

Driving at Work Policy

Draft



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

ISSUE STATUS – DRAFT
DATE OF ISSUE –
REVISION DATE –

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1.0 Introduction

Driving for work is the most dangerous work activity that most people do. Around 25% of UK road collision fatalities involve vehicles being driven for work purposes.

The Council is committed to reducing the risks that our employees face and create when driving for work. The purpose of this Policy is to ensure that adequate controls are in place to manage work-related road safety effectively and to protect the Council and the individual.

This Policy details the arrangements necessary and the individual and collective responsibilities, which will ensure that the risks associated with occupational driving, are minimised so far as reasonably practicable.

This Policy is intended to cover all Council staff (covered in this Policy under the definition "Employee") who need to drive as part of their work, whether it is in Council operated commercial vehicles or privately owned vehicles.

2.0 Responsibilities

The Council will:

- Assess the risks involved in their staff's use of the road for work, and put in place all reasonably practicable measures to manage those risks.
- Encourage the amount of driving for work purposes to be reduced as far as is practicable.
- Provide a suitable accident/incident reporting and investigation procedure.
- Recognise that it owes the same duty of care to staff who drive their own vehicles for work, as they do to employees who drive Council operated commercial vehicles.
- Provide training to commercial vehicle/ride-on equipment drivers in their duties under health and safety and road traffic legislation and their hazard awareness.
- Monitor that its employees comply with the legal prohibition on using a hand-held telephone whilst driving. It will only allow the use of hands-free mobile phones and Bluetooth technology, in accordance with the rules set out in *section 5*.
- Implement processes and procedures to assess, avoid, reduce and manage the risks involved in driving on Council's business.

Directors will:

- Ensure that Managers in their Service fulfil their responsibilities as below.

Managers will:

- Ensure that all staff who drive for work understand their responsibilities as explained below.
- Implement the Council's rules and procedures, including:

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- Conducting an annual documented check of staff driving documentation, *see Annex A - Driver Declaration Form, and Annex C - Line Managers Guide: Checking Driver Documentation.*
 - Ensuring that the mobile phone guidance within this Policy is followed regarding the use of mobile phones whilst driving.
 - Investigate any road accident involving a member of staff who was driving on Council business, and ensure it is reported as required in *section 7.*
 - Periodically monitor and review the suitability and acceptability of staff to drive on council business.

Employees who drive on Council business will:

- Familiarise themselves and comply with the Highway Code requirements and driving safely for work.
- Hold a current full driver's licence for the class of vehicle being driven, and present this for inspection annually.
- Complete annually a Driver Declaration Form.
- If using their personal vehicle for Council business:
 - produce a copy of their driving licence (including DVLA Licence Summary), motor insurance policy and the vehicle's MOT certificate (if required) to their manager on an annual basis.
 - ensure their vehicle is taxed and has a valid MOT.
 - ensure their motor insurance policy includes business use cover for the amount and type of business mileage they undertake (normally this would be Class I Business Insurance).
 - ensure that the vehicle is maintained in a roadworthy condition.
- Any employee not supplying documentation should not use their vehicle on Council business until their documents have been produced. If this documentation is not produced then travel allowances and expense payments where appropriate may be stopped in line with current procedures.
- Report to their line manager:
 - all collisions whilst driving on Council business, *see section 7.*
 - as soon as they become aware of any proceedings or action against them following a road offence that might result in a conviction or endorsement, that could affect their ability to drive on Council business.
 - any health issue which may affect their ability to drive.
- Drive safely and appropriately whilst on Council business, including:
 - checking the safe operation of a vehicle prior to its use.
 - never use a hand held mobile phones whilst driving, unless it is used with an appropriate hands-free / Bluetooth kit.

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- ensuring that they and their passengers wear seatbelts.
 - not driving at any time while their judgment and/or physical ability are impaired by illness, the use of alcohol, drugs, medicine, or tiredness. See *section 8*.
 - not putting themselves at undue personal risk, eg if the weather badly deteriorates, it is acceptable to cease a journey as soon as they can and wait until it subsides.
 - understanding that, even if driving their own vehicle for work, that they are at work and so must comply with Council procedures.
 - refrain from driving immediately if they are disqualified.
 - ensure that their eyesight is appropriate for driving, by having their eyes tested as appropriate and ensuring that any necessary corrective eyewear is worn.
 - not smoking in council vehicles, or if carrying passengers in personal vehicles on council business.

3. Key Terms

“**Driving for work**” relates to the management of the risks which employees face (and which they create for others) when they are on a public highway in the course of their work.

It includes:

- driving between ECDC establishments for work purposes
- travelling to and from a place of work where mileage is payable by the Council
- driving a Council vehicle.

It excludes commuting to the driver’s normal place of work, or driving not connected with Council business.

The term ‘**vehicle**’ in the context of this Policy refers generally to cars, but may also include vans, minibuses, lorries, or motorcycles. This list is not exhaustive.

‘**Employees**’ includes all East Cambridgeshire District Council staff including temporary staff.

4. What the law says about driving for work

The Council’s duty of care

People driving for work are considered to be undertaking a work activity. The vehicle they are driving, regardless of ownership, is regarded as a place of work.

This means that the Council owes the same duty of care to staff who drive their own vehicles for work as it does to employees who drive Council commercial or contract hired vehicles.

If an employee drives negligently or drives a defective vehicle whilst on Council business, then the Council could be liable for criminal or civil action, regardless of whether the employee is driving their own car, a Council commercial or contract hired vehicles.

The Road Traffic Act 1991 requires employers to not cause or permit their employees to break any road traffic laws. For example, an employer could be liable if it can be proved that unrealistic deadline had contributed to an employee breaking the speed limit when on company business.

It is an offence to cause or permit anyone to drive a vehicle other than in accordance with a driving licence for that class of vehicle (Section 87 of the Road Traffic Act 1988). The Council could be therefore breaching this law if it fails to make reasonable checks that anybody driving on its behalf has a valid licence.

The Department of Transport explains this responsibility:

“In the event of a worst-case scenario, where a fatal incident has occurred involving an employee without a valid licence, the employer would be required to provide evidence of the policies and procedures in place to try and prevent such an occurrence. A poor policy or substandard implementation could lead to an element of responsibility falling on the company or its relevant managers/directors under Duty of Care obligations.

The best defence is, therefore, a robust and well-managed policy, which checks that all employees hold a valid licence and are eligible to drive the vehicles being used for company business. Such an approach should protect the company and its managers/directors, should the worst happen”.

Case law makes clear that the employer’s liability can be minimised where they can demonstrate robust policies regarding driving are in place.

Provision of information by drivers

Drivers are required to provide information upon request to their employer about their driving licence (Section 172 of the Road Traffic Act).

5. Use of mobile phones in vehicles

Background

A law came into effect in 2003 making it illegal to use a hand held mobile phone whilst driving. The following information is issued to clarify the responsibilities of staff concerning the use of mobile phones whilst driving in connection with Council Business. This Policy covers the use of both private and Council mobile telephones and private and Council vehicles (e.g. cars, motorcycles, tractors and vans).

Definitions

- ‘Council Business’ includes all periods of driving for the purpose of supporting the Council’s activities, or as a consequence of these.
- A ‘hand-held mobile phone’ is one in which the device is held in the hand to operate it. It ceases to be hand-held when securely mounted in the vehicle, even though it may require a button to be pressed to operate it.

The Council insists that its employees comply with the legal prohibition on using a hand-held telephone or similar devices whilst driving.

Principles

To comply with the law, Council staff are instructed that hand held mobile phones* must not be used whilst driving any vehicle on Council business. The law specifies that this is only permissible in emergency situations. Wherever possible, employees of the Council should avoid telephoning colleagues when they are travelling on Council business. Where it is necessary for colleagues to be contactable whilst driving, then employees must either:

- pull over safely and turn off their engine before using their telephone. Where traffic conditions do not allow for this, the call should be left to divert to voicemail and answered at a safe time when not driving.
- use an appropriate hands-free kit. The installation should require no more than a single button operation or be voice-activated or self-activated.

Where a hands free kit is installed the driver continues to be responsible for driving with due care and attention and consequently must only answer an incoming call if traffic conditions allow. If traffic conditions do not allow this then the call should be left to divert to voicemail and answered at a safe time when not driving. Outgoing calls must only be made if they are *essential* and it is safe to do so whilst driving.

Summary

East Cambridgeshire District Council does not permit any employee to use a hand held mobile phone whilst driving in connection with Council business. The Council considers any breach of this Policy to be a serious matter. Using a hand held telephone when driving is a criminal offence and all penalty fines will be the obligation of the employee.

* Or other forms of interactive communication (sending and receiving spoken or written messages, sending or receiving still or moving images and providing access to the Internet).

Disciplinary / appropriate action will be taken against any driver who fails to comply with these legal requirements.

6. Reporting Accidents and Incidents

Council operated commercial vehicles – Drivers of Council operated vehicles who are involved in a road traffic accident should report the accident to their supervisor immediately or as soon as practicable. Notes of registration numbers of all vehicles involved and all witnesses should be made at the time in addition to the full circumstances of the accident.

All drivers are required to complete a vehicle accident form within 24 hours of any accident / incident. This completed form **must** be sent to the Open Spaces and Facilities Manager in the first instance who will then liaise with the Council's Financial Services Team.

Contract hire cars – drivers should report all accidents to the Financial Services Team and complete a Claim Form giving full details of the incident. All insurance reports should be submitted to the supervisor or line manager for forwarding to the Financial Services Team.

Privately owned vehicles - drivers using their **own** vehicles on **Council business** who are involved in an accident should deal with any claims directly with their own insurer. They should also inform their line manager in case there are any implications for the Council.

Drivers are reminded that where a motor vehicle accident involving injury occurs, the Police must be contacted immediately and that you should not leave the scene of the accident until authorised to do so by the Police. All motor vehicle accidents involving damage to third party property must be reported to the Police within 24 hours.

*If an accident or injury occurs whilst driving (on Council business), then it **must** be reported in accordance with the Council's Accident and Near Miss Reporting Policy.*

7. Alcohol, Medicines and Drugs

Introduction

Drivers must not undertake journeys whilst under the influence of alcoholic drink, intoxicating drugs or other substances that are likely to impair judgement or the ability to react quickly and appropriately to road conditions or circumstances. Employees should refer to the Council's *Misuse of Alcohol and Drugs at Work Policy* for further guidance.

Alcohol

Alcoholic drinks should be avoided if you are driving. Alcohol impairs judgement, making drivers over-confident and more likely to take risks. It slows their reactions, increases stopping distances, affects judgement of speed and distance and reduces the field of vision.

Even a small amount, well below the legal limit, seriously affects the ability to drive safely. The legal drink drive limit is 80mg of alcohol per 100ml of blood.

But, according to RoSPA, drivers with a blood alcohol concentration of between 50 and 80mg per 100ml of blood are twice as likely to crash, and six times more likely to be in a fatal crash.

The risk increases massively when over the limit. A driver who is double the legal limit is 50 times more likely to be in a fatal crash.

Medicines and Drugs

Driving while unfit through drugs, whether illegal or prescribed or over-the-counter medicines, is an offence that carries the same penalties as drink driving. The Police can, and do, conduct roadside tests to help them assess whether a driver may be impaired.

8. Fitness to Drive - Disqualification and Medical Conditions

It is everyone's individual responsibility to ensure that they are medically fit to drive. All drivers must notify their line manager and Human Resources immediately about any medical condition that might adversely affect their ability to drive either on a temporarily or permanently basis e.g.

- Epilepsy,
- Diabetes
- Vision impairment,
- Course of medication that might impair judgement

The welfare and safety of the individual is paramount and every effort will be made to make reasonable adjustments to enable the individual to undertake their normal role/duties or where this is not possible, alternative duties will be found. Disqualification from driving on medical grounds will be dealt with under the Council's Capability Procedure / *Managing Attendance and Stress at Work Policy*.

9. Disqualification from Driving due to reasons other than on medical grounds

Employees who are employed specifically as a driver or who are classed as essential car users, have an individual responsibility to inform their Line Manager immediately of any disqualification from driving.

All employees who drive on council business should declare all endorsements on their Driving Licence when they arise, to their Manager and the HR Team so that this information can be updated accordingly. As part of its responsibilities as the employer, the Council will also undertake routine Driver Licensing checks with the DVLA.

Disqualification from driving on grounds other than medical conditions may result in the employee being subject to the Council's Disciplinary Procedures. The Capability or Disciplinary process could for example result ultimately in dismissal, particularly if the ability to drive is an essential requirement of the post.

10. Eye Tests

The safety of any driver is affected by eyesight defects and it is the responsibility of the individual to ensure that they have regular eyesight tests, as all drivers have a legal duty to satisfy the eyesight requirements in the Highway Code.

The Council will undertake to provide vision screening tests as part of its health surveillance programme to all ECDC commercial fleet vehicle drivers, e.g. Parks and Facilities staff.

11.0 Summary of Documentation Requirements

Council Operated Commercial Vehicles, Contract or Lease Cars: All staff who drive Council operated vehicles will be required annually each year to produce originals of the following documents to their Manager:

- Current UK Driving Licence
- DVLA Licence Summary (available from DVLA website: www.gov.uk/view-driving-licence (see *Annex B: How to share your driving licence details*)
- Driver Declaration Form (original form required) (Annex A)

Note: Current insurance certificate and MOT Certificate will not be required to be shown as they are held by the Open Spaces and Facilities Manager.

Privately Owned Vehicles: In order to ensure adequate monitoring of privately owned vehicles being used on Council business, all vehicle users will be required annually each year to produce the following documents (originals, not copies) to their Manager:

- Current UK Driving Licence
- DVLA Licence Summary (download and print off copy from DVLA website: www.gov.uk/view-driving-licence (see *Annex B: How to share your driving licence details*) – this has replaced the paper counterpart of Photocard Driving Licence which used to be issued by the DVLA
- Current insurance certificate and schedule confirming Business Class 1 use
- MOT Certificate (if applicable)
- Completed Driver Declaration Form (Annex A)

New Starters

Driver information will be collated as part of the recruitment process, through the HR Team.

12. Further Guidance

Health & Safety Executive: <http://www.hse.gov.uk/>

Highway Code: www.highwaycode.gov.uk

Driving at Work, Managing Work Related Road Safety, HSE & Department for Transport:
www.hse.gov.uk/pubns/indg382.pdf

RoSPA information on occupational road risk: www.rospa.com/morr/index.htm

BRAKE – the road safety charity: www.brake.org.uk

DVLA: www.gov.uk/view-driving-licence

Annex A Driver Declaration Form

| | |
|---|--------------------|
| Surname..... | First Name(s)..... |
| Service..... | Team..... Tel..... |
| Job Title..... | |
| Licence Details: | |
| Licence Number..... | |
| Expiry date..... <i>(Photo Licences have a 10 year life)</i> | |
| Endorsements (Unexpired) Yes / No (If yes, please give details below) | |
| Offence..... | Offence Date..... |
| Offence..... | Offence Date..... |
| Offence..... | Offence Date..... |
| Address | |
| Is your address correct as shown on your Driving Licence? Yes / No | |
| <i>If no, please add the correct address below, also note that you have a legal duty to inform the DVLA</i> | |
| | |
| | |
| Have you in the past year or since your licence was last checked been convicted (or prosecution pending) of any motoring related offence, which has not already been declared to your manager and HR Team? | |
| Yes / No (if yes, please give details)..... | |
| | |
| Have you in the past year or since your licence was last checked, visited a GP, hospital or received specialist medical treatment that may affect your ability to drive, or do you suffer from any medical condition that may affect or restrict your ability to drive a vehicle safely, e.g epilepsy, diabetes, vision impairment? | |
| Yes / No (if yes, you must declare the details immediately)..... | |
| | |
| Note: <i>It is also a legal requirement to inform the DVLA of the details above.</i> | |
| I declare that to the best of my knowledge and belief, the above answers are true and that all relevant information has been disclosed. I authorise the Council to verify my licence details with the DVLA. I also declare that I hold the licence to which the above refers. I also understand the requirements of the Council's Driving at Work Policy. | |
| Driver's signatures.....date..... | |
| Licence/Insurance/MOT (Annual Check by Manager) Vehicle Registration | |
| Documentation checked by..... Date..... | |
| Next annual documentation inspection due | |
| <i>Once fully completed, a copy of this form should be passed to the HR Team for filing on the individual's staff file</i> | |
| Data Protection Act 1998. The data collected in this form will only be used for the purpose of recording information relating to driving on Council business, and will not be disclosed to other persons. Both electronic and paper records will be deleted/destroyed when the person leaves the Council. | |

Annex B DVLA Licence Summary

This guide shows you how to access your Licence Summary from the DVLA website, www.gov.uk/view-driving-licence you will need to print off this summary sheet as part of your annual driving documentation check to submit to your line manager, so that they can inspect your 'Driving Status' and 'Endorsements'.

Before you start, you will need your driving licence number, National Insurance number (*displayed on your payslip*) and your home post code.

Note, at Step 5 of the following guide select the 'Print' option.



How to share your driving licence details

Use this guide to provide information on your driving entitlements and any endorsements. For example, when hiring a vehicle or applying for a job.

1 Go to: www.gov.uk/view-driving-licence

2 Enter your driver number, National Insurance number and the postcode shown on your current driving licence:

Your driving licence number
Example: MORGA753116SM9U

MORGA753116SM9U

Your National Insurance number
Example: MQQ123456C

MQQ123456C

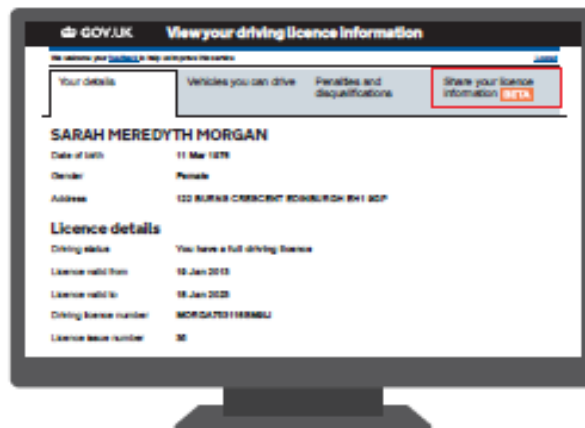
Postcode
Example: EH1 9GP

EH1 9GP



Tick when you have read the privacy notice and click on the 'View now' button at the bottom of the page.

3 You will now be able to view your driving licence information. To share your driving licence with another person, select the "Share your licence information" tab (highlighted in red below).



Further steps are shown over the page >

4 Click on the 'Create a code' button.



5 You will now be shown a check code which is case sensitive. Pass this check code onto whoever needs to view your driving licence. You will also need to provide them with the last 8 characters of your driving licence number.

The check code is valid for 21 days and can only be used once.

You can also download a summary of your driving licence by selecting 'View, print or save your licence information'.



For further information, please visit www.gov.uk/dvla/nomorecounterpart

Since 8 June 2015 the counterpart to the photocard driving licence is not valid and is no longer issued by DVLA.

Annex C Line Managers' Guide - Checking Driver Documentation

As part of this code of practice, line managers are required to conduct an annual check of their staff driving documentation (originals not photocopies), as detailed in Section 11 of this policy. This is required for all staff that drive on Council business.

- **Current UK Driving Licence:** Hold a valid driving licence (old type paper driving licence or photocard driving licence). Check the name and address, check licence valid from and to dates (photocard licences have a 10 year life). Check licence is valid for type of vehicle driven e.g. Category B is for a car.
- **DVLA Licence Summary** (employee to download and print off copy from DVLA website: www.gov.uk/view-driving-licence (see *Annex B: How to share your driving licence details*) – this has replaced the paper part of Driving Licence which used to be issued by the DVLA.
- Current **insurance certificate** and schedule confirming Business Class 1 use.
- Valid **MOT Certificate** (if applicable – required for any vehicle over three years of age).
- Completed **Driver Declaration Form** (Annex A).