

# Teachers Driving School Minibuses



In November 2014 the Department for Education (DfE) issued updated guidance on driving school minibuses, which focused on teachers and other school staff who do not have D1 entitlement on their licences. This guidance was prepared jointly with the Department for Transport (DfT) and the Association of Chief Police Officers (ACPO).

The November 2014 guidance replaces previous guidance issued in 2013 and 2006. The main focus is the same: whether a paid member of school staff who does not have D1 on their driving licence can be considered to be driving the school minibus on a *voluntary basis* – this is one of the conditions for driving a minibus without category D1 entitlement.

In providing advice on this issue, the 2014 guidance states that:

*“...if a teacher’s contract of employment does not state that driving minibuses is part of their duties and they receive no additional payment for driving a minibus to take pupils on trips or to social sporting events (except for reimbursement for out of pocket expenses), they will be driving on an extra-contractual, **voluntary basis**. In this case, the category B licence would suffice (assuming the conditions are met) even if the school reimburses the teacher for fuel, parking and tolls.”*

The guidance is not only for teachers; it also applies to other school staff.

**However, MiDAS advises caution in that this is only guidance and not a legally binding statement. The position remains unchanged in that ultimately only a court of law can determine the precise meaning of the law and if the decision is not in line with the guidance, a driver could find themselves being prosecuted for driving without the correct licence entitlement and consequently, without insurance.**

You should also note that the full terms of the UK derogation still apply. In other words, for a teacher without D1 entitlement to drive a minibus they must meet **ALL** the following conditions:

- They must have held their full UK driving licence for at least two years
- They must be at least 21 years old
- The vehicle they are driving must be no more than 3500kg MAM (Maximum Authorised Mass, sometimes referred to as Gross Vehicle Weight) or 4250kg MAM if wheelchair accessible.
- They must be driving for a non-commercial body for social purposes
- They cannot tow a trailer.

Note: MAM/GVW means the maximum weight permitted by the manufacturer, when the minibus is loaded with passengers, luggage, fuel etc.

The need for drivers to undertake training before driving a minibus is recognised in the guidance and MiDAS training is recommended. You should remember that under Health and Safety legislation, organisations have a requirement to provide appropriate training to volunteers and staff. Obtaining a D1 licence remains the best practice option.

Some local authorities and schools have taken a cautious approach to the guidance (and the earlier 2006 guidance that preceded it). As the guidance comes with carefully worded ‘health warnings’ and is purely “advice”, not a definitive interpretation of the law (which will have to await ‘test cases’ in the courts. There is still some risk that allowing teachers to drive a minibus on a B licence will leave them at risk of prosecution. Although the involvement of ACPO in preparing the guidance may have reduced the risk of prosecution somewhat, some organisations are still not willing to put their staff at risk. Instead, their teachers and staff undergo training to pass a D1 driving test.

If you will be driving a minibus on a B licence it is important that you check that it is within the weight limits that apply. In the table below we set out a sample list of minibuses and whether they can be driven on a B licence or, for the heavier minibuses, a D1 licence is essential.

### Sample Minibus Weights

The chart below provides guidance on the type of minibus drivers with B entitlement only can or cannot drive. The list is not exhaustive and you should make further enquiries if the vehicle you will be driving does not appear below. The chart shows new factory-produced models available in 2009. Note that newer minibuses tend to be heavier than the models they replaced.

<b>Standard minibus</b> (MAM must not exceed 3.5 tonnes for driving on a B licence)	No. of seats <u>including driver</u>	MAM - Maximum authorised mass (kg)	Minibus meets B licence requirement?	D1 essential?
Ford Transit 300 MWB	12	3,150	Yes	
Ford Transit 370 LWB	15	3,700	<b>No</b>	Yes
Ford Transit 430 EL	17	4,100	<b>No</b>	Yes
LDV Maxus	12	3,200	Yes	
LDV Maxus	15	3,500	Yes	
LDV Maxus	17	3,900	<b>No</b>	Yes
<b>Accessible minibus</b> (MAM must not exceed 4.25 tonnes for driving on a B licence)				
Most accessible vehicles are either conversions of vans or are coachbuilt on a van chassis. It is therefore difficult to quote authoritative weights, particularly as some convertors change the plated weight. Check the V5C registration document or the plate fitted to the vehicle - in the engine compartment or front footwell (driver’s or front passenger’s side).				

Note that it is the Maximum Authorised Mass (MAM), also known as Gross Vehicle Weight (GVW) that is relevant here – the maximum permitted weight of the minibus when fully loaded. Consult the manufacturer’s documentation for the vehicle, the chassis plate, or ask the vehicle dealer. For coachbuilt accessible vehicles, if the documentation is unclear, contact the conversion company.

The position regarding other ‘incidental drivers’ of minibuses, such as paid **care workers** in the health and social care sector, has not been defined in the guidance, as this specifically refers to local authorities and schools. MiDAS advises caution: paid care workers who drive a minibus should not rely on the guidance; drivers without D1 should undertake training to pass a D1 driving test.