

New Regulations on Child Restraints (Affect on visits)

All schools should have received a letter sent out by Robert Hinchliffe the Kirklees' Road Safety Officer.

The new regulations, which come into force on the **18th September, 2006** will impact on those schools who plan and run any visits requiring the use of private vehicles for transport, whether staff's own vehicles or volunteer's, such as parent's, vehicles and whose pupils are under 1.35m or under 12 years of age.

I would like to make the following points;

- 1) **The responsibility for providing booster seats* lies with the parents NOT with the school.** This must be made clear to parents. Those parents with children affected by the regulations should have the required seat by law, assuming they have a car.
- 2) The law makes it clear it is the **driver's** responsibility to ensure the appropriate restraint is being used properly.
- 3) Short and occasional journeys are exempted, but a planned visit or sports fixture is not 'short and occasional'.
- 4) Staff taking pupils in an emergency of any sort (hospital, home) would be considered 'short and occasional' thus **not** requiring the booster cushion unless available.
- 5) Parents transporting their child's friend (s) home or to school **at short notice** would be exempt (short and occasional).
- 6) **The school run which has been arranged between parents is NOT regarded as occasional and thus booster seats would be required.**
- 7) **Sports fixtures arranged by the school require the use of booster seats. These must be provided by the parents.**
- 8) Any child requiring a booster cushion must provide their own. This is the parent's responsibility. The situation could arise where the child is being taken to a venue by a member of staff. In this case the child's parents/carers will supply the cushion. The question then arises what happens if they don't turn up with the appropriate cushion. There is no clear answer, but journeys of a 'short and occasional' nature are exempt.
- 9) Schools should notify any parents volunteering to transport children of the legal requirement to use the appropriate seat along with the usual legal requirements for the car to be taxed, licensed etc..

- 10) The regulations only apply to children up to 1.35m or 12 years of age, whichever is the soonest.
- 11) **Unplanned** use of taxis require booster seats 'if available' otherwise adult seat belts can be used, but children must travel in the rear.
- 12) **Minibuses**. Seat belts are already compulsory. If available, booster seats must be used, but schools are not required to provide them.
- 13) **Coaches** are exempt.
- 14) As far as I am concerned the school's responsibility for the use of seats when parents offer to help with transport is no different to that when using seat belts in the past i.e. it is the driver's responsibility.
- 15) It is strongly recommended that schools draft a letter to parents highlighting the new regulations and the need to provide booster seats if they are helping out in the transportation of children. This may result in some swapping of seats between parents.

* 'Booster seat' includes booster cushions and is included in this guidance instead of 'appropriate child restraint' as this is the type most likely to be used.

There is further advice from;

RoSPA (child car seats site)
<http://www.childcarseats.org.uk/>

Dept for Transport (Think) site
<http://www.thinkroadsafety.gov.uk/>

If you wish to discuss any aspect of the new regulations and the possible implications for your school then please do not hesitate in contacting me.

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