may be required to undertake this task in order to keep themselves and the people they are transporting safe.

2. Guiding Principles

The guiding principle should be that transporting children/young people in staff cars should be the exception to the role 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 it is not possible to pre-plan the travel and management cannot be contacted to approve this. It is anticipated that these by the nature of them being emergencies would be very rare. This policy however, still needs to be followed to ensure the safety of staff and young people.

In situations that have not been planned for employees will still need to act in the best interest of young people. If this means they have to be transported in a car, provided that the employee is acting in accordance with their job role, is following this policy and the safeguarding policy, undertaken a risk assessment and is not breaking any road traffic legislation, then they will be approved to do so by SUAT in their actions so 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, accompanied by a staff member. Only where none of these options is appropriate or viable should young people be transported in a member of staff's car.

Staffordshire University Academies Trust (SUAT) encourages employees not to take children or young people on journeys alone in their car unless in an emergency situation. The staff member should always be accompanied by another employee of the Trust.

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3. Drivers and their Vehicles

Drivers are responsible for their own vehicle's roadworthiness and appropriateness for the task to be undertaken and their fitness to drive. Managers are responsible for monitoring and verifying this.

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 (Taxed vehicle)
- Have checked the vehicle is in a roadworthy condition
- Are not excessively tired, fatigued or under the influence of alcohol or drugs.
- 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 where they are required, or may be required to drive for work.

4. Managers

Managers of those who transport children/young people in their cars must ensure that the employee being asked to carry out this role has 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 an employee competent to drive outside of the parameters above 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.

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

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Managers should check the documentation of their drivers and vehicles before they authorise an employee to transport a child / young person in their own vehicle and then periodically at an interval relevant to the frequency that this service may be required.

4. Children / Young People

Before children/young people are transported in an employee's car, 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 employee 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.

Parents must give their permission for children/young people to be transported in a staff member's vehicle, where this 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.

Children/young people 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 child/young person 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 or member of staff who has received training in administering support/medication should accompany the young person in the vehicle.

5. Risk Assessment

Academies who permit children/young people to be transported in staff member's vehicles should have an overarching risk assessment for this. Over and above this, where information gathered on a child/young person or employee's safety poses significant risk to the child/young person or staff member's safety during transportation, then a specific risk assessment relating to this activity must be carried out. It is not possible to give full detailed control measures for such risk assessments as they will relate to the particular needs of the individual and the specific circumstances involved.

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

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For children/young people who present with behavioural issues a range of control measures should 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.

Where staff vehicles are being used to provide transport as part of an educational visit, the staff member must also follow the Educational Visits Policy, current OEAP guidance for the use of personal vehicles for transport and ensure that the journey has been risk assessed in advance. Staff members using their vehicles for this purpose will be subject to the travelling conditions and control measures described within this policy, should be accompanied by a second member of staff for safeguarding purposes and must be travelling with their own business use insurance in place.

6. Travelling

Only pre planned journeys should be undertaken and these should always be pre-approved by a manager, unless there is an emergency situation whereby the journey cannot be avoided e.g. urgent transport to hospital.

All planned journeys should have a fixed start and finish and these should not be altered without authorisation. A system should be in place for the details of all journeys to be recorded (where to, 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 should be put in place to ensure an employee can contact a fixed person to confirm their arrived at destinations and that the journey has been completed. There also needs to be systems in place to ensure an appropriate response should an employee not confirm these details within the specified time.

A system should also be put 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 employees who transport children/young people should have access to a charged mobile phone or the appropriate means of communication.

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, child restraint or age appropriate booster seat. However, where staff are transporting children/young people as part of their job 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, if a driver becomes aware of this they should stop the journey as soon as it is

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safe to do so. If the passenger continues to refuse to wear a seatbelt/restraint, then the contract system should be implemented and the journey ceased until a solution is found. For further details on standards of child restraints see current guidance at <https://www.gov.uk/child-car-seats-the-rules>

Restraints should also be checked before use to ensure that they are well-maintained and fit for purpose, with no defects.

Three exceptions allow children 3 years to 135cm in height to travel in the rear and use an adult belt –

- In a licensed taxi/private hire vehicle, if the right child restraint is not available.
- For unexpected necessity over a short distance, if the right child restraint is not available,
- Where two occupied child seats in the rear prevent the fitment of a third child seat.

Children under 3 years may travel in the rear of a taxi unrestrained if no child restraint is available.

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 restraint. The child restraint loaned or hired must be in good condition.

A rear facing child restraint (baby seat) must not be used in the front of vehicles where a passenger airbag is fitted.

Seat belt adjusters are comfort devices and not safety devices, check what the manufacturer says about them and their intended use.

Drivers must not use mobile phones (unless hands-free and safe to do so), drink, or smoke while driving on SUAT business and should be aware of the highway code and drive appropriately and within speed limits. In order to facilitate this when planning journeys, adequate time for the journey must be allowed.

An employee should not be expected to drive an excessive number of hours in a day.

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

7. Accidents/Incidents

In the case of a road traffic accident, these 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 during working hours must record on the Accident Reporting System, following the usual SUAT procedure.

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8. Occasional Business Use Insurance

In the event of an emergency which gives rise to a staff member being required to use their own vehicle for transport, where the staff member does not hold business insurance, SUAT employees will be covered by the Occasional Business Use Insurance Policy. The OBU policy should not be used where the use of staff vehicles is part of a pre planned arrangement such as, for transport to and from an educational visit.

This policy requires:

The person driving to hold a licence to drive the vehicle and the licence must not have been revoked. The person driving must not be disqualified from holding or obtaining such a licence;

The person to be driving on the order of or with the permission of the Trust;

The employer to check the driving licence of any person who will drive the vehicles to be insured and will not allow anyone to drive, unless declared to and agreed by insurers who has within the past 5 years been convicted of a motoring offence with a code prefixed by AC, BA, CD40 to CD90, DD, DR, IN, LC, MS, TT, UT or XX;

Vehicles to be kept in a roadworthy condition and will not be driven by any person who has been refused motor insurance or continuation thereof; and

The journey is only made on Trust business.

9. OEAP Guidance

The Guidance from the OEAP regarding [transporting young people in private cars](#) is as follows:

Statistics demonstrate that travelling to an activity can present a greater risk than engaging in the activity. Transporting young people in private cars therefore requires careful consideration. You should follow any guidance from your employer.

Employers and establishments that organise transport in private cars have a legal duty of care, and may be liable in the event of a claim following an incident. They should ensure that:

- If the driver is not an employee or contractor, they are engaged as a volunteer through the establishment's normal procedures – see OEAP National Guidance document 3.4o "Volunteers";
- The driver properly understands their duty of care and any agreed responsibilities for supervision;
- Parents are informed about the transport arrangements;
- Evidence is obtained that:

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- o The vehicle is legal and safe – this means that it is taxed, has a valid MOT certificate if required, that has been serviced in line with the manufacturer’s schedule, and that the driver carries out any pre-use checks specified by the manufacturer;
- o The driver is suitable – this means that they hold a valid licence for the type of vehicle and meet any employer requirements (such as vetting);
- o There is a valid insurance policy covering the driver and the vehicle for the intended use – in some circumstances the insurer may require that the driver has cover for business use.

Tax and MOT status may be checked at www.vehicleenquiry.service.gov.uk. Driver licence details may be checked at www.gov.uk/check-driving-information if the driver provides a check code (from www.gov.uk/view-driving-licence).

It is advisable to keep evidence of these checks having been carried out. It is reasonable to obtain information about roadworthiness, driving licences and insurance by asking the driver to complete and sign a form which asks for specific information. The same form can be used to inform the driver (and owner) about what is expected of them, and to make clear that they are using the vehicle at their own risk. Establishments should reserve the right to ask for documents to be produced for monitoring purposes.

Consideration must be given to the potential distraction of the driver and the supervision of the passengers. A judgement should be made about the likely behaviour and individual needs of the passengers. If any of them may require close supervision, then another adult should travel in the vehicle so that the driver is not distracted or compromised. Careful consideration should be given before allowing a driver to be alone with a child or young person, as this could leave both of them vulnerable.

There are circumstances where this might be acceptable when there is no reasonable alternative, such as:

- Where a risk assessment shows that the benefits outweigh the risks;
- In an emergency or other unforeseen circumstances where the child or young person would otherwise be at greater risk.