Local Rule:
For the Safe Use of Minibus
Passenger Transport Vehicles

1. Significant Hazards
Minibuses provide a comparatively inexpensive, convenient and easily available means of transporting small groups of people. From time to time, departments and staff may require to hire/use minibus passenger transport vehicles (minibuses) for University business. The University recognises and accepts that there are safety hazards associated with the use of minibuses and is committed to reducing the risk of these hazards causing injury or damage, so far as is reasonably practicable.

In addition there are legal requirements placed on the driver and on the use of minibuses by groups.

Individuals may feel that because they have accumulated a number of incident free miles in a car, little or no training is required when it comes to driving a minibus. The differences when driving a minibus compared to a car are pronounced: larger vehicle, increase in passengers, potential distractions and different road positioning.

It is therefore essential that the driver makes adequate preparation for this task and ensures that the risks involved in undertaking a journey with a minibus are assessed in order to protect people and comply with the law.

These Local Rules are designed to supplement the University guidance document “Driving Safely at Work: Guidance for Departments”. Both documents require to be used by departments when planning and managing the use of minibuses.

The University aims to manage risks associated with minibuses by fulfilling the requirements of the Management of Health and Safety at Work Regulations 1999.

2. Key Definitions
Minibus - means any passenger carrying vehicle with 8 to 16 seats (excluding the driver) and a maximum weight of not more than 3.5 tonnes (this is increased to 4.25 tonnes when any specialist equipment for the carriage of disabled passengers is included e.g. tailgate lift).

3. Departmental Roles
3.1. Nominated Co-ordinator
Head of Department must nominate a person to:
- maintain a list of minibus drivers who possess the requisite licence and have been deemed competent by the Head of Department;
- check driving licences of minibus drivers at least every 6 months to ensure no endorsements have been acquired that would prohibit driving minibuses on University business; and
- regularly check that minibus arrangements are being implemented by requesting to view risk assessments for minibus journeys.

3.2. Staff
Staff have a responsibility to comply with the arrangements put in place to ensure safe operation of a minibus.

4. Assessing Risks from Minibus Use
4.1 Identifying Minibus Hazards
Typical hazards associated with minibus use include:
- poor condition and maintenance of vehicle;
- inexperienced drivers;
- driver fatigue;
- vehicle size and weight;
- driving conditions;
- overloading; and
- passenger behavior.

4.2 Evaluating Risks
As with any potentially hazardous work activity, a minibus journey should be planned to avoid hazards and reduce the risk of those which cannot be avoided (risk assessment). The use of a minibus must be considered as part of the risk assessment. This should follow the guidelines given in the University guidance document ‘Driving Safely at Work: Guidance for Departments’. However the trip organizer and driver(s) should also consider the following as a minimum:
- is the journey really necessary;
- is there a safer alternative means of transport (bus, rail);
- driver training and competency;
- duration of driving periods and rest periods;
• the length of journey and the number of drivers required;
• needs of passengers;
• behaviour of passengers;
• accident/emergency management;
• specific journey planning;
• what is the best time to travel (to avoid road congestion);
• what is the best route (quickest, least congested);
• how much time is required;
• allowances for bad weather, road works, continental driving, night driving and other foreseeable problems;
• is a navigator (with written journey details) or a GPS system required;
• is there sufficient emergency equipment and information;
• planning the journey to include stops. The driver should consider the needs of the passengers and allow adequate time for meal breaks and toilet stops. Breaks provide time to enable the driver to relax and take stock of the situation;
• short rest breaks should be taken every couple of hours or as and when the driver feels tired. As a maximum, do not attempt to drive for more than four hours without a complete break from the vehicle. More than ten hours driving a day is pushing the endurance of the most competent driver; and
• given the higher fuel consumption of a minibus over the average car, how many fuel stops will be required.

The amount of time needed for planning and risk assessment will depend on the type and duration of the journey.

4.3 Deciding on and Implementing Risk Control Measures
Departments must adhere to the following control measures as a minimum:

4.3.1 Driver’s Licence Requirements & Competency
The licence requirements for persons driving minibuses are complex. Ideally a driver should have a passenger carrying vehicle entitlement (PCV) on their driving licence. To obtain this they must meet higher medical standards and take a further driving test.

However to standardise its approach for drivers intending to drive minibuses using their car licence rather than a PCV entitlement, the University requires that Departments must ensure that:

• drivers are 21 or over;
• drivers have held a car (category B) licence for at least two years;
• drivers are providing the service on a voluntary basis; driving must not be part of the staff members’ job description;
• the minibus has a maximum of 16 seats excluding the driver’s seat;
• the minibus maximum weight is not more than 3.5 tonnes (4.25 tonnes if fitted with any specialist equipment for the carriage of disabled passengers);
• if the driver is aged 70 or over they must be able to meet the health standards for driving a vehicle within the D1 class;
• the minibus is not being used for hire or reward;
• drivers have a maximum of six penalty points endorsing their licence or are free from other endorsements as listed below; and
• drivers operate the minibus under the Minibus (also known as the Community Bus or Section 19) permit scheme.

4.3.2 Minibus or Community Bus Permits
Minibus permits are issued for minibuses so that voluntary groups and certain other bodies can charge or accept a form of remuneration for providing transport for their own members, or for other people whom the organisation serves, without having to comply with the full public service vehicle (PSV) operator licensing or PCV driver licensing requirements. An organisation may not provide services in this way to the general public. Permit vehicles cannot be run as part of an activity that is itself carried on with a view to making a profit, and any charges must only cover the running costs. Departments are required to obtain permits prior to driving a minibus.

Permits can be obtained from:
The Traffic Commissioner
Argyle House
3 Lady Lawson Street
Edinburgh
EH3 9SE
Tel: 0870 606 0440
Permits are issued for minibuses that carry 8 to 16 passengers excluding the driver:

- vehicles carrying fewer than 8 passengers in total do not need a permit;
- ‘Permit’ arrangements apply only in the UK. A permit minibus cannot be driven abroad unless the driver holds either PCV D1 or D entitlement; and
- ‘Permit’ minibuses cannot be used to tow a trailer of any size. To tow a trailer the driver must hold PCV D1 or D entitlement and have a towing entitlement.

4.3.3 Non Exemption for Staff Employed by Contract to Undertake Driving
Where a driver’s employment contract expressly states that driving a PCV vehicle is part of the job e.g. staff hired as drivers, then a PCV entitlement will definitely be required.

4.3.4 Endorsements Prohibiting Minibus Driving
Drivers with licence endorsements tallying more than 6 penalty points are prohibited from driving minibuses owned by the University, or leased or hired under its auspices.

Regardless of the endorsement points tally, persons with the following endorsements on their licence are prohibited from driving minibuses owned by the University, or leased or hired under its auspices for the entirety of that endorsement remains on the licence:

- offences relating to drinking/drugs and driving; codes shown on the licence as DR10, DR20, DR30 and DR80;
- offences relating to causing death by careless driving whilst under the influence of drink/drugs; codes shown on the licence as CD40, CD50 and CD60;
- offences relating to causing death by careless driving, then failing to provide a specimen for analysis; code shown on the licence as CD70;
- offences relating to reckless/dangerous driving; codes shown on the licence as DD40, DD60 and DD80;
- offences resulting in disqualification; and
- offences relating to exceeding passenger vehicle speed limit; code shown on the licence as SP40.

Heads of Departments/Directors of Service should ensure that prior to driving a minibus, the licences of staff involved are checked and a photocopy retained on file.

Thereafter licenses should be checked every six months for continued validity.

4.3.5 Competency
If staff are driving minibuses under a Minibus Permit, it is required that they undertake a MIDAS training course. Heads of Departments must ensure that prospective minibus drivers are competent to drive minibuses and have passed the Minibus Driver Awareness Scheme (MIDAS) Course.

The University requires staff intending to drive minibuses to achieve this higher level of competence because:

- the vehicle is larger/heavier (requires greater stopping distances);
- all round vision is usually more restricted;
- more passengers are carried leading to increased stress on the driver (due to extra responsibility, excessive noise, distraction); and
- many minibus journeys tend to be longer journeys (longer exposure to hazards and increased risk of fatigue).

4.3.6 Minibus Driver Awareness Scheme (MIDAS)
The Minibus Driver Awareness Scheme is a membership based scheme that has been designed to enhance minibus driving standards and promote the safer operation of minibuses. It is organized by the Community Transport Association U.K. (CTA) which promotes a nationally recognized standard of assessment and training for minibus drivers. For more information: CTA recognized training establishments in Scotland are as follows:

**Lothian C.T.S.**
Edinburgh
Tel: 0131 669 9959
Web: [www.lcts.org.uk](http://www.lcts.org.uk)

**North Area Transport Association**
Glasgow
Tel: 0141 336 4415

This driver training should be organized directly by Departments as required, and records of completion recorded on the driver’s Safety Training Record S17 form by the Department Safety Convenor.
4.3.7 Insurance
Where regular hiring of minibuses is anticipated, the University’s preferred option for insurance cover is for the department to purchase hirer’s insurance for every hire, as part of the vehicle hire.

Where departments only hire minibuses on an ad hoc basis, then the minibus can be included under the University’s motor insurance policy, providing the driver is competent. In this instance the Finance Department (Insurance) must be informed of the hire details as early as possible in order that they can inform the University insurers.

4.3.8 Safety Checks
The driver must complete safety checks of the minibus prior to travel.

4.4 Recording the Significant Findings
The significant findings of the journey planning and risk assessment must be recorded on the General Risk Assessment Form S20. The risk assessment will need to be reviewed if there is any reason to suspect that the original assessment is no longer valid e.g. there is a significant change to the journey planning such as a relief driver becomes incapacitated.

5 Providing Information, Instruction and Supervision
The driver is legally responsible for the safety of the passengers and their behaviour whilst in the minibus. The driver should ensure that all passengers are briefed on any particular controls required to ensure their safety and satisfactory behaviour.
The following summarises how departments can effectively implement this Local Rule and integrate it into its management systems. These processes will be monitored as part of Safety Services’ Audit Programme, and where departments are able to demonstrate fulfilment of key actions, this is likely to provide strong evidence of good practice.

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<tr>
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<th>Key Management Actions</th>
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<tr>
<td>1.</td>
<td><strong>Departmental Roles</strong></td>
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<td>• ensure that at nominated co-ordinator is appointed by the Head of Department to co-ordinate records and monitor arrangements are being implemented.</td>
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<td>• ensure that the duties of the nominated co-ordinator are defined based on those in paragraph 3.1 above.</td>
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<td>• ensure that appropriate management, administrative and technical systems and procedures are in place to effectively control risks from use of minibuses and these are regularly reviewed.</td>
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<td>• ensure that above systems and procedures are incorporated into general departmental arrangements and communicated to relevant staff.</td>
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<td>2.</td>
<td><strong>Identifying Risks</strong></td>
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<td>• ensure all risks associated with minibuses and journeys are identified.</td>
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<td>3.</td>
<td><strong>Evaluating Risks</strong></td>
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<td>• ensure that staff are adequately trained in the techniques of risk assessment.</td>
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<td>• ensure that all necessary risk assessments have been carried out in relation to the use of minibuses.</td>
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<td>4.</td>
<td><strong>Implementing Risk Control Measures</strong></td>
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<td>• ensure drivers meet minimum standards to drive minibuses (DVLA &amp; MIDAS).</td>
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<td>• ensure a ‘Minibus Permit’ is available for the minibus.</td>
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<td>• ensure insurance is in place and is valid, relates to the vehicle being driven and includes details of the driver.</td>
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<td>• ensure the minibus is taxed, insured and has a current MOT certificate.</td>
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<td>• ensure safety checks of the vehicle are completed prior to travel.</td>
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<td>• check minibuses drivers licences are checked every 6 months.</td>
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<td>5.</td>
<td><strong>Recording the Significant Findings</strong></td>
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<td>• ensure records of risk assessments and significant findings for minibus use are recorded on the S20 form.</td>
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<td>• ensure risk assessments are reviewed as necessary.</td>
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