



Private Car Transport Policy

Policy Version Control

Version history see Annex A errata for details

Version No.	Policy Author	Date Updated	Review Date
1	G Mellefont	01.09.2016	Sept 2017
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Approval: A Godfrey (Chair of Board)


 _____ (signed) **Date authorised:** 12.10.2017

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On occasions, the use of private cars for transporting small numbers of people may be required.

- All volunteer drivers must read this policy and sign the transport policy slip annually consenting to the policy.
- All drivers must have a full and valid driving licence for the class of vehicle they own and be free of any motoring convictions, and be willing to present their driving licence for inspection if requested.
- All drivers must adhere to the Highway Code.
- All drivers must have fully comprehensive insurance cover when carrying children. Members of staff are asked to check that their car insurance covers business use, which will then allow them to transport pupils in their own private cars.
- All vehicles must conform to all legal requirements.
- Each child must be restrained by a seat or lap belt and no child should be transported in the front passenger seat, with the exception of the driver's own child at their discretion.
- Parents must supply booster seats for their child if under 135cm tall and have given permission for them to travel in a staff/other parents cars for a school organised event. It is the driver's responsibility to see the seat is used.
- No adult should be 1:1 with a child unless it is their own.
- The teacher in charge will ensure that permission has been obtained from the parent to ensure that all parties are fully informed of the transport to and from events.

ROSPA guidance on Cars, Taxis, Private Hire Vehicles, Vans and Goods Vehicles

The law requires all children travelling in the front or rear seat of any car, van or goods vehicle must use the correct child car seat until they are either 135 cm in height or 12 years old (which ever they reach first). After this they must use an adult seat belt. There are very few exceptions.

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

Children under 3 years old

In the Front Seat

- Children MUST use the correct child car seat.
- It is illegal to carry a child in a rearward-facing child seat in the front if there is an active front passenger airbag. The airbag must be deactivated or the rearward-facing child seat must be placed in the rear.

In the Rear Seat

- Children MUST use the correct child restraint.

Exception

If a child car seat is not available in a licensed taxi or licensed private hire car, the child may travel unrestrained in the rear. This is the only exception for children under 3 years. It was 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.

Children aged 3 years and above, until they are EITHER 12 years old OR 135 cm tall

In the Front Seat

- Children MUST use the correct child restraint.

In the Rear Seat

- Children **MUST** use the correct restraint, where seat belts are fitted.

Exceptions

There are four exceptions where a child may travel in a seat belt rather than a child seat, if a child seat is not available. These are if the child is travelling:

1. In the rear seats of a licensed taxi or private hire vehicle
2. A short distance and the journey is necessary and unexpected
3. Two occupied child restraints in the rear prevent a third one being fitted
4. The vehicle is not fitted with seat belts (only applies to vehicles that were originally manufactured without seat belts).

Licensed Taxis and minicabs (private hire vehicles)

- If a child car seat is not available, children aged 3 years or older can travel in the rear wearing the adult seat belt

Unexpected journeys

If an appropriate child car seat is not available, a child over 3 years of age can use an adult seat belt if the journey is all of the following:

- Unexpected
- Necessary
- Over a short distance

This exception does not apply to children under 3 years old. You cannot take children under 3 years in a vehicle without a seat belt or the correct child car seat, except in a taxi or minicab.

No room for a third child seat

If there are two occupied child car seats in the rear but not enough room fit a third one, a child over 3 years can sit in the rear using the car's seat belt instead of a child car seat. However, children under 3 years must be in a child car seat, so if there is no room for a third child seat in the rear, the child must travel in the front seat with the correct child seat.

Vehicles not fitted with seat belts

Children under 3 years must be in a child car seat. Therefore, they cannot travel in a vehicle that does not have seat belts.

A child over 3 years can travel unrestrained in the rear of a vehicle that does not have seat belts (only applies to vehicles that were originally manufactured without seat belts).

Children over 1.35 metres tall, or who are 12 or 13 years old

In the Front Seat

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

In the Rear Seat

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

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

Passengers over 14 years old

When travelling in the front or rear seat, an adult seat belt **MUST** be worn if available. It is the responsibility of the individual passenger to ensure that they are wearing their seat belt.

Summary of seat belt and child restraint laws for cars, taxis, private hire cars, vans and other goods vehicles

Child up to three years of age	Correct child restraint must be used	The correct child restraint must be used. If one is not available in a licensed taxi or private hire vehicle, the child may travel unrestrained.	Driver
Child from third birthday up to 135cms in height (approx 4'5") or 12th birthday, whichever is reached first	Correct child restraint must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use an adult belt in the back seat if the correct child restraint is not available either: <ul style="list-style-type: none"> ○ In a licensed taxi or private hire vehicle ○ For a short distance in an unexpected necessity ○ If two occupied child restraints prevent fitting of a third. A child three years and over may travel unrestrained in the back seat of a vehicle if seat belts are not fitted in the rear.	Driver
Child 12 or 13, or over 135 cm (approx 4' 5") in height	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Driver
Passengers aged 14 years and over	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

Legal Penalties

The fixed penalty for failing to wear a seat belt as a driver or passenger is a £100 fine. If the case is taken to court, 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 car seat or wearing a seat belt according to the legal requirements described above, the fixed penalty is a £100 fine. If the case is taken to court, 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 car seat 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 carry someone else's child.

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

Link to ROSPA guidance on car seats

<http://www.childcarseats.org.uk/choosing-using/choosing-child-car-seats/>

North View Academy Private Car Transport Policy Slip

I confirm that the vehicle(s) that I will use to transport children:

1) Conforms to legal requirements (tax, adequate insurance and MOT)

2) Is serviced regularly in accordance with the vehicle manufacturer's recommendations.
I have a full and valid driving licence for the class of vehicle to be used and am free of any convictions and/or endorsements/penalties.

I have read and agree to abide by North View Academy's Transport Policy.

Signed: Date:

Name in Block Capitals:

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Annex A

Version No.	Change History	Guidance reference (if any)	Date
1	Created		01.09.2016
2	Updated		02.10.2017