

VOLUNTEER DRIVERS

INFORMATION SHEET

When involving volunteers as drivers there are a number of issues that organisations must consider. This information sheet looks at general good practice issues, the reimbursing of volunteer drivers' expenses, insurance and issues around the safety of volunteer drivers and their passengers. This sheet has been updated since the inclusion of the Corporate Manslaughter and Corporate Homicide Act (2007) which has introduced a new offence for prosecuting organisations for gross failures in Health & Safety which leads to death.

Volunteer Now would like to thank the Community Transport Association for their assistance in producing this information sheet.

General Good Practice

- Volunteer drivers should have a full driving license. It is also preferable that volunteers do not have any endorsements on their license. However it is up to each organisation to take into account the nature of the sanction and decide if the volunteer is suitable and organisations should ask volunteers to keep them updated on any changes in relation to sanctions on their licence.
- You may want to set a requirement for minimum driving experience. However be aware of discrimination. While age discrimination legislation does not apply to volunteers, who have no contract of employment, good practice in volunteer management would recommend that all volunteers should be treated equally regardless of age. The amount of driving experience should be considered against the type of voluntary work offered i.e. longer journey times given to those who have experience of driving on long journey's etc.
- Volunteer drivers should be asked to tell you about any illness or disability, which may affect their ability to drive. However do not assume that a disability will automatically stop people from becoming a volunteer driver. While disability discrimination legislation does not apply to volunteers, who have no contract of employment, good practice in volunteer management would recommend that all volunteers should be treated equally regardless of disability and that where possible reasonable adjustments should be made.
- As with all volunteers you should follow good practice for recruitment and selection and ask for the contact details of two people who can act as referees and make sure you follow them up.
- You will also need to ensure that you follow good practice in relation safeguarding and where appropriate, [Access NI](#) checks and supervision procedures are in place.
- Your organisation needs to be reasonably sure that the vehicle the volunteer is using is safe. You should ask to see an MOT certificate for cars four years and older. You should also ask for a confirmation of vehicle tax and keep records of both tax and MOT on file. As an organisation, if you are asking volunteers to carry passengers / clients as part of their role, it is your responsibility to ensure that volunteers have an up to date driving licence and that their car is roadworthy. If an accident occurs when a volunteer is transporting a passenger, the organisation may be held liable and therefore will need to show the steps they had taken to ensure the health and safety of clients to courts or their insurance company. In practical terms this will require organisations to keep track of renewal dates of

relevant documents i.e. driving licence, MOT, Tax and insurance. For organisations which have a large number of volunteer drivers, it may only be practical to take a random sample of cars on an annual basis. However, it is important for organisations to be able to evidence the reason(s) why this position was taken.

- Cars must have front and rear seatbelts which must be worn at all times by the driver and all passengers during driving. When carrying children appropriate children's seats must be correctly fitted and used by the child. However it is the responsibility of the adult travelling with the child (guardian) to ensure that this is the case, it is not the responsibility of the volunteer to provide or fit the child seat, if a guardian is present. Volunteer drivers are responsible for ensuring children under the age of 14 are wearing the appropriate restraints and should not transport children unless a child seat has been supplied and used as it is the driver who will be prosecuted (3 penalty points + fine).
- Volunteers who provide transport in their own car should be advised smoking is not permitted in the vehicle while transport is being delivered.
- Volunteers should be provided with guidance stating other people or animals, apart from guide dogs, should not be transported along with your passengers during trips.

Insurance

- If volunteers use their own car in the course of their volunteering e.g. for transporting clients, it is essential that they are covered by motor insurance. Organisations should record evidence of this on the volunteer's file. It is the organisation's responsibility to ensure that volunteers have valid and appropriate motor insurance when transporting passengers as part of their volunteering role. You are advised to confirm this with your own insurance company.
- If your organisation uses its own vehicles then it is responsible for organising insurance.
- Legally only third party insurance is required but it is best for all concerned that volunteer drivers have comprehensive insurance. Volunteer drivers can also be included in an organisation's public liability insurance cover.

The volunteer should inform their insurance company that they are using their car for voluntary work. However organisations can assist volunteers by providing them with a sample letter that they can adapt and send to their insurance company. The letter should state that the car is being used in the course of voluntary work and will not be used for business. The letter should make it clear that the volunteer is not being paid for the activity and will receive only out of pocket expenses. (A sample letter has been provided in **Appendix 1**). In many cases a volunteer's insurance premium will not be affected if they are using their car for volunteering and volunteers should challenge any proposed increase in the premium. A large number of companies have signed up to the *ABI Volunteer Driving – The Motor Insurance Commitment* outlined in the link below, these companies do not charge extra for volunteer drivers.

If a volunteer does not inform their insurance company that they are using their car for volunteering purposes their policy may become invalid in the case of an accident. For more [information on insurance company undertakings in relation to voluntary drivers](#).

- Volunteer involving organisations should follow good practice and only reimburse volunteer drivers the expenses they have actually incurred. If volunteers are seen to be making a profit their insurance policy could be invalidated as they may be seen as an employee.

Driving Minibuses

The Department for Infrastructure in Northern Ireland produced new guidance on driver licencing requirements for minibus drivers in April 2018. A link to the guidance is below.

<https://www.nidirect.gov.uk/sites/default/files/publications/Driver-Licensing-Requirements-for-Minibuses-April-2018.PDF>

The guidance states,

“Drivers who have been issued with a D1(not for hire or reward) category on their licence may drive a minibus on behalf of a non-commercial body as long as the minibus is being used for social purposes, is being driven on a voluntary basis, is not being used for hire or reward and they receive no payment other than out of pocket expenses. There is no requirement to hold a Driver Qualification Card as a volunteer driver for a non-commercial body providing that you have a personal connection to that organisation.”

The key issues are:

- Organisations need to ensure that volunteers have a driving licence which has category D1 and entitles them to drive vehicles with between 9 and 16 passenger seats in addition to the driver’s seat with or without a trailer and weighing up to 750kg. Individuals who passed their car driving test before 1 January 1997, may have entitlement to drive minibuses on a voluntary basis (limited to social purposes on behalf of a non-commercial body), provided their licence hasn’t been medically restricted. This entitlement, category D1 with restriction code 79 (nfhr) is displayed on the licence. It is valid throughout the United Kingdom.

'nfhr' stands for 'not for hire or reward' which means that they cannot accept any payment, either cash or in kind, made by or on behalf of the passengers that gives them the right to be carried in the vehicle.

If a licence has been medically restricted or if the person is aged over 70, they must meet the higher medical standards to have the minibus entitlement reissued.ⁱ

- Organisations need to be able to show a personal connection between volunteers and the organisation – this means they need to be a member or in a leadership role. Consideration needs to be given to this when drawing up a role description and recruiting volunteers.
- Out of pocket expenses are restricted in the guidance to, *“Out of pocket expenses are remuneration for any fuel costs, parking fees, toll fees or similar expenses incurred as part of the trip i.e. from the person begins driving until they finish driving. The driver should receive no other payment for driving the minibus.”* Despite the fact the volunteer management good practice indicates that volunteers can be reimbursed for reasonable subsistence expenses or home to base mileage, this is not possible under this guidance.
- The guidance defines reward where a payment is made for the carrying of passengers. Organisations putting on trips where participants make a contribution to transport costs need to be particularly aware of this section.....

“What is reward? A bus which is operated for reward is one where payment is made, in cash or kind, for the carrying of passengers, irrespective of the person to whom the payment is made. This includes direct payments such as a fare, or an indirect payment which gives a person an opportunity to travel this could be where the bus has been hired on behalf of the passenger as part of an event where transport is included. It does not matter whether or not the operator is a profit making entity.”ⁱⁱ

- The guidance defines social purposes as follows, “*The Department considers social purposes to mean non-commercial activities.*”

MIDAS

The Minibus Drivers Awareness Scheme (MiDAS) is a nationally recognised, assessment and training scheme for drivers of minibuses, cars, and MPV’s in the voluntary and not-for-profit sectors. This course has a cost attached. In order to make it accessible to all sizes of organisations a co-ordinated system of sharing the learning between groups may be useful. MiDAS provides training to reduce wear and tear on the vehicle and to ensure safe passenger transport. MiDAS training can be provided by a number of community organisations across Northern Ireland. Each MiDAS certificate is awarded for 4 years and a refresher course is recommended at the end of each certificate period. For further information on this scheme contact the [Community Transport Association](#).

Risk Management

Organisations should ensure they have adequately risk assessed the volunteer driving role and put in place measures to mitigate risks identified.

Personal Safety of Volunteer Drivers

The personal safety of volunteers should be a primary concern for all volunteer involving organisations. Volunteer drivers will be spending a lot of time away from your office or centre and therefore it is good practice to pay particular attention to the personal safety of volunteer drivers.

Organisations should:

- Join a national breakdown organisation for ‘all vehicles’ (both those owned by the organisation and the volunteer) and ensure that volunteers have all the necessary details.
- Ensure that all organisational vehicles are safe by regularly checking fuel, oil, windscreen wash and tyres, especially before a long journey by undertaking daily check.
- Ensure you know where volunteer drivers are and the route they take to arrive at their destination.
- Ensure people at the destination know approximately what time the volunteer is expected to arrive
- Ensure volunteers carry their mobile phones in the case of emergency, making sure the batteries are charged before they set off. Volunteers should be aware that it is illegal to drive a vehicle or ride a motorcycle while using a hand-held mobile phone or a similar device like a BlackBerry. In addition, hands-free phones can also be a distraction and volunteers risk prosecution for not having proper control of the vehicle when using one.
- Provide emergency out of hours contact information for all volunteer drivers so should an emergency arise they have contact information for an appropriate person within your organisation.

- Provide volunteers with photo identification with the contact details of your organisation included.
- Provide the same level of health and safety guidance and / or equipment that would be given to paid employees i.e. luminous vests for getting in and out of vehicles during times of poor visibility. Training in manual handling if a passenger requires equipment to be transferred with them i.e. wheelchair.

Volunteer Drivers should:

- Keep the doors locked and the windows closed as much as possible, especially in built-up areas and slow-moving traffic.
- Keep alert so that you know where you are.
- Never pick up hitch-hikers.
- Take regular breaks on long journey
- Plan your route and take appropriate maps
- Take warm clothes in case of breakdown or bad weather
- Keep valuables out of sight
- Park in well-lit areas, if possible with the car facing in the direction of exit; when returning to the vehicle, check the back seat
- Carry a mobile phone for emergency use
- Carry a torch at night
- Not to stop if they see an incident, unless it is safe to do so; it may be safer to drive on and summon help
- If a driver is forced to stop, keep the engine running and lock the windows and doors; leave sufficient space in front of the vehicle to be able to pull out and drive away as soon as possible; drive off if you feel threatened

Road rage

Unfortunately, this type of situation is becoming more common. If at any time they are confronted by this situation, it is important that they do nothing to escalate it further.

- Do not stop to confront the third party
- If a car pulls in front of your vehicle and you are approached, stay in your vehicle with the doors locked and the windows closed; keep the engine running and drive away as soon as possible
- If they cannot get away, make as much noise and fuss as you can; sound the horn, flash lights etc to gain attention
- If you think you are being followed or threatened, raise the alarm by using hazard lights and horn; if possible, drive on until you reach a busy area such as a 24 hour garage
- If you are stationary and have a mobile phone, ring the emergency services

Breakdown on a motorway or dual carriageway

- Park as near as possible to an emergency phone
- Put on high visibility clothing if possible
- Leave the car by the passenger door
- When making an emergency call, face oncoming traffic, so you can see if another vehicle is approaching
- Tell the operator if you are elderly/disabled/lone female or have an elderly passenger
- Never cross the carriageway

- Wait behind the barrier, beside your vehicle if this is safe
- Ask for I.D. from uniformed persons to ensure they are bona fide

Reimbursing Expenses

- Volunteers should be reimbursed for the expenses they incur as a volunteer driver who is driving on an organisation's behalf. This can mean:
 - Travel to and from the place of volunteering
 - Travel undertaken during volunteering e.g. transporting clients, going to meetings
 - Reasonable subsistence expenses
 - Parking or road tolls.

The amount of money reimbursed for mileage should be based on the Approved Mileage Allowance Payment (AMAP) as allowed by the HMRC. The advantage of using these rates is that your organisation and /or your volunteers will not be liable for tax. This new rating system came into effect on 6 April 2011. You should check these rates yourself with the HMRC for any changes that may be made - www.hmrc.gov.uk/rates/travel.htm

At time of writing the authorised mileage rates are:

| | | |
|---|---|-----|
| - | On the first 10,000 miles in the tax year | 45p |
| - | On each additional mile over 10,000 miles | 25p |
| - | Motorcycles | 24p |
| - | Bicycles | 20p |

- When volunteers carry passengers as part of their voluntary work, they can claim an additional 5p on top of the authorised mileage allowance. However it is worth noting that this as it could still invalidate motor insurance on the basis that Article 66A of the Road Traffic (NI) Order 1981 states “the payment of aggregate of the payments made in respect of the journey by the vehicle does not exceed the amount of the running costs of the vehicle for the journey...”
- Mobile Phones: volunteers should be reimbursed for the actual costs of calls made from their personal telephones made whilst carrying out their voluntary role. This includes calls made on a home or mobile telephone or in a public call box. However, no ‘reimbursement’ will be made for the notional cost of calls which incurred no actual cost to the claimant because they were covered by a contract which included an allocation of ‘free’ calls.
- Volunteers should be asked to complete an expenses claim form, which should be checked and signed by your organisation. For more information on volunteers and expenses see the Volunteers and Expenses Information Sheet.

Equality

- Drivers of motability cars may provide volunteer driving in their motability car as long as:
 - They are not contractually employed to provide transport.
 - Have notified their insurance company.
 - Keep within the annual mileage allowance for motability cars.
 - They have NOT received a FREE tax disc for the motability car. Cars with free tax discs must only be used for the purposes of the disabled person.
- Individuals who are being transported by a volunteer driver can still apply for 'blue badge' (parking concessions for people with severe mobility problems who have difficulty using public transport) as long as they meet the other criteria and only display the 'blue badge' while being transported by a volunteer driver.

Reasonable precautions have been taken to ensure information in this publication is accurate. However it is not intended to be legally comprehensive; it is designed to provide guidance in good faith without accepting liability. If relevant, we therefore recommend you take appropriate professional advice before taking any action on the matters covered herein. Charity NIC 101309. Company Limited by Guarantee No. NI602399. Registered in Northern Ireland.

APPENDIX 1

Name

Address

DATE

TO (Insurance Company)

RE: (Policy Number)

I intend to undertake voluntary work and from time to time, I will use my vehicle to carry passengers or to carry out other duties, as requested. I will receive a mileage allowance for these journeys to cover the running costs of my vehicle in accordance with Article 66A of the Road Traffic (Car Sharing Arrangements) (Northern Ireland) Order 1981, which exempts me from Passenger Service Vehicle licensing laws. Such expenses will be claimed strictly on a non-profit basis. Also I expect that my premium will qualify under social, domestic and pleasure use, as I am not an employee for the organisation and I carry out my role on a voluntary basis without receiving a salary.

I should be grateful if you would confirm that my existing policy covers me for such volunteer driving- please use the 'tear off' slip below. Please also confirm that my insurance policy contains a clause indemnifying the agencies with which I am a volunteer against third party claims arising out of the use of my vehicle for such voluntary work.

Yours Faithfully

(Policy Holder)

✂

FROM (Insurance Company).....

RE: (Policy Number)
.....

POLICY HOLDER / DRIVER

This is to ensure that your insurance policy covers voluntary driving (for which a mileage allowance may be received). This also confirms that the above policy contains a clause indemnifying the agencies with which you are a volunteer against their party claims arising from the use of the vehicle on such voluntary work.

ISSUED BY

DATE