



DRIVING WITH YOUNG PEOPLE POLICY & PROCEDURE

FOR THE GUIDANCE OF ALL STAFF

Fresh Start in Education Limited

Castle House | Castle Hill Avenue | Folkestone | Kent | CT20 2TQ
Telephone 0203 409 6410



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DEFINITIONS

The following terms will be used throughout this policy:

- Fresh Start in Education Ltd will be referred to as 'the Company'
- The term 'staff' or 'you' will be used to cover all Company employees, contractors and workers
- The term 'student' will be used to cover any learner placed with the Company
- The term 'Education Specialist' and or 'Work Place Mentor' will be used to cover staff working with students in a provision or staff accompanying students during an Accompanied Work Placement
- The term 'Clients' refers to any local authority, school, parent or body that commissions the services of the Company to work with a student or students
- ProNet is the name of the Company's Online Management System.

1. INTRODUCTION

As part of the Company's overall commitment to safety and safeguarding we have certain requirements that must be met for staff who transport students in their own vehicle. The aim of this policy is to ensure that all staff understand what is required to ensure safety.

Failure to comply with this policy will not be permitted and will be viewed as a gross misconduct offence which may result in termination of contract.

2. DRIVING STUDENTS IN A PRIVATE VEHICLE

Please read **Appendix 1** to this document: **Seat Belt Law from RoSPA**, and in addition to this policy **'Better Safe Than Sorry' Policy**: a general guide to safeguarding and travelling with a student.

To ensure that the Company offers the highest standards of safety and to comply with the requirements of Clients and students, we have a separate procedure for identifying staff who are cleared to use their private vehicle to transport students. This is explained later in this document under Procedure for Education Specialists.

Before you consider using your own vehicle to convey a student, please **check** with the Company office to ensure that you have been cleared for this. The Company require copies of the following documents, and annual renewals of them, to issue such clearance:

- Current Driving Licence with details of any convictions and a DVLA licence check code
- Current MOT certificate for the vehicle if more than three years old
- Copy of current insurance showing business use, or identifying on the cover note or certificate, that you are covered to use your car for business purposes
- Current Breakdown Cover membership
- Your undertaking that you will inform the Company of any convictions or changes to your health or circumstances
- Registration Document if vehicle is less than 3 years old and does not require a MOT.

No vehicle may be used to transport students unless all seats in the vehicle have functioning seat belts fitted that must be worn by the driver and all passengers at all times.

Even if you can comply with all of the above requirements, it is not 'given' that you will be permitted to convey students. You must have confirmation from the Company office by email that this is allowed. There are a number of factors that affect the Company's decision to grant this and a member of staff must never take it upon themselves to convey a student in their vehicle without agreement from the Company.

You must ensure your motor insurers know that you work with children and young people, and check that your insurance cover extends to transporting a student for the job that you do. This should be shown on your Certificate of Motor Insurance and without this the Company will not permit you to convey students.

Carry at least two high visibility vests.

You must ensure that your vehicle is regularly serviced in accordance with the manufacturer's instructions and that regular checks are made to tyre pressures, engine fluids and fuel. The vehicle should be clean and tidy, and not contain anything that could be thrown or used as a weapon or create a danger for anyone inside or outside the vehicle.

Depending on the age and known behaviour of the student it may be best to transport the student in the back of the car, in the seat behind the passenger seat, diagonally behind you. Seat belts must always be worn by everyone in the car, this is not negotiable. **No seat belt – no journey.** Child locks on the back doors should be operating and window locks, if fitted, should be on so that the windows can be controlled and overridden only by you. Child seats should be used if appropriate for the student's age and safety, **see Appendix 1** to this policy.

Older students may well refuse to travel in the back of the car, and it is your call, as the driver, considering any risks that the student may pose, as to what the seating arrangements are. Under **no** circumstances may a student ever drive or assist with driving or operating your vehicle. If they interfere in any way you must stop and make it clear that this is not acceptable.

You should always be prepared to stop safely if the student starts to behave dangerously or inappropriately. Never turn around whilst driving to deal with an issue or allow yourself to become distracted by a student sitting beside you. Stop at the earliest safe opportunity and speak with them.

If you have to stop, make it clear that the journey cannot continue until the student stops misbehaving. Stay calm and try to defuse the situation or introduce a distraction of some kind, for example, try teaching them a song or a funny poem. Play music they like – even if it isn't to your taste, it may help relieve tension. It may be a good idea to break or terminate the journey and implement another plan you have for the day.

When you arrive at your destination, let them out of the car safely – don't just let them leap out.

Never leave a student unattended in a car – take them with you.

In the event of a **vehicle breakdown or accident**, the safety and wellbeing of your student is paramount. Make sure that they are not injured or frightened and, if necessary, call the emergency services. Reassure the student as appropriate, before dealing with the vehicle or others involved. If your vehicle is at risk of further accident or is on the hard shoulder of a motorway, it is essential that both you and the student put on a high visibility vest and leave the vehicle in the safest manner possible so that you remove yourselves from any risk of being struck by another vehicle.

Call the Police to the scene if there has been an accident resulting in injury or damage to a vehicle, then call the Company office to let us know what has happened. Depending on the time of day and the purpose of your journey, we may be able to advise you on the best step for the student, as it may be necessary to change the programme for the day or return the student to their home or school.

Keep the student with you at all times. If you have been involved in an accident, it is an opportunity for the student to observe how to behave in such circumstances, so please treat it as such.

If your vehicle breaks down, call your recovery service and keep the student and yourself safe whilst waiting for them.

Always call the Company office to keep them updated with what is happening. DO NOT text. Telephone, and speak to someone so the Company can make sure we have all the information needed and can alert anyone else who needs to be informed.

Keep the Company office updated with progress so that we know where you and the student are at all times.

3. PROCEDURE FOR EDUCATION SPECIALISTS DRIVING STUDENTS

The Engagement and Education Assessment and Risk Assessment will identify any need for a student to be transported by the Education Specialist (ES) assigned to them.

When an ES is first recruited, the Company will ask them to complete a Driving Declaration which gives the ES the option to confirm whether they are willing and able to drive with a student. See Appendix 2. If they confirm in this declaration that they are willing and able to drive with a student then they confirm they will provide the following documents:

- Current Driving Licence with details of any convictions
- DVLA licence check code when requested
- Current MOT certificate for the vehicle if more than three years old
- Copy of current insurance showing business use, or identifying on the cover note or certificate that the vehicle will be used in connection with your work
- Current Breakdown Cover membership.

The Company will record which of the above has the earliest expiry date and that will be the date up until which the Company can allow an ES to transport students. Whichever document falls due for renewal first, will then need to be obtained, scanned and sent to the Company office so that they can issue an updated permission, in advance of the renewal date. With a little foresight, this should mean that there is no break in continuity for an ES's eligibility for driving.

Created: December 2012
Reviewed: July 2020
Next review: July 2021

APPENDIX 1

The following information is provided by the Royal Society for the Prevention of Accidents (RoSPA) www.childcarseats.org.uk Sept 2014 (Reviewed July 2019)

We recommend you watch the videos on the RoSPA website for additional information about car seats and driving with young people.

1. CARS

The law requires all children travelling in cars to use the **correct child restraint** until they are either 135 cm in height, or they reach the age of 12 (which ever they reach first). After this they must use an adult seat belt. There are very few exceptions, and the main ones are set out below.

It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

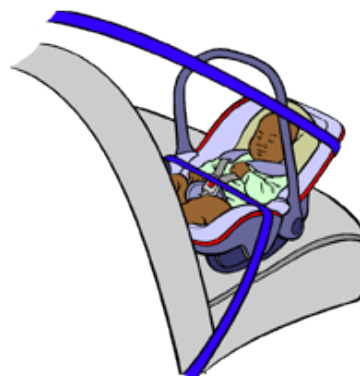
1.1 Children under 3 years old

In the Front Seat - The child **MUST** use the correct child restraint.

It is illegal to carry a child in a rear-facing child seat in the front, which is protected by an active frontal airbag.

In the Rear Seat - The child **MUST** use the correct child restraint.

In a licensed taxi or licensed hire car, if a child restraint is not available then the child may travel unrestrained in the rear. This is the only exception for children under 3 and has been introduced for practical rather than safety reasons. You should always think about ways to make sure that a child seat is available.



It is the driver's legal responsibility to ensure that the child is correctly restrained. The Company's view is: No seat belt – No journey.

1.2. Children aged 3 and above, until they reach EITHER their 12th birthday OR 135cm in height - In the Front Seat

The child **MUST** use the correct child restraint.

In the Rear Seat - The child **MUST** use the correct restraint.

There are three exceptions where there is not a child seat available. In each case the child **MUST** use the adult belt instead. They are:

- If the child is travelling in a licensed taxi or private hire vehicle
- If the child is travelling on a short distance for reason of unexpected necessity



- If there are two occupied child restraints in the rear which prevent the fitment of a third. This is NOT acceptable to the Company and is NOT permitted.

In addition, a child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not available, but this is **NOT** acceptable to the Company and is NOT permitted.

It is the driver's legal responsibility to ensure that the child is correctly restrained. The Company's view is: No seat belt– No journey.

1.3. Children over 1.35 metres in height, or who are 12 or 13 years' old



In the Front Seat

The adult seat belt **MUST** be worn.

In the Rear Seat

The adult seat belt **MUST** be worn.

It is the driver's legal responsibility to ensure that the child is correctly restrained.

No more than 2 passengers may be carried in the back of a car when transporting students.

1.4. Passengers Over 14 years' old

When travelling in the front or rear seat, an adult seat belt **MUST** be worn.

It is the responsibility of the individual passenger to ensure that they are wearing the seat belt, however, it is the Company's view that all passengers wear seat belts. No seat belt – No journey.

2. OTHER VEHICLES (vans, buses, coaches, minibuses and goods vehicles)

2.1. Other Vehicles - Front Seats

The law requires children (and adults) travelling in the front of all vehicles, including vans, buses, coaches, minibuses and goods vehicles to use an appropriate child restraint or adult seat belts.

2.2. Other Vehicles - Rear Seats

Rear Seats in Small Minibuses

Passengers sitting in the rear of minibuses that have an un-laden weight of 2,540 kg or less must wear the seat belts that are provided. It is the driver's responsibility to ensure that children:

- Under 3 years of age use an appropriate child restraint if available
- Aged between 3 and 11 years, under 1.35 metres tall use an appropriate child restraint if available, or if not available, wear the seat belt

- Aged 12 and 13 years (and younger children who are 1.35 metres or taller) use the seat belt, if available.

Passengers over the age of 14 years in smaller minibuses are legally responsible for wearing a seat belt themselves.

2.3. Rear Seats in Larger Minibuses

Passengers over the age of 14 MUST wear seat belts in the rear of larger minibuses (over 2,540 kg unladen weight). However, all passengers are strongly advised to wear seat belts or use the correct child seat on all journeys.

2.4. Rear Seats in Coaches

Passengers over the age of 14 MUST wear seat belts in the rear coaches. However, all passengers are strongly advised to wear seat belts or use the correct child seat on all journeys.

Summary of the Seat Belt Laws for Cars, Taxis and Private Hire Cars

NB: This is the law, however, for the safety of all passengers, the Company insists on:

No seat belt – No journey.

	Front seat	Rear seat	Who is responsible?
Driver	Seat belt MUST be worn if available		Driver
Children under 3 years' old	Correct child restraint MUST be used	Correct child restraint MUST be used If one is not available in a taxi, then the child may travel unrestrained in the rear	Driver
Children aged 3 and above, until they reach EITHER their 12th birthday OR 135cm in height	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 in three scenarios: - in a in a licensed taxi or private hire vehicle - for a short distance for reason of unexpected necessity - two occupied child restraints prevent fitment of a third. In addition, a child 3 and over may travel unrestrained in the rear seat of a vehicle if seat belts are not available	Driver
Child over 1.35 metres, or 12 to 13 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

3. More Passengers than Seat Belts

The safest option is to only carry the same number of passengers as there are seat belts. If necessary, use two cars or make two journeys for the trip.

Children must still use a child car seat until they are either 135cm tall or 12 years old, so that they meet the law as described above. There is no exception from this law if a vehicle has more

passengers than seat belts.

Some adult passengers may legally travel in the rear of the vehicle without wearing a seat belt. This may be legal, but it is not safe.

4. Legal Penalties

If you are convicted of failing to wear a seat belt as a driver or passenger, you could face a fine of up to £500.

As a driver, if you are convicted of failing to ensure that a child passenger is using an appropriate child restraint or wearing a seat belt according to the legal requirements described above, you could face a fine of up to £500.

In addition to the legal penalties, failure to wear a seat belt or failure to ensure that a child passenger uses an appropriate child restraint or wears a seat belt according to the legal requirements described above, could affect any claims against your motor insurance cover.

You could also face civil proceedings for damages, if, for example, you failed to safely transport someone else's child.

The most serious penalty of all could be that, you or a passenger loses their life!



APPENDIX 2: Driving Document Agreement

Due to the diverse needs of the students we work with, you may be asked to drive with a student to facilitate some of the provisions matched to you by our Referrals Team. This is not a requirement and you should feel at liberty to refuse to do so at any time. Should you, however, agree to do so, it is imperative that we have the necessary documentation on file to ensure both your safety and the safety of your student.

This agreement is between

Fresh Start in Education Ltd. (the Company), and

The Education Specialist (ES): <name>

Date: <date>

Please read through all the options and select which one applies to you, and enter in the box below the number appropriate to your choice (1-3):

1. I do NOT drive but will inform Fresh Start in Education if this changes.

I recognise that I cannot drive with a student under any circumstances and agree not to do so without re-completing this agreement and agreeing to terms in point 3.

2. I drive, but I am NOT willing to drive with a student.

I recognise that I cannot drive with a student under any circumstances and agree not to do so without re-completing this agreement and agreeing to terms in point 3.

3. I am willing and able to drive with a student where this is required.

- I confirm I hold a valid and in-date UK Driving Licence and have not been disqualified from Driving. I agree to inform Fresh Start in Education if I have any motoring convictions, fines, endorsements or am disqualified from driving during any contract(s) with Fresh Start in Education.
- I confirm I will, when requested, create a licence 'check code' to share my driving record, and will email this to Fresh Start in Education once received. (See <https://www.gov.uk/view-driving-licence> for details of how to do this. Please email code to car.documents@freshstartedu.co.uk, with code and your full name)
- I confirm it is my responsibility to keep my car in good and safe working order with an up-to-date MOT.
- I have informed my insurance company that I may be transporting vulnerable children and have Full Business Cover for these activities.
- I confirm I will provide copies of the following documents to Fresh Start in Education on renewal of each; Full, valid and in-date UK driving licence; Car insurance with business cover and proof of breakdown cover

- I confirm I have read and agree to the driving guidelines within the Company's "Better Safe than Sorry", Health and Safety and Driving with a Young Person policies.

I confirm agreement to the following: (please select from the list below)

Drop Down Options: For example, please insert either option 1, 2 or 3 here

- 1. I do NOT drive but will inform Fresh Start in Education if this changes.**
- 2. I drive, but I am NOT willing to drive with a student.**
- 3. I am willing and able to drive with a student where this is required.**

Date Signed:

Signed by: