



Employee transportation of children policy

Tees Valley Education Trust

Version:	1.0
Ratified by:	Trust Board
Date ratified:	March 2019
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Circulated to:	All Staff
Date issued:	December 2018
Review date:	Biennial
Target audience:	ALL TRUST EMPLOYEES

1. Introduction

Tees Valley Education Multi-Academy Trust recognises that a failure to take reasonable safety precautions in relation to the safe transportation of children and employees would represent a serious risk to children, staff and members of the public and expose the Trust to the possibility of prosecution.

This policy covers protocols for the safe transportation of TVED pupils by TVED employees:

- from home to school (and vice versa)
- to and from planned academy events and visits
- to medical facilities in an unplanned emergency situation that is not life threatening

This policy does not cover:

- arrangements made by the Local Authority (LA) Transport Service in the transportation of TVED pupils (TVED works with each Local Authority Integrated Transport Team in support of Local Transport Policy and Procedures).
- arrangements made by Local Authority employees or other organisations in the transportation of TVED pupils (e.g Social Workers and contact workers).
- arrangements made by parents/carers in the transportation of TVED pupils.
- TVED employees travelling to and from other TVED sites, or other off-site locations for business purposes. (This is covered in the staff handbook)

This policy sets out the systematic approach for suitable and sufficient risk management throughout the Trust so that both pupils and employees are protected.

This policy has particular regard for ensuring the welfare of pupils at the academies is safeguarded and promoted at all times, and appropriate action is taken to reduce risks and potential risks that are identified.

The issue of transporting children/young people in cars, particularly Trust employees own cars, is one which may cause concern to some staff. In certain circumstances, it is however a necessary part of the work that some staff carry out. This policy aims to give advice to those staff who undertake this task in order to keep themselves and the people they are transporting safe. They should be read in conjunction with the risk assessment for this activity.

2. Aims

The Trust aims to ensure that:

- All risks that may cause injury or harm to staff, pupils and the public are identified, and all control measures that are reasonably practicable are in place to avoid injury or harm
- Risk assessments are conducted and reviewed on a regular basis

3. Guiding Principles

The guiding principle should be that transporting children in employee vehicles should be the exception to the rule rather than the norm, unless it is an accepted part of an employee 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 member of the SLT. In certain circumstances, children 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 and in exceptional circumstances. An example of this would be a child who has sustained an injury that is categorised as an emergency, but would not require an ambulance. If the child's next of kin cannot be contacted, then in this scenario a dynamic risk assessment should be made and staff would need to take the child to hospital using their own transport.

This guidance however, must be followed to ensure the safety of staff and young people. Academies should therefore put plans in place for such situations that will allow employees to carry out such transport functions with delegated management approval to ensure we act in the best interests of the child. In situations that have not been planned for, employees will still need to act in the best interest of the child. If this means they have to be transported in a car then as long as the employee 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 Trust for this action, providing they can evidence they have not acted in a negligent manner.

Providing there is sufficient time to do so, 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. Only where none of these options is appropriate or viable should young people be transported in a member of staff's car.

Trust employees must never transport a child/ren if they believe a life-threatening situation could occur during the journey. Emergency services must always be contacted in these circumstances, and advice and guidance taken from the emergency call handler.

4. Employees and their Vehicles

Employees are responsible for their own vehicles roadworthiness and appropriateness for the task to be undertaken and their fitness to drive.

SLT are responsible for monitoring and verifying this. All employees who drive as part of their role and their managers must be fully familiar with the relevant TVED Trust policies and guidelines in relation to using their own vehicles during working hours, and ensure that these are complied with.

Key features of this policy include employees must ensure that they:-

- Have an appropriate valid driving license
- Are insured for the journey (policy must include Business Use)
- Have a valid MOT certificate (where applicable)
- Have a valid Excise licence (Road Fund licence)

- Have checked the vehicle is in a roadworthy condition
- Are not excessively tired, fatigued or under the influence of alcohol or drugs (including prescribed medication)
- 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 or impair their ability to drive safely (DVLA provide a full list of conditions (see <https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency>))

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.

Employees are also obliged to notify the SLT of any driving convictions, endorsements or disqualifications immediately (including those that are pending).

5. Managers / SLT

Managers of those who transport children in their own vehicles must ensure that the employees 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 an employee meets the criteria, but the manager has concerns regarding their competence to drive, the reason(s) an employee is not deemed competent and therefore not allowed to transport children should always be recorded.

In making any such decision the needs of the Trust need to be balanced against the safety of the children and employees, and where there is any doubt the safety of the children and employees should take priority. For example a number of driving endorsements, past convictions or similar, or a history of driving accidents may need to be taken into consideration.

Academy Business Managers should check the vehicle and DVLA documentation of their employees in each academy and vehicles before they allow employees to use them for Trust and/or Academy business, and this should then be reviewed annually after that.

6. Children / Young People

Before children are transported in employee vehicles, 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 (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. This information is required to inform specific risk assessment for transporting the child. The information will need to be reviewed regularly to ensure it remains valid.

Parents must give their permission for children to be transported in an employees' vehicle. Every effort should be made to gain written consent but where this not practically possible i.e in an emergency situation; details of the verbal consent should be recorded. If no type of consent is obtained, transportation should not be permitted.

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

7. Risk Assessment

Each academy area should produce a risk assessment for transporting children based on their circumstances and way of working. The generic risk assessment for this activity can be adapted and used for this (copy appended to this Policy). Over and above this, where information gathered on a child or employees safety poses significant risk to either party 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. However, when considering children with medical conditions their transport and 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 to accompany on the journey.

For children 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 so they cannot easily distract the driver. Child locks should be used when transporting children as a control measure.

8. Travelling

Only pre planned journeys should be undertaken and these should always be pre-approved by a manager using the EVOLVE risk assessment process. 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 from, route details, time journey starts and ends, who is going to be transported, car details etc). All employees need to be made aware of this and the details should be monitored.

A system needs to be put in place to ensure staff contact a named person to confirm their arrival at destinations and that the journey has been completed. There also needs to be systems in place to ensure an appropriate response should a member of staff not confirm these details within specified time.

A system should be 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 as part of their role should have access to a mobile phone or the appropriate means of communication.

All journeys should only be for named children 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 are transporting children as part of their job, then they will at all times be responsible for ensuring the children 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 the removal of a restraint, 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 TVED business and should be aware of the highway code and drive appropriately and within speed limits. In order to facilitate this when planning a journey employees must always make adequate time for the journey and plan routes in advance.

Employees should not be expected to drive an excessive number of hours in a day especially if they are undertaking other work and the driver hours information confirmed within the Local Authorities visits Guidance should be adhered to.

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

9. Child Restraints

When employees are transporting children they should ensure that the correct type of restraint is used and that it meets the required standards. Restraints should also be checked before use to ensure that they are well-maintained and fit for purpose, with no defects.

Child restraints are the collective term in the seat belt wearing legislation for baby seats, child seats, booster seats and booster cushions. Modern child restraints are designed for specific weight ranges of child. They have to meet UN ECE Regulations 44.03 (or subsequent) type approval standard and be marked with a label showing an 'E' and 44.03 or 03 and the weight range of child, for which it is designed. These are approved for use in forward-facing or rear-facing seats.

Legislation requires all young people in cars, vans and other goods vehicles to be carried in the correct child restraint from birth until either are 135 cm (4'5") tall or have reached the age of 12 years (whichever comes first). They must then use a seat belt.

There are some exceptions which 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.

Seat Belt Requirements. This table below summarises the main legal requirements for wearing seat belts in cars, vans and other goods vehicles.

	Front seat	Rear seat	Who is responsible?
Driver	Seat belt MUST be worn if fitted	-	Driver
Child under 3 years of age	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 1.35 metres in height (or 12th birthday, whichever they reach first)	Correct child restraint MUST be used	Correct child restraint MUST be used where seat belts fitted. MUST use adult belt if correct child restraint is not available in a licensed taxi or private hire vehicle, or for reasons of unexpected necessity over a short distance, or if two occupied restraints prevent fitment of a third.	Driver
Child over 1.35 metres (approx 4ft 5ins) in height or 12 or 13 years	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Driver
Adult passengers aged 14 and over	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Passenger

Laws RTA 1988 sects 14 & 15, MV(WSB)R, MV(WSB)R & MV(WSB)(A)R

Trust employees who are transporting children in cars, vans and other goods vehicles should also ensure that:

- Children get into and exit the vehicle through the door nearest the kerb
- Child restraints are properly fitted to manufacturer's instructions

- Children do not sit behind the rear seats in an estate car or hatchback
- The child safety door locks, where fitted, are used when children are in the vehicle
- Children are always kept under control.

For more detailed information on child restraint visit <https://www.highwaycodeuk.co.uk/rules-for-drivers-and-motorcyclists-seat-belts-and-child-restraints.html>

10. Car seats and booster cushions

Types of Seat

It is very important to ensure that your child travels in an appropriate child restraint, which:
Conforms to the United Nations standard, ECE Regulation 44.04 (or R 44.03) or to the new i-size regulation, R129.

Look for the 'E' mark label on the seat. Is suitable for your child's weight and size? Is correctly fitted according to the manufacturer's instructions?

There are many different types of seats available. They are divided into categories, according to the weight of the children for whom they are suitable. These correspond broadly to different age groups, but it is the weight of the child that is most important when deciding what type of child seat to use. i-size seats are designed to keep children rearward-facing until they are at least 15 months old.

For a detailed table of car seats and child height and weight requirements visit <https://www.childcarseats.org.uk/types-of-seat/>

Booster cushions

New regulations regarding the sale and use of booster cushions took effect on 9th February 2017. The new rules meant that manufacturers would no longer be allowed to introduce new models of backless booster seats (booster cushions) for children shorter than 125cm and weighing less than 22kg.

This change does not affect existing models of seats or cushions; they will only apply to new booster cushions, not ones which are already in use and meet existing safety standards. So, parents who use old booster cushions will not be breaking the law if they continue to use them after the rule change. They will not be required to buy new booster seats to meet the rule change.

This change means that anyone buying a booster cushion should take extra care to read the manufacturer's labels and instructions in order to ensure that the one they select is appropriate for their child's use.

11. Accidents/Incidents

In the case of a road traffic accident, these must be reported by the driver to:

- the Police
- their own insurance company (passengers must be advised of the name and address of the insurance company, if wishing to make a claim)
- the SLT of the academy the employee works, or Central Trust Business & Resource Manager for Trust based employees
- the parent/carer of the child/ren involved in the incident – usually a nominated member of SLT would inform the parent/carer

All accidents/incidents that occur during working hours must be recorded on the Accident Reporting System, following usual Trust procedures.

12. Legislation and statutory requirements

This policy is based on the following legislation and guidance:

- [The Health and Safety Executive \(HSE\)](#) Driving at Work – managing work related road safety

13. Monitoring arrangements

Risk assessments are written as needed and reviewed by the Academy Business Manager and Deputy Head Teacher.

This policy will be reviewed by the Trust Business and Resource Manager every 2 years.

14. Links with other policies

This risk assessment policy links to the following policies:

- Health and safety
- Supporting Children with Medical Needs and Life Threatening Illness
- Evolve: Educational Visits, Outdoor Learning and Adventurous Activities
- SEND
- Equality Policy
- Academy Staff Handbook



RISK ASSESSMENT RECORD SHEET

Activity under assessment:

Assessment carried out by: for Head Teacher

Location: Date:

(Step 1) Risk	(Step 2) Who might be harmed	(Step 3) Generic precautions required (including documentation considered)	In place? (Y/N)	(Step 4) Additional (site specific) measures required	In place? (Y/N)	(Step 5) Assessors comments

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Next review due by: **Name:** **(Risk Assessor)**

A copy of this assessment record must be kept available for inspection by members of the Health and Safety Unit/Health and Safety Executive.