

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 is however 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. They should be read in conjunction with the County's Occupational Road Risk Policy and your section's risk assessment for this activity, which can be based on or adapted from the department's generic risk assessment for this activity.

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. Services should therefore put plans in place for such situations that will allow workers to carry out such transport functions with delegated management approval to ensure we act in the best interests of the child/young person.

In situations that have not been planned for or where a section has not agreed its procedures workers will still need to act in the best interest of young people. If this means they have to be transported in a car then as long as the worker is acting in accordance with their job role, is following this guidance and associated risk assessment and is not breaking any road traffic legislation, then they will be covered by the Council for this action as long as they are not acting in a negligent manner.

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 for them to arrange a taxi to transport the young person.
3. 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. Managers are responsible for monitoring and verifying this. All staff who drive as part of their role and their managers must be fully familiar with the Councils Management of Occupational Road Risk Policy and Guidelines, and ensure that these are complied with.

Key features of this document include drivers 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. Managers

Managers of those who transport children/young people in their cars must ensure that the staff being asked to carry out this role have the necessary competence and experience. Whilst defining driver competence is always a subjective decision drivers will not normally be deemed competent unless they are between the ages of 21 and 70 and have at least 1 years driving experience after passing their driving test. Managers deeming staff competent to drive outside their parameters will need to fully justify and record the reasons for this decision, equally where a member of staff meets the criteria but the manager has concerns regarding their competence to drive the reasons a member of staff is not deemed competent and therefore not allowed to transport children/young people, should be recorded.

In making any such decision the needs of the service need to be balanced against the safety of the children/young people and members of staff, and where there is any doubt the safety of the children / young people and staff should take priority. (Then could a number of driving endorsements, convictions or similar for example) or a history of driving accidents.

Managers should check the documentation of their drivers and vehicles before they have staff driving for them in the first instance and then periodically at an interval relevant to the service after that, for the staff who regularly transport children/young people as part of their role on annual check may well be appropriate for staff who only carry this out very infrequently a check each time this happens may be more appropriate.

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. 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.

However, when considering children/young people with medical conditions their transport and any control measures required during transport if this is to be a regular occurrence, should be included in their individual care/treatment plan. This should be used to inform any risk assessment. A second person, trained in administering medication or the relevant medical procedure should always be provided where necessary.

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 past and these should not be altered without authorisation. A system should be in place for the details of all journey's 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 arrived 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. For further details on child restraints see section (7)

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. These are approved for use in forward-facing or rear-facing seats.

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.

A rear facing child restraint (baby seat) must not be used in the front of vehicles where a passenger airbag is fitted.

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

The table on the following page shows the requirements of the regulations

*Children under 3 years must use the child restraint appropriate for their weight in all cars and van's with single exception for the rear taxis. This means for example that they may not travel in cars, vans which do not have seat belts installed

** 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.

For more detailed information on child restraint visit www.roadsafety.gov.uk click on Think – Children – Child Car Seats.

Child Restraint Requirements as from 18th September 2006, for Cars, Vans and goods vehicles

	Front Seat	Rear Seat	Responsibility
Driver	Seat belt must be worn if available		Driver
Child up to 3 years *	Correct child restraint must be used *	Correct child restraint must be used * If not available in a taxi, may travel unrestrained	Driver
Child from 3rd birthday up to 135cm in height (approx 4'5" or 12th birthday whichever is reached first) **	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"> - in a licensed taxi/private hire vehicle - for a short distance of unexpected need - two occupied child restraints prevent fitment of a third <p>A child 3 and over may travel unrestrained in the rear seat of an older vehicle where seat belts are not</p>	Driver

		available	
Child over 135 cm (approx 4'5") or 12 or 13 years	Seat belt must be worn	Seat belt must be worn	Driver
Adult passengers (14 years or over)	Seat belt must be worn	Seat belt must be worn	Passenger Driver

8. 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.

If the child/young person has a medical condition that is likely to require additional support/medication, a copy of their Care Plan plus appropriate medication must be available. A parent or member of staff who has received training in administering support/medication should accompany the young person in the vehicle.

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.

All accidents/incidents that occur during working hours must record on the WCC Accident Reporting System, following your usual school/setting/section procedure.