



Driving at Work Policy For Non-Schools Based Staff

June 2014

Version Control:

Version	Date	Author	Sent to	Reason
1	10/2/10	Catherine Halford	Operational Management Team (OMT)	Approved by OLT 1 st March 2010.
1.1	27/8/13	Catherine Halford	Steve Dean	To agree updated Policy changes.
1.2	30/8/13	Steve Dean	Catherine Halford	To agree updated Policy.
1.3	6/9/13	Catherine Halford	Steve Dean	Final amendments.
1.4	17/10/13	Steve Dean	H&S Representatives	Consultation
1.5	20/1/14	Steve Dean	Stakeholders	Amendments following consultation – agreement of final policy updates
1.6	24/2/14	Steve Dean	OLT	Agree and Approve updated changes.
1.7	July 2016	Steve Dean	Corporate H&S Group	Agreed minor changes reference driving licence

SMBC DRIVING AT WORK POLICY

1. Introduction

According to ROSPA (the Royal Society for the Prevention of Accidents), driving is the most dangerous work activity that most people do and about 150 people are killed and seriously injured every week in crashes involving someone who was driving, riding or otherwise using the road for work.

Endorsable road traffic offences contribute to a significant number of casualties. For example, in 2011, excess speed contributed to 213 deaths and using a mobile phone while driving contributed to 374 road casualties.

Various legislation applies to the use of Motor Vehicles including:

- Road Traffic Act
- Road Safety Act
- Highway Code
- Road Vehicles (Construction and Use) Regulations

The Health and Safety Executive (HSE) in collaboration with the Department for Transport and 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".

To help to keep people safe whilst driving at work, the Council has developed this Driving at Work Policy. Please note that failure to comply with this Policy could result in disciplinary action.

2. Purpose and Scope

The law counts you as "driving for work" whenever you drive in the course of your employment. Everyday commuting does not count, but journeys that start from your home and go to a work location other than your normal workplace are counted as work-related driving.

In relation to work related driving, the Council aims to:

- ensure, so far as is reasonably practicable, the health and safety of staff who drive on Council business;
- involve all staff in the identification and proper assessment of all significant risks associated with work related driving activities;
- encourage safe driving by providing employees with appropriate information, instruction, training and supervision.

This Policy:

- a) applies to all non schools based staff (a separate Policy applies to schools);
- b) applies to vehicles owned, hired or leased by the Council as well as those owned by individual employees;
- c) applies to employees who manage someone else who drives;
- d) includes the use of cars, motorbikes, scooters, lorries, vans, wagons and minibuses;

e) excludes commuting to and from work or evening meetings (in the case of Councillors).

3 Roles and Responsibilities

The following describes roles and responsibilities in relation to work related driving. More detailed responsibilities for managing health and safety arrangements generally can be found in the Council's Corporate Health and Safety Policy.

3.1 Employer

Overall responsibility for health and safety rests with the employer. The Council delegates the work required to meet their health and safety responsibilities to the Chief Executive, Corporate Directors and Line Managers, with advice and support from the Corporate Health and Safety Support Team. However, the employer retains ultimate responsibility for ensuring that the Managing Driving at Work Policy is implemented.

3.2 The Corporate Health and Safety Group

The Corporate Health and Safety Group is responsible for developing, maintaining and regularly reviewing the Driving at Work Policy.

3.3 Heads of Service

Individually, Heads of Service have overall responsibility for managing health and safety in their respective service areas and have a duty to satisfy themselves that any drivers under their supervision can legally and safely drive the vehicle before giving authority to drive. Heads of Service (either personally or through clear delegation to their line managers) will:

- a) ensure that all staff they manage are aware of the risks associated with driving at work and that safe working practises operate;
- b) signpost drivers to the Driving at Work Policy and if required provide an appropriate Handbook that includes more practical instruction and advice;
- c) ensure that any drivers of SMBC vehicles complete a driving licence check mandate for the Council's Transport Manager to confirm they hold a valid and correct driving licence with the DVLA on an annual basis;
- d) ensure that any essential / casual car users present their driving licence for review as part of their annual appraisal;
- e) in the event that a line manager is unsure of the entitlement regarding a driver, he/she must contact the Transport Manager who will in turn determine the next steps to establish the person's entitlement to drive that class of vehicle.
- f) not permit any employee who is suspected of being intoxicated by alcohol, or drugs (either prescribed or illegal) or where there are concerns about driving ability, to drive on Council business;
- g) notify the Health and Safety Support Team of all work related road traffic accidents;
- h) consult Occupational Health for advice on the employee's well being as required to help determine fitness for driving in line with the Managing Sickness and Ill Health Policy;
- i) consult Human Resources for advice before any action is taken as a consequence of this Policy.

Collectively, when they meet as the Directorate's Leadership Team (DLT), Heads of Service will:

- a) take account of health and safety when making operational decisions; and

- b) review health and safety performance (including driving at work activities) at least quarterly as part of existing performance management activities.

3.5 Health and Safety Support Team

The Health and Safety Support Team will:

- a) support the Council to develop corporate policies, procedures and standards as regards work related driving activities;
- b) review reports of any driving related accidents and where appropriate, conduct impartial accident investigations and prepare reports of such investigations, with recommendations to prevent recurrence;
- c) assist in the development of health and safety awareness and training;
- d) present quarterly performance data (including accident statistics, risk assessment progress and training activities) to relevant Health and Safety Groups and DLT's.

3.6 Transport Manager

The Council's Transport Manager will:

- a) be responsible for the procurement, supply, maintenance and repair of all SMBC owned vehicles;
- b) be the nominated holder of the Council's Goods Vehicles Operators Licence (known as the "O" Licence) and is responsible for ensuring that Council vehicles are operated properly;
- c) provide advice and support as required to line managers in particular to the purchase, maintenance and use of Minibuses;
- d) complete an annual check with the DVLA to ensure that drivers of SMBC vehicles have a valid driving licence and are permitted to drive.

3.7 Drivers of SMBC Vehicles (including Youth Service Minibuses)

Drivers of any SMBC vehicles have ultimate responsibility for traffic related matters whilst the vehicle is on the highway, including personal driving standards, road worthiness of the vehicle and the behaviour of persons carried as passengers.

As such, drivers of SMBC vehicles (including minibuses) must:

- a) familiarise themselves with this Managing Driving at Work Policy and comply with all the standards and guidelines;
- b) where relevant, familiarise themselves with the separate [minibus guidance/handbook](#) and apply the guidance when driving;
- c) report any driving convictions or medical condition that might affect driving ability as soon as these occur, to their appropriate line manager;
- d) notify their Line Manager and the Transport Manager if they lose their driving licence;
- e) carry out any required vehicle checks and report defects immediately;
- f) only use SMBC vehicles for authorised journeys i.e. on SMBC business as the Council's motor insurance policy may be invalidated by the unauthorised use of vehicles/plant, leaving the driver open to litigation, prosecution or disciplinary action;
- g) co-operate with and support the Council, line managers and other employees, in meeting their health and safety legal responsibilities, including the requirement to complete a driving licence check mandate for the Transport Manager to confirm they hold a valid and correct driving licence with the DVLA;

- h) undertake any required training in safe methods of driving, including a driver assessment where required;
- i) know the weight limits of their vehicles and ensure that such limits are not exceeded;
- j) ensure that loads are safely secured and extending loads are properly marked;
- k) drive safely in a way that will not bring the Council into disrepute;
- l) not drive if they do not have a valid and correct driving licence or have any doubts about their ability to drive safely.

3.8 Essential / Casual Car Users

Employees who drive their own cars (whether as an essential or casual part of their job) must:

- a) familiarise themselves with this Managing Driving at Work Policy and comply with all the relevant legislation, standards and guidelines ;
- b) report any driving convictions or medical condition that might affect driving ability as soon as these occur, to the appropriate line manager;
- c) notify their line manager and the Transport Manager if they lose their driving licence;
- d) have appropriate business insurance and tax;
- e) maintain their vehicle in a roadworthy condition at all times (including regular servicing and maintenance in accordance with manufacturer's guidelines) and have an MOT where applicable;
- f) co-operate with and support the Council, their line manager and other employees in meeting their health and safety legal responsibilities, including the requirement for:
 - essential car users to complete a driving licence check mandate for the Council's Transport Manager to confirm they hold a valid and correct driving licence details with the DVLA on an annual basis;
 - casual car users to submit a copy of their driving licence to their line manager to confirm they hold a valid and correct driving licence as part of the annual PDR process, and confirm that the original copy has been verified.
- g) drive safely and in a way that will not bring the Council into disrepute;
- h) abide by the requirements of the SMBC Mobile Phone Policy.
- i) not drive if they:
 - do not have a valid and correct driving licence;
 - do not have adequate and appropriate insurance cover;
 - do not have a valid MOT for the vehicle they are driving, where required;
 - have any doubts about their ability to drive safely.

4. Arrangements for Managing Driving at Work

4.1 Corporate Management

The Council recognises that a detailed assessment of every driver would be a major undertaking. Therefore, the Council's approach to managing driving risks is based on a [corporate driving risk assessment](#) that identifies the potential risks associated with work related driving activities and the corporate arrangements in place to minimise these risks including, those related to the driver, the vehicle; and the journey.

Heads of Service are responsible for ensuring that:

- the risks associated with driving are included in their activity risk assessments and is tailored to the particular circumstances in their service area, shared with their teams and a copy held on the Council's corporate risk assessment software, Harriet;
- the control measures identified continue to be implemented locally; and
- that anyone who drives as part of their employment is legally competent to do so (see 4.3 below for details).

4.2 Local Management

At a local level, all persons who drive for business purposes, whether as an essential or casual part of their employment, are personally responsible for ensuring that they are:

- legally qualified to drive;
- appropriately insured to drive;
- medically fit to drive;
- driving a safe vehicle;
- driving safely.

In addition, drivers of SMBC vehicles are, in addition, responsible for ensuring that:

- proper arrangements are in place to ensure that drivers' hours and tachograph rules (where applicable) are observed and that proper records are kept;
- vehicles are driven safely and in a way that will not bring the Council into disrepute;
- vehicles operate within their legal gross vehicle and axle weights and are loaded securely.

Legal Competency

All drivers must be legally competent to drive. To ensure that all drivers have a valid and correct driving licence, Managers should carry out an annual check of all drivers' licence details .

In addition, at any time, the Health and Safety Support Team or the Transport Manager may request sight of an employee's driving licence, evidence of appropriate business insurance cover and, where appropriate, MOT certificate. Employees are required to produce such documentation, within a reasonable timescale, if required to do so.

Failure to provide copies of any requested documentation may result in the driver not being permitted to drive on Council business until the matter has been satisfactorily resolved.

All information will be treated in the strictest confidence.

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.

A reminder that for road traffic offences (e.g. speeding) the driver would go to court and for vehicle offences (e.g. defective tyres), the driver and / or the registered keeper would go to court.

4.3 Driver Training and Assessment

With the exception of those who drive SMBC vehicles, experience suggests there is no business case for blanket driver training across Solihull MBC. However, the Health and Safety Team should be contacted to discuss any individual requirements.

Drivers of SMBC vehicles (including minibuses) are required to attend the Council's approved driver training every 3 years. Re-assessment may take place more often if an incident merits it, for example, an individual driver is convicted of a traffic offence, such as speeding, is involved in a blameworthy collision or if complaints have been received. Please contact the Transport Manager for more information.

New employees who are recruited to roles that require them to drive Council owned vehicles must undertake some form of driver assessment as part of the interview process. For more information, contact the Council's Transport Manager who can provide appropriate advice.

4.5 Communication

The Driving at Work Policy is available on the Health and Safety Intranet.

Heads of Service will ensure that the driving at work risks identified in their activity risk assessments along with this policy is shared with their teams to ensure staff are aware of the risks associated with driving and the measures in place to minimise these risks.

5. Equality Duty

It has been concluded that this policy poses no significant equality issues.

6. Further Advice and Guidance

For further information, please contact the Health and Safety Support Team on telephone 0121 704 6328.

7. Planned Date of Review: - Three years from date of initial approval – June 2017.