



Driving at Work Policy

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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.

UCFB 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 UCFB 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 UCFB staff (covered in this Policy under the definition “Employee”) who need to drive as part of their work, whether it is in UCFB operated commercial vehicles or privately owned vehicles.

2.0 Responsibilities

UCFB 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 UCFB 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 UCFB'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 UCFB's rules and procedures, including:
- 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. To Investigate any road accident involving a member of staff who was driving on UCFB business, and ensure it is reported as required in section 7.
- Periodically monitor and review the suitability and acceptability of staff to drive on UCFB business.

Employees who drive on UCFB 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 UCFB 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 UCFB 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 UCFB 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 UCFB business.
- Any health issue, which may affect their ability to drive.
- **Drive safely and appropriately whilst on UCFB 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.
- 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, e.g. 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 UCFB procedures.
- Refrain from driving immediately if they are disqualified and notify UCFB.
- 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 UCFB vehicles, or if carrying passengers in personal vehicles on UCFB 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 UCFB establishments for work purposes
- driving
- travelling to and from a place of work where mileage is payable by UCFB
- driving a UCFB vehicle.

It excludes commuting to the driver’s normal place of work, or driving not connected with UCFB 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 UCFB staff including temporary staff.

4. What the law says about driving for work

The UCFB’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 UCFB owes the same duty of care to staff who drive their own vehicles for work as it does to employees who drive UCFB commercial or contract hired vehicles.

If an employee drives negligently or drives a defective vehicle whilst on UCFB business, then the UCFB could be liable for criminal or civil action, regardless of whether the employee is driving their own car, a UCFB 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). UCFB 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 UCFB Business. This Policy covers the use of both private and UCFB mobile telephones and private and UCFB vehicles (e.g. cars, motorcycles, tractors and vans).

Definitions

- ‘UCFB Business’ includes all periods of driving for the purpose of supporting UCFB’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.

UCFB 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, UCFB staff are instructed that hand held mobile phones* must not be used whilst driving any vehicle on UCFB business. The law specifies that this is only permissible in emergencies. Wherever possible, employees of the UCFB should avoid telephoning colleagues when they are travelling on UCFB 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.

Summary

UCFB does not permit any employee to use a hand held mobile phone whilst driving in connection with UCFB business. UCFB 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

UCFB operated commercial vehicles – Drivers of UCFB operated vehicles who are involved in a road traffic accident should report the accident to their line manager 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 line manager.

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

Privately owned vehicles - drivers using their own vehicles on UCFB 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 UCFB.

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 UCFB business), then it must be reported in accordance with the UCFB's Accident and Near Miss Reporting Policy.



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.

Alcohol

Alcoholic drinks should be avoided if you are driving. Alcohol impairs judgement, making drivers overconfident 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. However, 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.

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 UCFB 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, UCFB 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 UCFB'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.

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

11.0 Summary of Documentation Requirements

UCFB Operated Commercial Vehicles, Contract or Lease Cars: All staff who drive UCFB 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 Facilities Manager.

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

- Current UK Driving Licence
- DVLA Licence Summary (download and print off copy from DVLA website: www.gov.uk/viewdriving-licence (see Annex B: How to share your driving licence details) – this has replaced the paper counterpart of Photo card 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.

13. 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