

FERRYHILL TOWN COUNCIL



POLICY

DRIVING AT WORK

This document outlines the Council's corporate policy for work-related driving using Council and employees' own vehicles. In general terms, it describes what we are aiming to achieve and how we will do it. Linked policies include:

- Corporate Health and Safety Policy
- Health and Safety Risk Assessment Policy
- Mobile Phones and Driving
- Alcohol / Drugs Policy
- Lone Working Policy
- No Smoking Policy.

This policy doesn't cover commuting journeys, except where employees' at work journeys start from their home to go to a work location, which isn't their normal place of work.

DEMONSTRATING COMMITMENT

The Council is committed to meeting its legal obligations under the:

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999
- Corporate Manslaughter and Corporate Homicide Act 2007
- Health and Safety Offences Act 2008
- Road Safety Act 2006
- Road Traffic Act

We also expect all employees to observe the normal rules of the road as set out in the Highway Code. This includes not parking in a disabled people's parking space unless they have a blue disabled people's parking badge.

The Council is committed to protecting the health, safety and welfare of our employees. To do this, we will take all reasonable steps to make sure our drivers are:

- fully competent and capable of doing their job in a way that is safe for them and other people
- properly trained and understand the importance of appropriate attitude and behaviour when driving
- able to drive safely
- aware of the importance of good posture and know how to set their vehicle seat correctly
- able to get safety critical information, such as recommended tyre pressures, adjustment mechanisms for head restraints, and what to do if their vehicle is unsafe or breaks down

ANY VEHICLES USED FOR WORK

- are fit for purpose and the work activity
- are properly maintained
- have any safety equipment properly fitted and maintained
- have seatbelts and head restraints fitted and used correctly
- have ergonomic considerations taken into account.

WORK RELATED JOURNEYS:

- are properly planned and scheduled, taking account of adequate time, breaks, driver fatigue and weather conditions.

ASSURING MINIMUM STANDARDS

We will base our approach to controlling the risks of driving for work on the requirements of current law and the latest guidance from the Health and Safety Executive, HSE, and the Department for Transport. This means that arrangements for driving for work must:

- identify and train all managers who control employees and volunteers who drive for work on this policy
- make sure the pre-employment checks for new starters are carried out
- carry out the annual checks for employees as detailed on the driver declaration form. **See appendix 1.**
- make sure the procedure for reporting vehicle accidents is known and understood
- follow the Council's procedures if an employee's standard of driving is of concern
- make sure the Council's relevant policy on mobile phones and driving is followed
- make sure disabled drivers have reasonable adjustments
- follow the Council's procedures if an employee cannot drive because, for example, they're banned
- make sure the Council's Alcohol / Drugs-Related Problems Policy is followed in relation to driving.

MANAGER TRAINING

Provide training for managers' who have responsibility for employees who drive for work, and will cover:

- pre-employment and periodic checks

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- how to decide when driver assessment is necessary and how to access this
- how to investigate ill health and deteriorating driving performance driving for work risk assessments, and
- occupational road risk checks.

RISK ASSESSMENT

Managers are responsible for making sure risk assessments are carried out for driving and reviewing them regularly. The assessment should cover the three fundamental areas of work-related road safety, namely the:

- driver
- journeys made
- vehicles used.

To help managers with this process, the risk assessment should, as a minimum, address the following issues:

- identification of the categories of driver within their area of responsibility
- whether adequate maintenance arrangements are in place for any Council vehicles provided to employees
- that allocated work duties allow employees sufficient time to drive safely within speed limits
- making sure employees aren't required to carry out other work tasks while driving that could put themselves and others at risk
- making sure vehicles are loaded safely and securely
- employees are made aware of their responsibilities.

PRE-EMPLOYMENT AND NEW STARTER CHECKS

All drivers:

The following checks must be carried out for all employees who drive before they are employed:

- the employee should complete a pre-employment medical assessment form
- the employee should complete the Driver Declaration Form as identified in Appendix 1.

A driving assessment should be carried out where the individual's driving record indicates poor driving having six or more points on their licence, and/or the candidate is under 21 years old.

All employees using their own vehicles for work related journeys:

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- must not drive without up-to-date relevant business-class insurance, full valid driving licence, road tax and MOT certificate, where needed and have been checked during the annual driver declaration form completion.
- It is the employee's responsibility to notify their line manager of any changes between the dates of the annual checks being completed.

PERIODIC CHECKS FOR CURRENT EMPLOYEES AND EMPLOYEES AUTHORISED TO USE THEIR OWN VEHICLES

Employees must complete the Driver Declaration Form annually to ensure their fitness to drive. Issues highlighted may result in a referral to the Council's Occupational Health Service.

All drivers should review their own day-to-day health in respect of their ability to drive safely, for example, if they are suffering from influenza or a migraine, or are taking medication that may impair their driving.

All drivers have a legal duty to satisfy the eyesight requirements in the Highway Code.

Managers must schedule and complete the annual Driver Declaration Form with all employees who drive the council vehicles or use their own vehicle for council purposes.

This is to make sure that all relevant details are correct, up to date and that employees using their own vehicles are insured for business use, class one, to insure themselves and the Council against third party claims.

Issues highlighted may result in a referral to the Council's Occupational Health Service.

REPORTING VEHICLE ACCIDENTS

Managers must make sure that employees know what to do if an accident occurs while driving for work, and they investigate thoroughly any incidents reported to them.

Managers must then report the accident to the Finance and Administration Manager to log and notify the council insurer's if it is a council owned vehicle involved in the accident/incident. Full details and all of the necessary forms must be completed for recording purposes.

EMPLOYEES USING THEIR OWN VEHICLES

Employees using their own vehicles, who have a road traffic accident while carrying out their duties, including travelling to and from work locations, must complete the Council's Report of an injury or dangerous occurrence form. **This doesn't include commuting to and from work.**

DETERIORATION IN DRIVING PERFORMANCE

Managers must investigate formal written complaints based on observations of poor driving to assess whether driver assessment is necessary.

Get advice from Human Resources support if you are considering the second option below, as this could have a significant effect on the individual's employment.

Options available to the manager are:

1. the employee attends a defensive driving course
2. they're removed from driving the vehicle and if possible redeployed temporarily to a job that doesn't involve driving.

Where a council vehicle driver has two incidents for which they're at fault, their line manager will arrange driver training for the employee. The cost of this will be met by the council.

Note that driving courses are to be used only as a training aid.

Failure to meet assessment standards will highlight the need for more specific driver training. **It's not to be used as a tool for disciplinary action.**

ENDORSEMENTS AND CONVICTIONS

Employees must report to their manager all formal cautions and prosecutions resulting from their driving, whether on Council business or not. Managers must investigate the reasons for any endorsements and convictions to assess the risk to the employee and others, if they continue to drive for the Council or on its business.

Get advice from Human Resources support if you are considering option two below, as this could have a significant effect on the individual's employment.

Options available to the manager are:

1. the employee attends a defensive driving course
2. they're removed from driving/redeployed temporarily to a job that doesn't involve driving if one is available.

MEDICAL CONDITIONS AND FITNESS TO DRIVE

Employees must notify their manager of any medical condition likely to affect their ability to drive safely

Managers must:

- obtain as much relevant information as possible from the employee, including why their driving may be affected
- get advice from Human Resources support if the proposed action is likely to have a significant effect on the individual's employment
- take them off driving duties until further clarification can be obtained
- refer them to the Council's Occupational Health Service to:
 - confirm the employee's condition and that it stops them from driving
 - advise whether the condition is permanent
 - advise on the suitability of temporary or permanent redeployment if

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available.

- advise on reasonable adjustments.

SUBSTANCE MISUSE

The problems of driving while under the influence of alcohol or drugs are well documented and known. Employees must not consume alcohol or illegal drugs before or during driving for work. Contravention will be regarded as gross misconduct. Employees with alcohol and drug problems will be treated sympathetically if they come forward for treatment.

In the event of this support being required advice will be sought from Human Resources support.

All drivers must not drive while under the influence of alcohol or using illegal drugs. Don't forget that excessive alcohol or illegal drugs used the night before could still be in your body meaning that you won't be fit to drive.

NO SMOKING POLICY

The Council has a No Smoking Policy. This means that employees are banned from smoking while they are carrying out their duties and responsibilities as a Council employee.

Smoking is **prohibited** in:

- all Council owned vehicles
- any other vehicles provided by the Council in connection with work
- any employee's privately owned or leased vehicle if it's being used on Council's business.

MOBILE PHONES AND DRIVING

All drivers must follow the Council's Mobile Phones and Driving Policy if driving for and on the Council's business. This means:

- you mustn't make/receive any calls or text messages using either a hand-held or hands-free mobile phone while driving for work.

The ban covers all work-related driving, including when using Council vehicles and employees' own vehicles

Drivers may only use a phone in a vehicle when it's parked in a safe place.

This means the driver must pull over and stop in a safe place to answer or make a call.

VEHICLE LOADING

Managers must make sure all vehicles are fit for purpose, and have had an assessment of this carried out.

All vehicles must be loaded safely and securely, and the gross vehicle and axle weights adhered to at all times. It's a serious offence to use a vehicle that's overloaded.

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All vehicles have a maximum permitted load, and details of gross vehicle weights will be on its vehicle plate. These are normally attached to the vehicle's cab or by its nearside door.

Drivers must make themselves aware of the weights that apply to their vehicle, and its appearance when fully loaded. This could be the relationship between the top of the wheels and mudguards, or some other method of gauging the load. If a vehicle is overloaded, it must have some of the load removed before going back onto the road.

Any loads must be secured from moving at all times, and endangering you, the vehicle and other road users. Open backed vehicles must use roping and sheeting to prevent loss of load. It's an offence under the Road Traffic Act to have an unsafe load.

Employees must make sure seat belts are worn correctly.

TRANSPORTING DANGEROUS SUBSTANCES

Council vehicles may carry substances that have the potential to be a danger to the driver and passengers, the public and to emergency services, if they're spilt due to an accident or poor transport practices.

Substances classed as dangerous for transportation will normally be identified by either their inclusion in the United Nations, UN, classification system or may be classified under the Chemicals (Hazard Information and Packaging) for Supply, CHIP, Regulations 2002.

Requirements for transporting substances classified as dangerous may need measures under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 and ADR 2003. Drivers may require specific qualifications to transport these classified goods. This requirement is triggered by the volume carried, the classification applied to the substance and the way it's contained.

Managers must check whether goods being transported carry or should carry UN or CHIP classifications.

Drivers and co-drivers will still require awareness training to make sure they can take appropriate action in the event of an accident or spill. Equipment and information will also be required, and vehicles used must be fit for purpose.

Driver Declaration Form(Annual Check)

Surname..... First Name(s).....
Job Title.....
Licence Number..... Expiry date.....
Endorsements (Unexpired) Yes / No (If yes, please give details below)
Offence..... Offence Date.....
Offence..... Offence Date.....
Offence..... Offence Date.....
Address Is your address correct? Yes / No If no, please add the correct address below, also note that you have a legal duty to inform the DVLA
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/Town Clerk? 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 etc ? Yes / No (If yes, you must declare the details immediately).....
Note: It is also a legal requirement to inform the DVLA of the details above.
OWN CAR USERS ONLY Insurance & MOT documents (Seen and checked)
Vehicle Registration
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 signature..... Date.....
Documentation checked by..... Date..... Next documentation inspection due date..... <i>Once fully completed, a copy of this form is given to the member of staff and a copy placed in that employees personnel file.</i>

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Your personal information will be held and used in accordance with the Data Protection Act 1998. The Council will not disclose such information to any unauthorised person or body but where appropriate will use such information in carrying out its various functions and services.