



CPR.39 14/15

Corporate Policy and Resources Committee

Date 17 December 2015

**Subject: Driving Policy**

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

To present the Driving Policy

**RECOMMENDATION(S):**

- 1.) The Driving Policy be approved for formal adoption; and**
- 2.) Delegated authority be granted to the Strategic Lead responsible for Customer First to make minor house-keeping amendments to the Policy in the future, in consultation with the Chairmen of the Policy and Resources Committee and Joint Staff Consultative Committee.**

## IMPLICATIONS

**Legal:**

**Health and Safety at Work Act 1974 - See Risk Assessment below**

**Financial : FIN/32/16**

**Staffing :**

**None**

**Equality and Diversity including Human Rights :**

**Not applicable**

**Risk Assessment :**

**Ensures that the authority is compliant with health and safety legislation and that staff and Members health, safety and welfare can be assured.**

**Climate Related Risks and Opportunities :**

**Title and Location of any Background Papers used in the preparation of this report:**

Wherever possible please provide a hyperlink to the background paper/s

If a document is confidential and not for public viewing it should not be listed.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**x**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

**x**

## **Driving Policy**

### **1.0 Introduction**

More than a quarter of all road traffic incidents may involve somebody who is driving as part of their work at the time (Department for Transport figures). Health and safety law applies to work activities on the road in the same way as it does to all work activities and as an Authority we need to manage the risks of drivers as part of our health and safety arrangements.

The Health and Safety Executive in partnership with the Department for Transport and the Royal Society for the Prevention of Accidents 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 apply to all work related activities, including “work-related driving”.

The Guidance 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 measures to be taken. The purpose of this policy is to ensure that adequate controls are in place to protect the individual, the organisation and anyone else who may be affected by the Councils activities.

The guidance recognises that there are distinct categories of employees and elected Members who drive as part of their work activities: -

- Employees who are required to drive vehicles owned/leased by West Lindsey District Council as the main part of their employment (*e.g. Operational Services, chauffeur*) who receive specific training.

#### **See Appendix A**

- Employees / Elected Members who use their own vehicles or hired vehicles, in order to undertake some element of their role within the organisation (Grey fleet)

### **2.0 Policy**

West Lindsey District Council are committed to protecting the health, safety and welfare of employees and members and recognises employees and members who drive as part of their workplace activities are a health and safety concern and acknowledge the importance of identifying and reducing workplace hazards. We also have a duty of care to other road users and the members of public who may be put at risk from work related driving activities. We acknowledge that we should act to prevent or reduce risks that are reasonably foreseeable.

This policy covers all drivers.

### **3.0 Equal opportunities/generic equalities**

West Lindsey is committed to equal opportunities. We will promote the equality of current employees and will ensure no one receives less favourable treatment than another on the grounds of race, gender, colour, nationality, ethnic or national origins, sex or sexual orientation, religion, marital status, age or disability or any grounds not relevant to the performance of the job or the service delivery.

### **4.0 Scope**

The policy should be adhered to by all drivers whilst on council business.

This policy should be read in conjunction with other relevant policies, procedures, guidance and risk assessments.

There is a separate procedure for drivers whose vocation is driving for work (e.g. Operational Services and the chauffer) **See Appendix A**

This policy does not cover travelling to work, except where employees at work journeys start from their home to go to a work place, which is not their normal work place location.

Grey fleet drivers are responsible for the private vehicle they intend to drive and must ensure that it complies with Road traffic law and is properly maintained, safe, roadworthy, taxed, appropriately insured and tested (where applicable) and fit for purpose when used for work.

### **5.0 Legal obligations**

The Policy is to ensure compliance with the following legislation:

- Health and Safety at Work etc., Act 1974, (HASAWA)
- The Management of Health and Safety at Work Regulations (MHSW)
- Corporate Manslaughter and Corporate Homicide Act 2007
- Health and Safety Offences Act 2008
- Road Safety Act 2006
- Road Traffic Act

**See Appendix C**

### **6.0 Responsibilities**

#### **6.1 Chief Executive**

Will ensure that there is provision for adequate resources and support to enable:

- the Services to comply with their duties and specific responsibilities
- the implementation of the Policy
- the Policy to be fully understood by all

## 6.2 Directors, Strategic Leads and Team Managers

Will

- monitor, enforce and promote the Policy
- ensure work related driving incidents are investigated
- investigate any endorsements and convictions
- identify employees who may be required to drive for work
- a risk assessment is in place **See Appendix E**

Will ensure employees/ members:

- are aware of and fully understand the policy
- complete and sign the DVLA drivers mandate where applicable

**See Appendix A**

- know what to do in the event of an accident **See Appendix D**

## 6.3 Health and Safety Co-ordinator

Will:

- Review the policy annually or if there are any significant changes in legislation
- consult the Safety Champions Group
- Horizon scan for future changes to legislation, assess and advise on the impact on the organisation.

## 6.4 Safety Champions Group

Will:

- be consulted on and assist in developing the policy and risk assessments
- support Strategic Leads, Managers and colleagues in the implementation and adherence of the Policy
- assist managers in investigation of work related incidents

## 6.5 Operational Services and vocational drivers

Operational Services and employees who drive council vehicles will comply with the policy and any other procedures applicable within the Operational Service.

**See Appendix A**

## 6.6 Employees and Members (Grey Fleet Drivers)

Will:

- recognise their responsibilities under the HASAWA
- comply with the policy
- satisfy the requirements in the Highway Code
- have current licence, appropriate insurance with relevant business cover and advise insurance company if you are transporting colleagues, tax and MOT (where appropriate)
- report any conditions, including medical conditions that are likely to affect their driving at work, to their line manager

- report any convictions/ endorsements likely to affect their ability to drive for work immediately to line manager
- comply with all other Council policies
- not drive under the influence of drugs/alcohol
- assess their own day to day health
- complete and sign the iTrent submission

**See Appendix B Royal Society for the Prevention of Accidents (ROSPA) Guidance for drivers**

## **7.0 Accident and incidents**

**Will be:**

- reported and recorded on Minerva Keep me Safe Keep Me Well using accident/incident form (including near misses). This does not include commuting to work except where employees' at work journeys start from their home to go to a work place, which is not their normal work place location.

## **8.0 Mobile phones and driving**

All drivers whilst driving at work are required to comply fully with the law, it is illegal to ride a motorcycle or drive using a hand held phone or similar device. If you are a driver you can only use your phone in a vehicle if you

- need to call 999 or 112 in an emergency and it is safe or impractical to stop
- are safely parked with the engine switched off

Drivers are encouraged to make use of the voicemail facility on their mobile phone and make return calls only when it is safe and legal to do so.

The Council discourages the use of any hands-free devices whilst driving on council business.

No one covered by this policy will be expected to take or make calls whilst driving.

**See Appendix B Royal Society for the Prevention of Accidents (ROSPA) Guidance for drivers**

## **9.0 Disciplinary procedure**

Any member of staff who disregards the policy may be subject to disciplinary action.

## **Related Policies and Procedures**

Equal Opportunity in Employment  
 Disciplinary Procedure  
 Travel and Subsistence Policy  
 Officer Code of Conduct  
 Workplace Drug and Alcohol Misuse Policy

Review Date October 2016

## **Appendix A**

### Operational Services Procedures

#### Operational drivers and vocational drivers

##### 1. Licence verification

- carried out with the DVLA. Operational employees must complete and sign the DVLA drivers mandate every three years to enable checks to be carried out or as is necessary
- a condition of employment for those who drive as their work.
- carried out to ensure that drivers are entitled to drive on WLDCs behalf

##### 2. Comply with Drivers handbook and risk assessments

## **Appendix B**

### **General Guidance for Drivers (from Royal Society for Prevention of Accidents) ROSPA**

#### **Dos and Don'ts**

##### **DO**

##### **Do**

- Carry out daily vehicle checks,
- Make sure seat belts are worn when driving any vehicle.
- Be familiar with the procedures for reporting vehicle accidents.
- Report medical conditions that may affect driving ability to the line manager.
- Report motoring offences or convictions to your line manager.
- Plan the travel route before starting
- Plan the driving time so that journeys can be completed without, for example, breaking speed limits or creating stress.
- Drive within speed limits.
- Be courteous to other drivers and pedestrians
- Drive appropriately according to the weather, visibility and road conditions.
- Keep all yours and the council equipment safe and secure keeping valuable items out of site and locked when possible.
- Drive within the law and adhere to the highway code
- Stop if you feel tired
- Stop in a safe place if you feel sleepy
- Highway code and Royal Society for the Prevention of Accidents (ROSPA) recommend a 15 minute break every 2 hours
- Check the local/ regional weather and travel reports

##### **Don't**

- Use mobile phones or other devices while driving - either hand-held or hands-free.
- Smoke in private vehicles being used on council business where passengers are being carried.
- Drive having consumed alcohol, intoxicating drugs, over-the-counter medicines or prescription medicines, which specifically prohibit driving. Remember drink and drugs can remain in your system for a significant time following consumption
- 
- Exceed speed limits.
- Leave valuables unattended or visible in your vehicle.



## Appendix C

| Legislation  | Key requirements   |
|--|--|
| Health and Safety at Work Act 1974                     | Employers have a “duty of care” for the safety of employees at work, regardless of the type or size of the business. There is also a duty of care to others who may be affected by their business activities, which, in the case of driving, means all other road users.   |
| Management of Health and Safety at Work Regulations    | Employers are required to carry out risk assessments, make arrangements to implement necessary measures, appoint competent people and arrange for appropriate information and training.  |
| Road Traffic Acts supported by the Highway Code        | The Highway Code applies to all road users and includes information on signs and markings, road users, the law and driving penalties. It is an offence for an organisation to set driver schedules which may cause them to break speed limits and / or have payment reward schemes which in any way give them incentives to do so  |
| Corporate Manslaughter and Corporate Homicide Act 2007 | The Act introduces an important new option for certain very serious senior management failures which result in fatality. Prosecutions will be of the corporate body, not individuals, but the ability to prosecute directors or other individuals under health and safety law or the general criminal law, in appropriate cases, will be unaffected. The corporate body itself and individuals can also still be prosecuted for separate health and safety offences. |

Health and Safety Offences Act 2008

Road Safety Act 2006

Road Traffic Act

Management of Health and Safety at Work Regulations

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

HSG 382 (rev1) Driving at work Managing Work Related Road Safety

Driver and Vehicle Licensing Agency (DVLA)

**DVLA Medical Information - <https://www.gov.uk/health-conditions-and-driving>**

**DVLA Driving Licence Conviction Codes – <https://www.gov.uk/penalty-points-endorsements/overview>**

**Highway Code - <https://www.gov.uk/highway-code>**

**Government Motoring Pages - <https://www.gov.uk/browse/driving>**

**First Aid on the Road - <https://www.gov.uk/first-aid-on-the-road>**

## **Appendix D**

### **Accident procedure**

In the event of a collision all employees/ members must:

- Stop
- If anyone is injured inform the emergency services
- Note the registration number of the vehicle(s) involved and take the full name, address and contact numbers of each driver.
- Obtain contact details of any witnesses, and obtain statements from any witnesses if possible.
- Take photographs and provide a detailed sketch showing road markings, vehicle positions etc. which may assist in any insurance claim
- Keep calm
- Be courteous and present a positive image.
- Not accept liability.
- Report accident to line manager and/or complete form on Minerva

### **Employees must prioritise:**

- Their own safety
- The safety of anyone else involved
- The safety of other road users

Appendix E  
 GENERIC RISK ASSESSMENT FORM for driving

**Department: All Work Activity:** Driving to meetings, visits to other premises and training

**Ref. No:**

**Date:** **Assessors Name:**

|   | Identify Hazards/Associated risks             | Who may be harmed                           | Severity of Injury | Likelihood of Injury | Number Exposed | Risk Level | Control Measures   | Further Action Required (Yes/No) |
|---|---|---|--------------------|----------------------|----------------|------------|--|----------------------------------|
| 1 | Condition of Vehicle                          | Employees/<br>members/<br>members of public | 2                  | 2                    | 0              | 4          | Vehicle to comply with Road Traffic law (safe, roadworthy condition, fit for purpose insured for business travel. Drivers should carry out basic safety checks on the vehicle prior to use |                                  |
| 2 | Traffic Conditions                            | Employees/<br>members/<br>members of public | 2                  | 2                    |                | 4          | Check local/ regional travel warnings  |                                  |
| 3 | Journey Time / Distance<br>Continuous driving | Employees/<br>members/<br>members of public | 3                  | 3                    |                | 9          | Excessive journey times should be assessed and further controls be put in place  |                                  |
| 4 | Tiredness and fatigue                         | Employees/<br>members/<br>members of public | 3                  | 3                    |                | 9          | Avoid driving whilst tired<br>Take a break during driving (allow time for this)  |                                  |
| 5 | Poor posture – upper limb pain                | Employees/<br>members                       | 2                  | 3                    |                |            | Take a break while driving`  |                                  |

|   |  |   |   |   |  |   |   |  |
|---|--|---|---|---|--|---|---|--|
|   |  |   |   |   |  |   | Stretch whilst vehicle is stationary`   |  |
| .   | Alcohol/ drugs                         | Employees/<br>members/<br>members of public | 3 | 3 |  | 9 | Employees must not drive under the influence of alcohol or drugs.<br>Prescribed medication must not affect fitness to drive   |  |
|   | Adverse weather conditions             | Employees/<br>members/<br>members of public | 2 | 2 |  | 4 | Check weather and travel warnings<br>Allow additional time<br>Avoid journeys if possible in extreme weather<br>Be prepared (mobile fully charged, carry warm clothing/blanket in case of emergency etc.)<br>Modify driving styles |  |
| 6   | Use of mobile phone/ hand held devices | Employees/<br>members/<br>members of public | 2 | 3 |  | 6 | No mobile phones or other hand held devices should be used whilst driving.<br>Employees to only answer incoming calls when it is safe and legal to do so.   |  |
| 7   | Smoking                                | Employees/<br>members                       | 2 | 2 |  | 4 | No smoking in council owned or hired vehicles. No smoking in private vehicles being used on council business where passengers are being carried.  |  |
| <p><b>Legend</b> <b>Severity of Injury</b> – 1. Minor Injury 2. Injury requiring first aid 3. Injury requiring 7 or more days off work 4. Long term absence and/or hospitalisation 5. Death/permanent disability.<br/> <b>Likelihood of Occurrence</b> – 1. Remote possibility 2. Possible: Might Happen 3. Probable 4. Highly probable 5. Almost certain to happen.<br/> <b>Number Exposed</b> – 0. 1-2 people 1. 3-5 people 2. 6-20 people 3. 21-49 people 4. 50 + people<br/> <b>Risk Level is found by Multiplying severity of injury by likelihood of occurrence and adding number exposed= Risk Levels</b><br/> <b>Risk levels</b> – 1-2 = Very low risk 3-5 = low risk 6-9 = Medium risk 10-15 = High risk 16-29 = Unacceptable risk</p> |  |   |   |   |  |   |   |  |

**FURTHER ACTION DETAILS**

Where further action is required, e.g. where controls you have identified need to be implemented, then this should be detailed in the following section. Further action may include physical measures, information, instruction and training, specific risk assessments or further specialist advice.

| <b>Item Number and Further Action</b> | <b>Details</b> | <b>Action by Whom</b> | <b>Date to be Actioned By</b> | <b>Date Actioned</b> |
|---------------------------------------|----------------|-----------------------|-------------------------------|----------------------|
|                                       |                |                       |                               |                      |
|                                       |                |                       |                               |                      |

**I accept the details of the assessment and will ensure that any recommendations/actions it identifies are acted on:**

**Line Manager (Print Name):**  
**Date:**

**Signature:**  
**Review Dates:**