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# Driving at Work Policy

## Policy Details

What is this policy for?	This Driving at Work policy clearly sets out the expectations on the council, but also those responsibilities that rest with managers and individual drivers. To meet this commitment, it is important that we have suitable and proportionate systems to ensure that our drivers and vehicles operate both legally and safely.
Who does this policy affect?	This policy applies to anyone that drives a vehicle on Dorset Council business, whether an employee, a volunteer or elected member
Keywords	<b>Driving at Work; Occupational Road Risk; Driver Risk Assessment;</b>
Author	David Trotter, Risk & Resilience Officer, Assurance
Does this policy relate to any laws?	The Health and Safety at Work etc Act 1974, the Management of Health and Safety Regulations 1999 (as amended) <a href="#">HERE</a> and Provision and Use of Work Equipment Regulations (PUWER) 1998 <a href="#">HERE</a> 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. 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” <a href="#">HERE</a> . Health and Safety at Work Act etc.1974 <a href="#">HERE</a>
Is this policy linked to any other Dorset Council policies?	Managers and Drivers should be aware of the content of the following associated Council policies and guidance: <ul style="list-style-type: none"> <li>• Lone Working Policy <a href="#">HERE</a></li> <li>• Accident Reporting <a href="#">HERE</a></li> <li>• Working Time Regulations <a href="#">HERE</a></li> <li>• Information Governance <a href="#">HERE</a></li> <li>• Alcohol and Substance Misuse Policy <a href="#">HERE</a></li> <li>• Smoke Free <a href="#">HERE</a></li> <li>• Code of Conduct for Employees <a href="#">HERE</a></li> <li>• Disciplinary Policy <a href="#">HERE</a></li> </ul> <p><i>Note that work currently undertaken on a minibus and MPV guidance note and code of conduct for driver’s and passenger assistant’s</i></p>

Equality Impact Assessment (EqIA)	No issues have been identified following EqIA.
Other Impact Assessments	The policy assumes 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 a 'last resort'.

### Status and Approvals

Status	<i>Approved by CLT</i>	Version	<i>1</i>
Last review date	23 March 2021	Next review date	<i>23 March 2024</i>
Approved by (Director)	CLT	Date approved	23 March 2021
Member Approval	<i>N/A</i>	Date approved	

### Version Control

Version Number	Date	Author	Reason for new version
1	23 March 2021	<i>David Trotter, Risk &amp; Resilience Officer</i>	<i>Replaces predecessor Council driving at work policies</i>

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## **1. Introduction**

- 1.1 For many of us, driving is the most hazardous activity that we will undertake while at work. More than a quarter of all road traffic incidents are thought to involve somebody who is driving as part of their work. Dorset Council is committed to the health, safety and wellbeing of employees and other road users. There are also personal responsibilities that rest with each of us while we are driving. Aside from the safety risks, motor collisions carry a significant cost. We meet approximately £400,000 each year in self-insured claims, not to mention the costs associated with staff absence, investigation time, paperwork and replacement vehicles.
- 1.2 To meet this commitment it is important that we have suitable and proportionate systems to ensure that our drivers and vehicles operate both legally and safely. Effective management of driving risks can result in:
- Fewer staff injured at work while driving
  - Fewer days lost due to injury
  - Reduced risks of work-related ill-health
  - Reduced stress and improved 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;

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

- 2.1 This policy is intended to cover any persons who may drive or ride a motor vehicle on the business of Dorset Council. This would include:
- Those who are required to drive vehicles that are owned (core fleet), leased or hired by the Council as an integral part of their employment or duties
  - Those who use their own private vehicles to undertake their role within the Council
  - Employees of maintained schools including minibus drivers
  - Any volunteers who drive as part of their volunteering
- 2.2 For avoidance of doubt, a driver may be an employee of the Council, an elected member, a non-employed (agency) worker or a volunteer including governors. The aim of the policy is to clarify the responsibilities and obligations of the Dorset Council (as the “Employer”), its Managers and its Drivers. It is impossible to cater for every eventuality, and situations not covered by these arrangements should be referred in the first instance to the appropriate manager.
- 2.3 The policy assumes 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, that for many employees the decision to undertake work-related driving is 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.

## **3. Legal Requirements**

- 3.1 Health and safety law requires employers and the self-employed to ensure, so far as is reasonably practicable, the health, safety and welfare of all employees, while they are at work. Employers also have a responsibility to ensure that others are not put at risk by the work activities of their employees.

- 3.2 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 vehicle.
- 3.3 The Management of Health and Safety at Work Regulations 1999 require every employer to carry out an assessment of the risks to the health and safety of their employees, or themselves, while they are at work, and to other people who may be affected by their work activities. This includes any driving activity on the road. The regulations require the risk assessment to be reviewed periodically to ensure it remains valid. Employers should consider the risks to employees on the road in the same way as for those in a workplace.
- 3.4 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” [HERE](#) 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.
- 3.5 The Corporate Manslaughter and Corporate Homicide Act 2007 created a means of accountability for deaths caused by very serious management failings. 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 few successful prosecutions under health and safety law. Both Directors and their Companies can now face criminal and civil prosecution. Unlimited fines, remedial orders and publicity orders will be handed down if guilt of serious management failures resulting in a gross breach of the duty of care is found in managing occupational road risk. Dorset Council holds an Operator’s Licence in respect of its goods and passenger vehicle operations. Where the Traffic Commissioner identifies poor performance and/or lack of compliance with regards to an operator’s roadworthiness and driver’s hours, the Operator’s Licence will be at risk. Removal of the Operator’s Licence would have significant implications for the Council, such as imposed fines, custodial sentences and an inability to deliver critical front-line services. The Council is committed to managing this high risk through adherence with this Driving at Work policy.
- 3.6 The Road Traffic Act 1988 (c 52) is an Act of Parliament of the United Kingdom, concerning licensing of vehicles, insurance and road regulation.
- Part I contains a number of traffic offences including causing death by dangerous driving, driving under the influence of alcohol or drugs (including police powers to arrest, administer tests, etc.), as well as requirements to wear seat belts and motorcycle helmets.
  - Part II is concerned with regulating the construction and use of motor vehicles, and includes powers to test, inspect and prohibit vehicles that do not meet standards.
  - Part III sets out the law on driving tests, the requirements for issuing driving licences, and the process for disqualifying drivers.
  - Part IV deals with the licences required for driving large goods vehicles and passenger-carrying vehicles (buses and coaches).

- Part V concerns the registration, licensing and examination of driving instructors.
- Part VI contains provisions concerning compulsory vehicle insurance against third-party risks.
- Part VII contains miscellaneous provisions.

### **3.7 Definitions**

- **Manager:** Direct line manager with DES responsibilities and Head Teachers of Maintained schools.
- **Driving at Work:** any person who drives on a road as part of their work or volunteering either in:
  - A vehicle provided by their employer/organisation;
  - Their own vehicle and eligible to receive an allowance or payment from their employer or organisation for distances driven.

## **4. Roles and Responsibilities of Dorset Council (the Employer)**

4.1 The Council 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 (including shift working, total hours worked and weather conditions distance to be travelled, type of road to be used, unplanned events.
- 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 and other personal factors
- Use of mobile phones and satellite navigation systems. (appendix 1)

4.2 The Council 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. 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 Council business must be covered for “business use”. The Council 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.

4.3 The Council will maintain a record of its motor vehicle accident history, which will be analysed to assist the identification of trends and to monitor the effectiveness of this policy.

## 5. Roles and Responsibilities of Managers

- 5.1 Driving on Council 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. Driving is a foreseeable and significant risk and, to comply with current Health and Safety legislation, must be risk assessed.
- 5.2 Managers must carry out an annual assessment using the driver risk assessment form for each driver they manage, whether they use a vehicle supplied by the Council or their own personal vehicle. This assessment should be reviewed annually and amended accordingly. This may need to be reassessed throughout the year if any driving activity constitutes a greater hazard (longer journeys, weather conditions). All new employees' documents must be checked, and the driver risk assessment form completed before they can drive on Council business.
- 5.3 Trip risk assessment must consider such issues as distance to be travelled type of roads, risk of fatigue, stress, working alone, suitability of the vehicle for its intended purpose and the environment that it will be operated in. **IMPORTANT** - A specific risk assessment must be carried out for journeys longer than
- 100 miles
  - 2 hours
  - Any journey that includes a motorway.
- 5.4 Where risk assessment identifies a training need, Managers must ensure that appropriate action is taken for this need to be addressed. A referral to Fleet Services to assess any driver training needs is mandatory if the Driver has:
- Had two or more blameworthy collisions whilst driving for work within the last three years;
  - Accumulated six or more current points on their driving licence;
  - Returned to driving duties following a period of disqualification or revocation of the licence
  - Been involved in a serious collision whilst on work business (as a guide, this may be an incident involving the write-off of a Council vehicle, or where the insurance claim is estimated to exceed £10,000), regardless of whether any blame has been attributed to the incident, to assess whether any driving rehabilitation would be beneficial.
- 5.5 Where driver training does not satisfactorily respond to the issues identified in the risk assessment, the Manager should determine whether further / alternative training is appropriate, or whether the capability and / or disciplinary procedures need to be invoked.
- 5.6 Managers must ensure that all drivers under their supervision hold and maintain current and valid driver documentation. Managers must therefore satisfy themselves at least once annually, and on appointment of any new drivers, that:
- Anyone required to drive vehicles owned/leased/hired by the Council / organisation
    - maintains a current, valid and appropriate driving licence for the type of vehicle concerned
    - holds a Driver's Certificate of Professional Competence (if required)
    - has a digital tachograph card (if required)?
    - is medically fit to carry out the driving duties

- Anyone who uses their own vehicles to undertake their role within the Council
  - holds a current valid driving licence for the type of vehicle concerned
  - holds a current valid MOT certificate (where required)
  - maintains an appropriate policy of insurance cover for business use
  - that they are medically fit to carry out the driving duties.

5.7 In terms of fleet and hired vehicles, Managers must ensure that drivers are aware of their obligations and follow Dorset Councils fleet procedures to ensure vehicles are regularly checked for their safety and roadworthiness. Managers must also ensure that a record is maintained of who is driving the vehicle at any time and the relevant procedures for record keeping are adhered to. This will help to identify drivers in terms of responsibility for any collisions, fines or complaints. Managers will ensure that any persons that use their own personal vehicle on official business or are supplied a vehicle are aware of their obligations to carry out regular safety checks of these vehicles.

5.8 Where a Manager believes that any injury, illness, or impairment declared by a driver may impact on that person's ability to safely drive the vehicle, they must consult with Occupational Health. It should be noted that a Compliance Officer is our first line of defence to ensure that the declaration that we have made on both of our Operating Licenses (Goods and Public Service Vehicles) are complied with (this includes checking that drivers are using their tacho cards correctly and raise any drivers' hours infringements with them). It will also mean monitoring driver behaviours such as speeding or over loading vehicles.

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

6.1 All persons who drive on behalf of the Council 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.

6.2 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. In terms of fleet and hired vehicles, Drivers must ensure that they are aware of their obligations and follow Dorset Councils fleet procedures to ensure vehicles are regularly checked for their safety and roadworthiness. Drivers must also ensure that records are properly maintained as to when they are driving and the relevant procedures for record keeping are adhered to.

6.3 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 and (where appropriate) hold a Drivers Certificate of Professional Competence. Any person using their own personal vehicle on Council business must be able to demonstrate that their motor vehicle insurance policy provides cover for use of that vehicle on the business of Dorset Council, and that a current MOT is held where appropriate. Drivers must comply with the Highway Code safe driving practices, any departmental driving guidance, and any other statutory provisions. Where Drivers are responsible for transporting passengers (whether in a Council supplied, leased or 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 Council 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.

- 6.4 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.
- 6.5 Any employed drivers who undertake additional employment outside of their employment with the Council must seek permission from their Head of Service / Director, as noted within the Council's Code of Conduct for Staff [HERE](#). Where this additional work involves driving, the number of hours would be cumulative with any hours spent driving on Council business in respect of the statutory limits contained within Drivers Hours Regulations. In such instances, the driver shall notify their Manager accordingly and the impact considered on their Council employment.
- 6.6 Smoking (including electronic cigarettes) is not permitted in vehicles belonging to or hired by the Council. It is also not permitted for drivers to smoke in their private vehicles (including lease cars) if used to carry members of staff or members of the public whilst carrying out their duties.
- 6.7 All disqualified drivers must obtain the authority of their Manager and be referred to the Fleet Services for a driving assessment before returning to driving duties. Drivers must co-operate with the Council insofar as is necessary to enable it to comply with any duty or requirement placed upon it in respect of this policy.

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

- 7.1 Where a complaint is made relating to the use of a vehicle on Council business (whether in respect of the vehicle itself, or how it is being driven), the Council's Complaints Procedures [HERE](#) must be adhered to. A breach of this policy may give rise to a disciplinary action. This would be conducted in accordance with the Council's Disciplinary Procedures [HERE](#).
- 7.2 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. 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 Council itself is deemed responsible for such fine or conviction.

## **8. Driver Training**

- 8.1 Managers must ensure that the appropriate training and development is provided. Where staff are required to drive Council supplied vehicles as a regular part of their employment this should form part of the recruitment process.

- 8.2 For the Council to manage occupational road risk, and reduce the number of claims and injuries, all employees who drive on Council business will attend Driver Development Training where the need is identified by the Driver Risk Assessment process. This may include where:
- New, inexperienced and / or young drivers will be required to drive on Council business
  - Individuals are experiencing stress, fear or difficulty with driving, for example, loss of confidence, and would benefit from support and coaching to rebuild their confidence and improve their driving skills
  - Passengers or service users are transported
- 8.3 Driver training needs can be identified and either delivered or facilitated by Fleet Services. Costs for such training will be met by the service concerned, unless indicated otherwise by Fleet Services.

## **9. Policy Review**

- 9.1 This Dorset Council policy was approved by Corporate Leadership Team on 23 March 2021. The Council will aim to review this policy at least every three years, to ensure that the systems and procedures in operation to support this policy remain robust and fit for purpose. In determining the successful application of this policy, the Council will regularly review claim and collision statistics relating to occupational road risks.



**Section Two – Driver Self Declaration**

<p><b><u>Driving Licence</u></b></p> <p>I confirm that I am legally entitled to drive, based on any endorsements and/or convictions noted on my driving licence?</p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No</p>
<p><b><u>Roadworthy Vehicle</u></b></p> <p>I can confirm that the vehicle(s) that I will drive on Council business is in a roadworthy condition and that a current valid MOT is held, where legally required.</p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No                      <input type="checkbox"/> N/A (I do not drive my own vehicle on Dorset Council business)</p>
<p><b><u>Insurance Cover</u></b></p> <p>I can confirm that a current valid insurance policy is maintained for the vehicle(s) that I will drive, and that the cover extends for me to drive on the business of Dorset Council</p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No                      <input type="checkbox"/> N/A (I do not drive my own vehicle on Dorset Council business)</p>

**NOTE – If you have answered NO to any questions in Section Two above, your authority to drive will be removed until the issues have been resolved.**

<p><b><u>Carrying Passengers</u></b></p> <p><b>Do you regularly carry passengers (for example young persons or vulnerable adults) on work business?</b></p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No (If yes, you may benefit from attending a practical Driver Assessment training session)</p>
<p><b><u>Eye Tests</u></b></p> <p><b>Have you had an eye test within the last 24 months?</b></p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No (If no, you should consider booking an eye test)</p>
<p><b><u>Declaration</u></b></p> <p><b>I agree that the declarations contained within this risk assessment are correct and accurate.</b></p> <p><b>I understand that it is my responsibility to declare to my manager any medical conditions I have, or medication that I may or will be taking that may adversely affect my ability to drive on Council's business.</b> (Guidance can be found at <a href="https://www.gov.uk/health-conditions-and-driving">https://www.gov.uk/health-conditions-and-driving</a> )</p> <p><b>I am aware of my obligations to notify my manager of any points on my licence that may impact on my ability to legally drive.</b></p> <p><b>Signed by:</b> _____                      <b>Date of Form Completion:</b> _____</p>

**Section Three – Further Action**

Please identify below any further action / driver development needs identified during discussions with your Manager

[Note – Fleet Services reserve the right to carry out a spot-check on Driver Documentation]