

## Driving at Work Policy

To be read in conjunction with the [ROSPA Minibus Drivers' Handbook](#)

**Last amended 28.03.19 by Heather Watson**

**Reviewed by Alan Garman, Facilities Assistant, February 2019**

**Ratified by Trustees' Resources & Audit Committee 13.02.19**

**Next review date February 2021**

*This policy has been reviewed in line with the 8 principles set out in the Single Equality Policy and an initial screening Equality Impact Assessment has been carried out.*

Within this policy the term Headteacher refers to the Headteacher of the school and the term CEO refers to the Chief Executive Officer of the Twynham Learning Academy Trust (the Trust).

The governors of the Trust are charity trustees and company directors and for the purpose of this policy these terms are interchangeable.

This policy reflects the legislation at the time that it was last reviewed. Any changes in legislation will take precedence over anything printed in this policy.

### **Why do we need a “Driving at Work” policy?**

For many occupations driving is the most hazardous task performed. It is estimated that over one third of all fatal driving collisions involve someone who was at work at the time – over 1,000 deaths per annum. Many more are seriously injured, often resulting in long-term disability. The human costs associated with these events are impossible to calculate. Financial costs are more tangible with an estimated £2.7 billion lost per annum to UK employers from fatal road traffic collisions (Gallagher Bassett, 2006).

A significant amount of this cost is deemed to be uninsured. For instance, there is no insurance protection in respect of staff absence, investigation time and paperwork, replacement vehicles, medical costs etc.

In recent years the enforcement authorities have shown an increasing interest in occupational road risk and this is being reflected in the courts with a number of successful prosecutions under health and safety law. Employers have been fined and even received a custodial sentence following fatal collisions for which their drivers have been responsible. Corporate Manslaughter legislation (wef April 2008) brings this in to even sterner focus, with the new offence of corporate manslaughter applying to local authorities and other public sector bodies. Unlimited fines can be levied on companies “if the way in which any of its activities are managed or organised by its senior managers causes a person’s death and amounts to a gross breach of relevant duty of care owed by the organisation to the deceased”

In September 2003 HSE published guidance on the management of occupational road risk, making it clear that employers have a responsibility to manage the hazards of driving for work in much the same way as they have for all other occupational hazards, including the need for formal risk assessments (Gallagher Bassett, 2006).

Research by the Dept for Transport revealed that 476,500 people in the UK have driven while disqualified and 1,000,000 drivers have 9 points on their licence (Drivetech, 2006). These issues clearly emphasise the significance of ensuring that the risks involved with driving at work are actively managed. Case studies and research shows that having an effective Driving Policy can result in the following benefits:

- Fewer staff injured at work whilst driving
- Fewer days lost due to injury
- Reduce the risk of work related ill-health
- Reduce stress and improve morale
- Less need for investigation and paperwork
- Less lost time due to work rescheduling
- Fewer vehicles off the road for repairs
- Reduced running costs through better driving standards

- Less chances of key employees being banned from driving, e.g. as a result of points on their licences

This policy is based on the Dorset County Council policy, as approved by the Dorset County Council County Management Team on 30<sup>th</sup> November 2007.

## **Introduction**

The Health and Safety Executive (H&SE) in collaboration with the Department for Transport (DfT) and the Royal Society for the Prevention of Accidents (RoSPA) have published guidance for employers on “Driving at Work – managing work-related road safety”.

This guidance clearly states their view that the requirements of Section 2 of the Health and Safety at Work Act 1974 and Regulation 3 of the Management of Health and Safety at Work Regulations 1999 apply to all work related activities, including “work-related driving”.

The guidance also states that it is essential to have an effective policy which covers the issue of work-related driving, clearly defining responsibilities for both the employer and employee and the arrangements for implementation.

### **1. What is the scope of this policy?**

- 1.1 This policy is intended to cover any persons who may drive or ride a motor vehicle on the business of the Trust. This would include both
  - (i) those who are required to drive vehicles that are owned/leased or hired by the Trust as an integral part of their employment or duties; and
  - (ii) those who use their own vehicles in order to undertake their role within the Trust.
- 1.2 For avoidance of doubt, a driver may be an employee of the Trust, a non-employed (agency) worker or a volunteer.
- 1.3 The aim of the policy is to clarify the responsibilities and obligations of the Trust (as the “Employer”), the Manager and Drivers.
- 1.4 The policy makes the assumption that having regard to the environmental impact of motor vehicles and having assessed the practicality of alternative means of achieving the required objectives, including the use of public transport, electronic communication including video conferencing etc., that for many employees the decision to undertake work-related driving is considered to be a ‘last resort’. This policy is not intended to cover those forms of non-motorised transport (such as bicycle) or motorised mobility aids such as powered wheelchairs and scooters.
- 1.5 Managers and Drivers should be aware of the content of the following associated policies and guidance:
  - Health & Safety Policy
  - Lone Working Policy
  - Accident Reporting
  - Risk Assessment Policy

## **2. Roles and Responsibilities of the Trust (the Employer)**

- 2.1 The Health and Safety at Work etc Act 1974, the Management of Health and Safety Regulations 1999 (as amended) and Provision and Use of Work Equipment Regulations (PUWER) 1998 impose a duty on all employers to ensure that anyone required to use any equipment for work are fully trained and competent in its use. It is easy to overlook the fact that a motor vehicle (even one that is personally owned but used on work business) falls into this category. As such, employers must ensure that any equipment used is safe and fit for purpose, and that all staff required to drive as part of their duties are trained and competent to do so. The holding of a current driving licence does not necessarily demonstrate the competence of a driver to drive a particular vehicle.
- 2.2 The Trust recognises that the occupational risks associated with driving are related to a wide range of factors including:
- Driver competence
  - Vehicle maintenance
  - Vehicle fitness for purpose
  - Journey planning
  - Unaccompanied working
  - The nature of the goods being transported
  - Passenger behaviour
  - Eligibility to drive (in terms of authority and legal ability to drive)
  - Medical fitness to drive
- 2.3 The Trust will ensure that it operates systems to ensure the safety and roadworthiness of its motor fleet. It will ensure that any vehicles it supplies to its drivers are maintained by competent personnel and that drivers have access to technical and personal support in the case of breakdown or accident.
- 2.4 Employers who do not regularly check employee driving licences risk facing prosecution for “causing or permitting” an offence under Section 87(2) of The Road Traffic Act 1988 if an employee drives while disqualified and/or drives a class of vehicle for which they do not have entitlement to drive. Similarly, the law requires that all persons who drive on the public highway to be adequately and appropriately insured. This means that any person driving on Trust business must be covered for “business use”. The Trust will therefore ensure that an appropriate system of inspection is in operation to check that any persons required to drive hold current and valid driver documentation.
- 2.5 The schools within the Trust will maintain records of motor vehicle accident history, which will be analysed to assist the identification of trends and to monitor the effectiveness of this policy.

## **3. Roles and Responsibilities of Managers**

- 3.1 Driving on Trust business (whether as part of regular duties or on an ad hoc basis), should be treated in the same way as any other job performance issues. Managers therefore have a duty to satisfy themselves that any drivers under their supervision can legally and safely drive the vehicle before giving authority to drive.
- 3.2 Driving is a foreseeable and significant risk and, to comply with current Health and Safety legislation, must be risk assessed. Managers must carry out a risk assessment for each driver they manage, whether they use a vehicle supplied by the

Trust or their own personal vehicle. This assessment should be reviewed each year, and amended accordingly. This may need to be reassessed throughout the year if any driving activity constitutes a greater hazard (i.e. longer journeys, weather conditions). Assessments should consider such issues as risk of fatigue, stress, working alone and suitability of the vehicle for its intended purpose.

- 3.3 Where risk assessment identifies a training need, Managers must ensure that appropriate action is taken for this need to be addressed. In particular, driver training, or attendance at a driving refresher course, is mandatory if the Driver has:
- Had two or more blameworthy collisions whilst driving for work (or whilst using their Leased Vehicle at any time) within the last three years; and / or
  - Accumulated six or more current points on their driving licence; and / or
  - Returned to driving duties following a period of disqualification.
- 3.4 Managers must ensure that all drivers under their supervision hold and maintain current and valid driver documentation. Managers must therefore satisfy themselves, on appointment of any new drivers, and at least annually thereafter, that:
- Anyone required to drive vehicles owned/leased/hired by the Trust (i) maintains a current, valid and appropriate driving licence for the type of vehicle concerned; and (ii) is medically fit to carry out the driving duties;
  - Anyone who uses their own vehicles in order to undertake their role within the Trust (i) holds a current valid driving licence for the type of vehicle concerned; (ii) holds a current valid MOT certificate (where required); (iii) maintains an appropriate policy of insurance cover for business use; and (iv) that they are medically fit to carry out the driving duties.
- 3.5 In terms of fleet and hired vehicles, Managers must ensure that there is a system in place to ensure that vehicles are regularly checked for safety and are roadworthy, and that their drivers are aware of their obligations to carry out and record these daily inspections. Managers must also ensure that a record is maintained of who is driving the vehicle at any time. This will help to identify drivers in terms of responsibility for any collisions, fines or complaints.
- 3.6 Managers will ensure that any persons that use their own personal vehicle on official business are aware of their obligations to carry out regular safety checks of these vehicles.
- 3.7 Where a Manager believes that any injury, illness or impairment declared by a driver may impact on that person's ability to safely driver the vehicle, they must consult with the Trust's occupational health provider.

#### **4. Roles and Responsibilities of all Drivers**

- 4.1 All persons who drive on behalf of the Trust are personally responsible for ensuring that they are qualified to drive the relevant type of vehicle within the UK. They have a duty under the Health and Safety at Work etc Act 1974 to take reasonable care of their own safety, and that of others that may be affected by their acts or omissions. Drivers are legally responsible for ensuring that any vehicle they intend to drive is in a safe and roadworthy condition. They must ensure that any concerns about the vehicle (any damage or faults, or lack of road fund licence or MOT etc) are reported to their Manager.

- 4.2 Drivers must be able to demonstrate to their Manager that they hold a valid driving licence that is appropriate for the use of the vehicle. Any person using their own personal vehicle on Trust business must be able to demonstrate that their motor vehicle insurance policy provides cover for use of that vehicle on the business of the Trust, and that a current MOT is held where appropriate.
- 4.3 Drivers must comply with the Highway Code, safe driving practices and any other statutory provisions, for example:
- Wearing of seat belts and car restraints
  - Not operating a mobile phone whilst driving
  - Not driving under the influence of alcohol, drugs or any medication that may adversely impact on the ability to drive.
- 4.4 Where Drivers are responsible for transporting passengers (whether in a vehicle supplied by the Trust or a personal vehicle) they must report any crash or collision, driving offences and possible proceedings or convictions to their Manager as soon as possible (regardless of whether such offences, proceedings or convictions occurred during their working day). All other persons who may drive on Trust business must notify their Manager promptly in the event of any possible crash or collision, driving offences, proceedings or convictions that may impact on their legal entitlement to drive.
- 4.5 Any injury, illness, impairment or other circumstance (such as a course of certain medication) that may affect their ability to drive must be reported. It is the driver's responsibility to seek advice from their doctor and inform their Manager immediately. Any medical condition or impairment that has worsened, or new condition that may affect the ability to drive is experienced, must be reported by the driver to their Manager. The Driver Medical Unit, DVLA Swansea, SA99 1TU must also be notified. Failure to do so is a criminal offence punishable by a significant fine.
- 4.6 Any employed drivers who undertake additional employment outside of their employment with the Trust must seek permission from the Trust. Where this additional work involves driving, the number of hours would be cumulative with any hours spent driving on Trust business in respect of the statutory limits contained within Drivers Hours Regulations. In such instances, the driver shall notify their Manager accordingly.
- 4.7 Smoking is not permitted in vehicles belonging to or hired by the Trust.
- 4.8 All disqualified drivers must obtain the authority of their Manager and undergo a driving assessment before returning to driving duties.
- 4.9 Drivers must co-operate with the Trust insofar as is necessary to enable it to comply with any duty or requirement placed upon it in respect of this policy.

## **5. Complaints, Disciplinary and Convictions**

- 5.1 Where a complaint is made relating to the use of a vehicle on Trust business (whether in respect of the vehicle itself, or how it is being driven), the Trust's Complaints Policy must be adhered to. A copy is available on the Trust's websites.
- 5.2 A breach of this policy may give rise to a disciplinary action. This would be conducted in accordance with the Trust's Staff Disciplinary Procedures.

- 5.3 Drivers that have been disqualified from driving will be relieved of all driving duties with immediate effect. Advice will be sought from Human Resources to identify, in consultation with the individual and their line-manager, the most appropriate course of action. In some instances, this may result in termination of employment. Each case will be dealt with on its merits.
- 5.4 Any fines or convictions that result from a person's use of a motor vehicle are the sole responsibility of that person, other than where the Trust itself is deemed responsible for such fine or conviction.

## **6. Policy Review**

- 6.1 The Trust will review this policy at least every two years, to ensure that the systems in operation to support this policy remain robust and fit for purpose.

Equality Impact Assessment – Initial Screening Record

1. What policy is being reviewed?	Driving at Work Policy
2. Upon whom will this impact?	Employees of Twynham Learning

3. How would the work impact upon groups; are they included and considered?

<b>The Equality Strands</b>	Negative impact	Positive impact	No impact
Minority ethnic groups			√
Gender			√
Disability			√
Religion, faith or belief			√
Sexual orientation			√
Transgender			√
Age <small>(N/A to pre-school and school children)</small>			√
Rurality			√

4. Does data inform this work, research and/or consultation, and has it been broken down by the equality strands?

	NO	YES	Uncertain
Minority ethnic groups	√		
Gender	√		
Disability	√		
Religion, Faith or belief	√		
Sexual Orientation	√		
Transgender	√		
Age	√		
Rurality	√		

Does the initial screening highlight potential issues that may be illegal? NO

Further comments:-

Do you consider that a full Equality Impact Assessment is required? NO

Initial screening carried out by Trustees' Resources & Audit Committee, Feb 2019

Comment by CEO: