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**TRANSPORTATION AND LEGAL REQUIREMENTS POLICY**

Pegasus Childcare Centre takes the safety of children seriously and realises the responsibilities required when transporting children. We will ensure all legal requirements are met.

**Cars**

* We will ensure that there is one seat per child
* The vehicle will have a valid M.O.T. certificate.
* The vehicle will have a working fire extinguisher.
* The vehicle will carry a first aid kit.
* We will ensure that no side facing seats are used.
* The setting will be insured for liabilities to third parties, (which covers passengers in the vehicle).
* The driver will hold a full license.
* If there are four children or more then, at least one non-driving escort will be in the vehicle.
* We will obtain written permission from parents prior to transporting children.
* All transportation used by Pegasus Childcare Centre will be covered for business use insurance.

**Minibuses**

* We will ensure that there is one seat per child.
* All seats will be equipped with appropriate seat belts – driver responsibility.
* The vehicle will have a valid M.O.T. certificate and appropriate insurance.
* The vehicle will have a fire extinguisher and first aid kit.
* Section 19 (Local Authority driving permit) will be obtained if appropriate.
* The driver will hold a pre 1997 driving license with valid Category D1 authority, unless Section 2 applies. (Please see below).
* If there are four children or more then, at least one non-driving escort will be in the vehicle.
* We will obtain written permission from parents prior to transporting children.
* All transportation used by Pegasus Childcare Centre will be covered for business use insurance.
* The driver will hold a full license.

**Seat belts - Legal requirements**

**Child up to 3 years old**

* See appendix 1

**Driving a Minibus – Legal Information**

This section explains the licensing position of drivers of minibuses not used for hire or reward. It also explains the position for holders of minibus and community bus permits. DVLA Information Leaflet INF28 covering this subject is available for download.

1. Driving licenses held before 1 January 1997

1. Drivers who do not have minibus entitlement (Category D1)
2. Minibus and Community Bus Permits
3. **Driving licenses held before 1 January 1997**

If you had entitlement to drive cars prior to 1 January 1997 - shown as group A (B for automatics) on an old style green or pink license or as category B and D1 not for hire or reward on a pink and green or photo card license - you can drive a minibus provided:

* You are 21 or over, the minibus has a maximum of 17 seats including the driver's seat and is not being used for hire or reward.

To drive a minibus which has 9 or more passenger seats for hire or reward you will normally need passenger carrying vehicle entitlement [PSV] (category D1 or D). To obtain this you must meet higher medical standards and take a further driving test.

Hire or reward encompasses any payment in cash or kind by (or on behalf of) passengers which gives them a right to be carried.

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However, if you drive a minibus for an organisation under the minibus or community bus permit scheme, you will NOT need a category D1 or D licence even if a charge is made to passengers.

**New rules from 1 January 1998**

Your minibus entitlement will remain valid in the UK and on temporary visits abroad until your license is next renewed. When your licence is renewed, your minibus entitlement (D1 and D1+E not for hire or reward) can only be issued if you make a special application which will involve meeting higher medical standards.

If your minibus entitlement is renewed you will normally be granted a D1 and D1+E licence for 3 years which will allow you to drive minibuses, not for hire or reward, in the UK and on temporary visits to other EC/EEA countries. If your minibus entitlement is not renewed, categories D1 and D1+E will no longer appear on your licence.

However if you are aged under 70 years, you may still be able to drive minibuses in certain circumstances. The rules explained in Section 2 will also apply to you.

Drivers whose licences are due for renewal will receive advice about these new procedures with their renewal reminder letter.

**Medically Restricted Licences**

1. **Drivers who do not have minibus entitlement (Category D1)**

If your driving licence does not allow you to drive minibuses, there are certain circumstances where you still may be able to do so. You may drive a minibus with up to 16 passengers if:

* you’re 21 or older
* you’ve had your driving licence for at least 2 years
* if you are aged 70 and over that you meet the Group 2 medical standards
* you’re driving on a voluntary basis and the minibus is used for social purposes by a non-commercial body
* the maximum weight of the minibus is not more than 3.5 tonnes - or 4.25 tonnes including specialist equipment for disabled passengers, for example a wheelchair ramp
* you’re not towing a trailer

**3. Minibus and Community Bus Permits**

Organisations that provide transport on a ‘not-for-profit’ basis can apply for permits under Section 19 or Section 22 of the Transport Act 1985. These permits allow the holder to operate transport services for hire or reward without the need for a full public service vehicle (PSV) operator’s licence. This guide explains the rules for the permits and how to apply for them.

This guide isn’t a legal document and doesn’t provide a definitive interpretation of the legislation. Only the courts can do that. DVSA staff can help you to find out if you’re eligible for a permit, but they can’t advise on the legality of your operation once the permit is granted. You should seek your own legal advice if you’re in doubt about this.

**This policy was reviewed and adopted on** 1st July 2024

Signed ……………………… Chair of the management committee

Signed ………………………… Centre Manager

The Policy will be reviewed every two years.

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| **Date of Review** | **Policy Updated** | **Signed (Chair)** |
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