



The Woodlands Centre

# Guidance on Transporting Children/Young People in cars

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## **Guidance on Transporting Children/Young People in Cars**

### **1. Introduction**

The issue of transporting children/young people in cars, particularly members of staff's own cars is one which causes concern to some staff. It can, however, be a necessary part of the work that some staff carry out. These guidelines aim to give advice to those staff who undertake this task in order to keep themselves and the people they are transporting safe.

### **2. Guiding Principles**

The guiding principle should be that transporting children/young people in staff cars should be the exception to the rule rather than the norm unless it is an accepted part of a member of staff's role and included in their job description. Any journeys undertaken should always be planned, absolutely necessary and not undertaken on an ad hoc basis and must be authorised by a manager.

In certain circumstances children/young people may need to be transported in an emergency situation where management cannot be contacted to approve this. It is anticipated that these by the nature of them being emergencies would be very rare. This guidance however, still needs to be followed to ensure the safety of staff and young people.

A range of alternative options should be considered where a child/young person needs to be transported including:-

1. Contact the parents/carers in order for them to transport the child / young person.
2. Contact the parents/carers (or LA) for them to arrange a taxi to transport the young person.
3. Use one of the centre's minibuses to transport the young person
4. Arrange for a taxi with escort to transport the child/young person from an approved list of taxi operators. Only where none of these options is appropriate or viable should young people be transported in a member of staff's car.

### **3. Drivers and their Vehicles**

Drivers are responsible for their own vehicles roadworthiness and appropriateness for the task to be undertaken and their fitness to drive. The Business Manager is responsible for monitoring and verifying this. All staff who drive as part of their role must ensure that they:-

- Have an appropriate valid driving license
- Are insured for the journey ( Business Use)
- Have a valid MOT certificate
- Have a valid Excise licence (TAX disc)
- Have checked the vehicle is in a roadworthy condition
- Are not excessively tired, fatigued or under the influence of alcohol or drugs.

- Meet minimum eyesight standards for driving. If they need to wear glasses or contact lenses to meet minimum standards, these must be worn at all times.
- Have no medical condition including the taking of medication or infirmity that may affect their ability to drive safely.

Additionally all drivers should ensure that they have regular eyesight tests to ensure that their eyesight remains within minimum standards for driving. Drivers should also ensure that if their health changes and this could affect their ability to drive then they inform their manager of this immediately. Drivers are also obliged to notify their manager of any driving convictions, endorsements or disqualifications immediately.

#### **4. Children / Young People**

Before children/young people are transported in staff cars the need and reasons for this method of transportation should be clearly established. Once this has been established a full picture of the needs of the child/young person (including physical, emotional, behavioural and medical) and the risks that this may present to them or the staff involved when transporting them needs to be established. This should involve gathering and sharing information with all agencies involved with supporting the child/young person. This information is required to inform specific risk assessment for transporting the child/young person. The information will need to be reviewed regularly to ensure it remains valid.

#### **5. Risk Assessment**

Each section/service area should produce a risk assessment for transporting children/young people based on their circumstances and way of working. The generic risk assessment for this activity can be adapted and used for this. (appendix 2). Over and above this where information gathered on a child/young person or staff members safety poses significant risk to the child/young person or staff members safety during transportation, then a specific risk assessment relating to this activity must be carried out. It is not possible to give full detailed control measures for such risk assessments as they will relate to the particular needs of the individual and the specific circumstances involved.

For children/young people who present with behavioural issues a range of control measures could be considered; from not transporting the person if it is felt their behaviour is such that doing so is not safe, providing an escort to ensure the driver can concentrate safely on driving, placing the child/young person so they cannot easily distract the driver (diagonally across from the driver in the back seat) amongst others.

Child locks should be used when transporting children/young people as a control measure.

#### **6. Travelling**

Only pre planned journeys should be undertaken and these should always be pre-approved by a manager. All journeys should have a fixed start and finish point and these should not be altered without authorisation. A system should be in place for the details of all journeys to be recorded (where to from, route details, time journey starts and ends, who is going to be transported, car details etc) All staff need to be made aware of this and the details should be monitored.

A system needs to be put in place to ensure staff contact a fixed point/person to confirm their arrival at destinations and that the journey has been completed. There

also needs to be systems in place to ensure an appropriate response should a member of staff not confirm these details within specified time.

A system also needs to be put in place and communicated to staff to ensure an appropriate response is summoned and action taken in the event of an accident or emergency during transport. All staff who transport children/young people as part of their role should have access to a mobile phone or the appropriate means of communication.

All journeys should only be for named children/young people and other people family/friends etc should not be transported with the child/young person if they are not named and part of the arrangement.

The law makes drivers responsible for ensuring those under 14 years of age wear an appropriate seatbelt or child restraint. However, where staff are transporting children/young people as part of their job then they will at all times be responsible for ensuring the children/young people they are transporting are wearing a suitable restraint irrespective of their age. As there are very clear dangers to passengers and drivers if restraints are not worn then if a driver becomes aware of this they should stop the journey as soon as it is safe to do so. If the passenger continues to refuse to wear a seatbelt/restraint then the contract system should be implemented and the journey ceased until a solution is found.

Drivers must not use mobile phones etc, drink, or smoke while driving on Council business and should be aware of the highway code and drive appropriately and within speed limits. In order to facilitate this when planning journey's adequate time for the journey must be allowed.

Staff should not be expected to drive an excessive number of hours in a day especially if they are undertaking other work and the driver hours information confirmed within the Local Authorities visits Guidance should be adhered too.

All Loads should be carried in the boot where possible or should be suitably secured.

## **7. Child Restraints**

When staff are transporting children/young people they should ensure that the correct type of restraint is used and that it meets the required standards. Restraints should also be checked before use to ensure that they are well-maintained and fit for purpose, with no defects.

Child restraints are the collective term in the seat belt wearing legislation for baby seats, child seats, booster seats and booster cushions. Modern child restraints are designed for specific weight ranges of child. They have to meet UN ECE Regulations 44.03 (or subsequent) type approval standard and be marked with a label showing an 'E' and 44.03 or 03 and the weight range of child, for which it is designed. Legislation requires all young people in cars, vans and other goods vehicles to be carried in the correct child restraint from birth until either are 135 cm (4'5") tall or have reached the age of 12 years ( whichever comes first). They must then use a seat belt.

Three exceptions allow children 3 years to 135cm in height to travel in the rear and use an adult belt –

- In a licensed taxi/private hire vehicle, if the right child restraint is not available .
- For unexpected necessity over a short distance, if the right child restraint is not available,
- Where two occupied child seats in the rear prevent the fitment of a third child seat.

Children under 3 years may travel in the rear of a taxi unrestrained if no child restraint is available.

If using other peoples child restraints, they must be fitted in accordance with the manufacturer’s instructions or demonstrated by the person loaning the restraint. The child restraint loaned or hired must be in good condition.

Seat belt adjusters are comfort devices and not safety devices, check what the manufacturer says about them and their intended use.

\*\* Example – A seven year old who is 140cm tall is over the height for a child restraint and may use an adult seat belt. A twelve year old who is 130 cm tall is over the age threshold and therefore may use an adult belt. If no seat belts are fitted in the front, then passengers including children and young people cannot travel in the front.

**NB: - CARS, VANS, GOODS VEHICLES WHICH DO NOT HAVE SEATBELTS FITTED MUST NOT BE USED TO TRANSPORT YOUNG PEOPLE.**

	Front Seat	Rear Seat	Responsibility
<b>Driver</b>	Seat belt must be worn if available		Driver
<b>Child up to 3 years *</b>	Correct child restraint must be used *	Correct child restraint must be used * If not available in a taxi, may travel un restrained	Driver
<b>Child from 3<sup>rd</sup> birthday up to 135cm in height ( approx 4'5" or 12<sup>th</sup> birthday whichever is reached first) **</b>	Correct child restraint must be used	<p>Correct child restraint must be used. Must use adult belt if the correct child restraint is unavailable:</p> <ul style="list-style-type: none"> <li>- in a licensed taxi/private hire vehicle</li> <li>- for a short distance of unexpected need</li> <li>- two occupied child restraints prevent fitment of a third</li> </ul> <p>A child 3 and over may travel unrestrained in the rear seat of an</p>	Driver

		older vehicle where seat belts are not available	
<b>Child over 135 cm (approx 4'5") or 12 or 13 years</b>	Seat belt must be worn	Seat belt must be worn	Driver
<b>Adult</b>	Seat belt must be worn	Seat belt must be worn	Passenger Driver

### Children/Young People

Parents must give their permission for children/young people to be transported in a staff member's vehicle, where this necessary. Every effort should be made to gain written consent but where this not practically possible; details of the verbal consent should be recorded. If no type of consent is obtained, transportation should not be permitted.

Children/young people must behave appropriately while travelling in the vehicle. If there are any concerns during the journey a dynamic "on the spot" risk assessment should be carried out to determine if there is a significant risk to the driver or passenger and appropriate action taken.

### 9. Accidents/Incidents

In the case of a road traffic accident, these must be reported by the driver, to their own insurance company and passengers must be advised of the name and address of the insurance company, if wishing to make a claim.

## APPENDIX 1

### Checklist for Drivers

**Note:** Should an employee use more than one vehicle on School business, details of each vehicle should be noted/checked

<b>Employee's Name</b>	
<b>Employee Number</b>	
<b>Group</b>	
<b>Type of Vehicle (for example Ford Focus)</b>	
<b>Vehicle Registration</b>	

Driver's Licence	Yes/No	Comments
Is it current?		
Is it the correct category for the vehicle being driven?		
Does the licence have any endorsements? Indicate what they are in the Comments column.		
Is a driving ban imposed on the driver?		
Has a doctor advised the person not to drive because of a medical condition? Does the driver require any reasonable adjustments to enable him/her to drive?		<i>Please note that the driver is not required to specify the condition, merely to say that he/she has one.</i>

Insurance	Yes/No	Comments
Does the employee have cover for 'business' related purposes?		

MOT (employee's own vehicle)	Yes/No	Comments
Is there a current certificate in respect of the employee's vehicle? (where applicable)		

I confirm that the above details are true and correct. I also declare that the above vehicle is properly maintained and deemed roadworthy. I acknowledge that I have received the leaflet 'Driving Safely at Work' and understand its contents.	
<b>Employee's Signature:</b>	
I verify that all relevant documentation has been seen and details recorded appropriately. I have also issued the leaflet 'Driving Safely at Work'. Following completion, this checklist is to be placed on the employee's personal file.	
<b>Manager's Signature:</b>	
<b>Manager's Name (Print):</b>	<b>Date:</b>

## A Safe Journey – Generic Risk Assessment For Journeys

Assessment Details				
<b>Group:</b> <i>Generic 'Model' Assessment</i>		<b>Division:</b> <i>General</i>		<b>Reference:</b> <i>01</i>
<b>Activity:</b> <i>Driving whilst at work for occasional and non-professional drivers.</i>		<b>Site:</b> <i>Public Highways and Private Sites.</i>		
<b>People at Risk:</b> <i>Employees and members of the public.</i>		<b>Additional Information:</b> <i>Driving Safely at Work Policy.</i>		
Risk Evaluation				
Hazard	Risk	Rating	Existing Control Measures	Additional Action Required (Assign priority to each action)
<i>Failure to plan journey or route.</i>	<i>Increased risk of distraction, stress or speeding leading to an accident.</i>	<b>H</b>	<p><i>Consideration is given to the need for each journey and, if necessary, alternative forms of transport, including public transport, are considered.</i></p> <p><i>Either generic or individual journey assessments are essential, depending on the risk involved, and should consider the who, where and what associated with each journey.</i></p> <p><b>Are these measures adequate? No</b></p>	<p><i>The tailoring of this 'model' assessment to create a generic journey assessment which can apply to each service should be considered as a minimum requirement.</i></p> <p><b>Priority 1.</b></p>
<i>Travelling in an unsuitable vehicle.</i>	<i>Increased risk of severe injury as a result of road traffic accident.</i>	<b>H</b>	<p><i>Consideration should be given to the following:</i></p> <ul style="list-style-type: none"> <li><i>• The number of passengers and luggage being conveyed – is a seven-seater or minibus a preferable option?</i></li> <li><i>• Transportation of heavy or bulky items may require the use of a specialist vehicle. All items</i></li> </ul>	<p><i>A specific risk assessment should be completed when selecting a vehicle type to suit a particular job description.</i></p> <p><b>Priority 1.</b></p>

<p><i>Travelling in an unsuitable vehicle (cont'd).</i></p>			<p><i>should be secure or should be in a separate compartment if possible.</i></p> <ul style="list-style-type: none"> <li><i>• A four-wheel drive vehicle may be needed if regularly travelling over rough terrain.</i></li> </ul> <p><b>Are these measures adequate? No</b></p>	<p><i>A separate manual handling assessment is likely to be needed where heavy or bulky items are being transported.</i> <b>Priority 1.</b></p>
<p><i>Vehicle breakdown, theft of vehicle, loss of keys or accident in remote area.</i></p>	<p><i>Isolation and vulnerability.</i></p> <p><i>Exposure to weather.</i></p> <p><i>Impact with other vehicles.</i></p> <p><i>Injuries due to walking in darkness, hostile environment or adverse weather conditions.</i></p>	<p><b>M</b></p>	<p><i>The vehicle is regularly serviced as recommended by the manufacturer and checked as appropriate on a daily/weekly basis by the user.</i></p> <p><i>Staff are encouraged to be a member of a vehicle recovery service. Council vehicles used for transport out of the county must have appropriate breakdown cover.</i></p> <p><i>Where appropriate, staff should carry mobile phones and a lone worker procedure should be in place (a separate model risk assessment available to cover this).</i></p> <p><b>Are these measures adequate? Yes</b></p>	<p><i>None Required.</i></p>
<p><i>Driving whilst tired or unwell.</i></p> <p><i>Driving whilst tired or unwell (cont'd).</i></p>	<p><i>Increased risk of accidents due to lack of concentration, impaired judgement or delayed reactions.</i></p>	<p><b>H</b></p>	<p><i>Journey planning arrangements should include European driving regulations allowing time for rest breaks of 15 minutes duration every two hours with a minimum of 45 minutes every four and a half hours, avoiding working long hours and avoiding travelling in early morning or late evening.</i></p> <p><i>Staff should be aware of the potential side-effects of taking prescription and non-prescription drugs. Staff must not drive when the drugs impair driving ability</i></p> <p><b>Are these measures adequate? Yes</b></p>	<p><i>Managers should monitor staff to ensure that they do not work long or irregular hours leading to fatigue.</i> <b>Priority 1.</b></p>

<p><i>Driving in poor environmental conditions.</i></p>	<p><i>Increased risk of severity of road traffic accident.</i></p>	<p><b>H</b></p>	<p><i>Allow for extra journey time. Running late for an appointment could lead to speeding, risk taking and raised anxiety levels. Avoid using minor roads or remote routes in poor weather or in hours of darkness.</i></p> <p><i>Consideration is given to abandoning non-essential journeys during severe weather. Screen wash bottles must be checked and de-icing products must be available during winter months. It is also important to take note of traffic information bulletins and weather reports on the radio</i></p> <p><b>Are these measures adequate? Yes</b></p>	<p><i>None Required.</i></p>
<p><i>Service demands on drivers and unpredictable nature of passengers/ pedestrians</i></p> <p><i>Service demands on drivers and unpredictable nature of passengers/ pedestrians (cont'd)</i></p>	<p><i>Increased risk of road traffic accident.</i></p>	<p><b>H</b></p>	<p><i>Managers must not pressurise drivers to take risks because of tight deadlines.</i></p> <p><i>Consideration is given to the nature of the passengers being transported, including supervision levels</i></p> <p><i>All staff must drive carefully in areas where there is considerable pedestrian activity, especially in busy towns and near to schools.</i></p> <p><i>Staff should not transport children unless they have appropriate CRB clearance and have made provision for booster cushions or child seats as appropriate.</i></p> <p><b>Are these measures adequate? Yes</b></p>	<p><i>None Required.</i></p>
<p><i>Making long Journeys.</i></p>	<p><i>Increased risk of accidents due to lack of concentration,</i></p>	<p><b>H</b></p>	<p><i>Avoid long journeys by car. Alternative forms of transport, including public transport, are considered and overnight stay arrangements are made if the</i></p>	<p><i>None Required.</i></p>

	<i>impaired judgement or delayed reactions.</i>		<i>journey and the task combined will result in staff working excessive hours.</i>  <i>Ensure that a route map is available or satellite navigation equipment is used.</i>  <b>Are these measures adequate? Yes</b>	
<i>Off road driving</i>	<i>Increased risk of injury or accident due to off road conditions</i>	<b>H</b>	<i>Only current off road trained drivers to use vehicles off road. Where ever possible use established routes when off road.</i>  <b>Are these measures adequate? Yes</b>	<i>Only vehicles designed for off road use must be used</i>
<i>Insufficient training</i>	<i>Increased risk of road traffic accident.</i>	<b>H</b>	<i>Several on-line driver assessment tools are currently being considered for use by the authority.</i>  <i>Council Policy requires minibus drivers to be trained to the nationally recognised MiDAS standard. People carrier training to the same standard is also appropriate if regularly transporting clients/pupils.</i>  <b>Are these measures adequate? Yes</b>	<i>None Required.</i>

<b>Signature:</b> .....	<b>Title:</b> .....	<b>Date:</b> .....	<b>Review Date:</b> .....
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