



National
Guidance

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Transport in Private Cars

Statistics demonstrate that travelling to an activity can present a greater risk than engaging in the activity and so transporting young people in private cars requires careful consideration. Establishments must follow any guidance from their employer.

Establishments that organise transport in private cars have a legal duty of care, and may be liable in the event of a claim following an incident. They should ensure that:

- If the driver is not an employee, they are engaged as a volunteer (or paid contractor) through the establishment's normal procedures.
- The driver properly understands their duty of care and any agreed responsibilities for supervision.
- Parents are informed about the transport arrangements.
- Evidence is obtained that:
 - The vehicle is safe. This means that it holds a valid MOT certificate, where relevant, that the driver certifies it has been serviced in line with the manufacturer's schedule, and that the driver carries out any pre-use checks specified by the manufacturer.
 - The driver is suitable. This means that they hold a valid licence for the type of vehicle and meet any employer requirements.
 - There is a valid insurance policy covering the driver and the vehicle for the intended use. This may require that the driver has 'business use' cover.

Tax and MOT status can be checked at www.vehicleenquiry.service.gov.uk.

Driver licence details can be checked at www.gov.uk/check-driving-information if the driver provides a check code (from www.gov.uk/view-driving-licence).

It is advisable for establishments to keep evidence of these checks having been carried out. It is reasonable to obtain information about roadworthiness, driving licences and insurance by asking the driver to complete and sign a form which asks for specific information. The same form can be used to inform the driver (and owner) about what is expected of them, and to make clear that they are using the vehicle at their own risk. Establishments should reserve the right to ask for documents to be produced for monitoring purposes.

Consideration must be given to the potential distraction of the driver and the supervision of the passengers. So a judgement should be made about the likely behaviour and individual needs of the passengers. If any of them may require close supervision, then another adult should travel in the vehicle so that the driver is not distracted or compromised.

Very careful consideration should be given before allowing a driver to be alone with a child or young person, as this could leave both of them vulnerable. Circumstances where this might be acceptable include the following, when there is no reasonable alternative:

- Where the transport arrangements have been planned based on a risk assessment, which shows that their benefits outweigh the risks. This is more likely to occur in a social work or youth work setting than in a school.
- In an emergency or other unforeseen circumstances where the child or young person would otherwise be at greater risk.

Parents Providing Transport

Sometimes parents are asked to help with transport to a venue. When this happens, establishments should be clear which of the following applies:

- Parents are being asked to volunteer as drivers, as part of the establishment's transport arrangements for the visit. If this is the case then the drivers should be engaged as volunteers and the considerations above should be applied.
- Parents are being asked to organise transport, which may involve some parents providing lifts for children other than their own. If this is the case then the establishment should make clear that it will not be involved in making these arrangements and will not have any responsibility for them.

Where parents are being asked to organise their own transport, the establishment should consider the need for:

- Information from parents about what arrangements have been made.
- Communication with parents, in case of delays or 'no shows'.
- Clear handover of supervision from and to parents at the venue, depending upon the age of the children and other relevant factors.
- The provision by the establishment of transport for any children whose parents are unable to make such arrangements.

Young People Driving

Young and inexperienced drivers are more likely to be involved in accidents. This should be taken into account in employers' or establishments' policies about who is allowed to drive. Where parents are being asked to organise transport for young people who may be offered lifts by young friends, establishments may wish to advise parents to consider this carefully before allowing it.

Where an establishment, such as a sixth form, a college or a youth service, works with young people over the age of 17, it is likely that some young people will want to drive each other to venues, whether the establishment has organised transport or not. Establishments should have policies which deal with this situation.

Further Information

- 4.5a "Transport General Considerations"
- 4.5b "Transport in Minibuses"
- 4.5d "Seat Belts and Child Restraints"
- 4.5e "Hiring a Coach"

