

Committee:	Safety Committee	Agenda Item No.:	5.
Date:	4 th February 2011	Category	3
Subject:	Driving at Work Policy	Status	Open
Report by:	Director of Neighbourhoods		
Other Officers involved:	Fleet Review Group Senior Management Team		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor D. Kelly, Portfolio Holder for Environment and Climate Change Champion		

RELEVANT CORPORATE AIMS

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment
 STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

TARGETS

There are no specific targets but through training of drivers and monitoring by management this policy will contribute towards achieving by 2011 the target to reduce fuel consumption of the Council's vehicle fleet by 10% from 2009 levels.

VALUE FOR MONEY

The proposals contained in this report propose arrangements for the use of Council vehicles to ensure they are driven and maintained in a safe manner and through regular monitoring by management should contribute to reducing the number of accidents involving Council vehicles, which may lead to reductions in insurance premiums and settlement of claims.

THE REPORT

As part of the Fleet Review a draft Driving at Work Policy and Guidance has been prepared based upon best practice from elsewhere. It is attached as Appendix A.

The primary aim of the proposed policy is to protect the health and safety of employees who drive for the Council and minimise the risk to any person from driving activities undertaken in the course of work, whether employees, other

road users or pedestrians. Primarily the policy would apply to all driving activity carried out at work using Council vehicles, with a small number of items also affecting employees use of their own vehicles for works purposes.

The proposed policy details the responsibilities of various tiers of management and employees.

Under the Council's Operators "O" Licence various requirements must be complied with. Failure to meet these requirements could result in the Council's "O" Licence being removed and individual action being taken against the "O" Licence holder and any relevant senior manager, e.g. Director of Neighbourhoods. In the event of such drastic action, the Council would be unable to continue any service delivery through its fleet vehicles. It is therefore essential that suitable processes are in place to minimize the risk of the "O" Licence being compromised and for managers and employees to assist the "O" Licence holder in meeting their obligations. The draft policy makes provision to ensure this is achieved.

The Council's obligations under Health and Safety legislation can also be scrutinised with the potential for prosecution for failing to have adequate safeguards to protect others from the actions of our employees. The policy proposes that driver medical assessments are undertaken for certain categories of driver to ensure that relevant employees are fit to drive.

A copy of the draft policy has been provided to the Trade Unions for comment prior to the preparation of this report and a short meeting held with Unison where the only issue raised was vehicle checks by drivers.

ISSUES FOR CONSIDERATION

Daily vehicle checks are proposed and training has already commenced on this. This will require a short period of "non-productive" time each day which may need to be repeated if there is more than one driver for each vehicle. A period of five minutes for these checks has previously been agreed for Housing repairs employees as part of mobile working arrangements.

It is proposed that arrangements be introduced for management action in respect of "at fault" accidents or convictions whilst driving at work. "Informal action" would be introduced for assessing employees' fitness to drive in the event of 2 or more "at fault" incidents within a rolling 12 month period or for convictions whilst driving at work. Any further incidents should trigger formal disciplinary action and possible suspension from driving. It is therefore proposed that disciplinary action be incorporated into Conditions of Contract for Council drivers (but not "grey" fleet drivers).

There are also a number of requirements on drivers to protect the Council from legal action and to mitigate risks. These relate to employees competency to drive where failure to supply changes to an employee's ability to drive or their licence will be regarded as a disciplinary offence. Drivers who receive a certain number of penalty points will not be permitted to drive Council vehicles

and where ability to drive is part of the job description this could lead to dismissal (but not “grey” fleet drivers).

Members are requested to consider and approve the proposed changes to the Policy.

IMPLICATIONS

Financial : There may be a need for some driver training and assessments but it is anticipated that these will be contained within existing budgets.

There may be some financial benefits to the Council as a result of possible reduced insurance premiums and reductions in settlement claims following accidents, though these cannot be quantified at this time.

Legal : Contained within the body of the report and the attached draft policy.

Human Resources : Contained within the body of the report and the attached draft policy, including a need for daily vehicle checks and the introduction of disciplinary action for “at fault” accidents, convictions whilst driving at work and employees competency to drive.

RECOMMENDATIONS

It is recommended that:

- 1. Members approve the proposed driving at Work Policy as outlined in the report; and**
- 2. recommend to Council the incorporation of disciplinary action for breaches of the policy into employees Conditions of Contract.**

REASON FOR DECISION

To assist the Council in ensuring that our health and safety obligations in relation to driving whilst at work are complied with.

ATTACHMENT: Driving at Work Policy
FILE REFERENCE: Director of Neighbourhoods file
SOURCE DOCUMENT: Driving at Work Policy

BOLSOVER DISTRICT COUNCIL
Driving at Work
Policy and Guidance
2010



This Policy addresses the following Corporate Aims



COMMUNITY
SAFETY



COUNCIL
SERVICES



STRATEGIC ORGANISATIONAL
DEVELOPMENT

Bolsover District Council Equalities Statement

Bolsover District Council is committed to equalities as an employer and in all the services provided to all sections of the community.

- The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with the Equality Strategy.
- The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing its functions.

This document is available in large print and other formats from any of the Council offices or by contacting the Chief Executives Directorate on 01246 242323. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

Our Equality and Improvement Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450

Fax: 01246 242423

CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Driving at Work Policy and Guidance
Document type – i.e. draft or final version	Draft
Location of Policy	Human Resources
Author of Policy	Health and Safety Officer
Member route for Approval & Cabinet Member concerned	Cllr. J.E. Bennett Cabinet Member for Performance Cllr. Dennis Kelly Cabinet Member for Environment
Date Risk Assessment completed	
Date Equality Impact Assessment approved	
Partnership Involvement (if applicable)	Nil
Date added to the Forward Plan	Not applicable
Policy Approved by	Council
Date Approved	
Policy Review Date	2 years from approval, or following changes in legislation, codes of practice etc.
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	

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1. INTRODUCTION

It has been estimated that up to a third of all road traffic accidents involve someone who is at work at the time. This may account for over 20 fatalities and 250 serious injuries every week. Some employers believe, incorrectly, that provided they comply with certain road traffic law requirements, e.g. company vehicles have a valid MOT certificate, and that drivers hold a valid licence, this is enough to ensure the safety of their employees, and others, when they are on the road. However, health and safety law applies to on-the-road work activities just as it does to all other work activities. The risks must be effectively managed within a health and safety management system.

The benefits from managing work-related road accidents can be considerable. The true costs of accidents in the work place are always higher than just the cost of repairs and insurance claims. Having an effective Driving Policy can result in the following benefits:-

- fewer days lost due to injury;
- reducing the risk of work related ill-health;
- reducing stress and improving 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;
- reduced risk of employees being banned from driving, e.g. as a result of driving convictions.
- reduction in insurance claims.
- reduced risk of enforcement action from VOSA or Traffic commissioners etc.

2. SCOPE

Bolsover District Council has a duty of care towards its employees and anyone else who may be affected by its work activities.

The purpose of the Policy is to minimise the risk to any person from driving activities at work, both for employees and or for other road users and pedestrians.

The Policy requirements are in **addition** to the duties under road traffic law, e.g. the Road Traffic Act 2006 and Road Vehicle (Construction and Use) Regulations 1986.

The Policy will apply to all driving activity carried out at work using Council vehicles, (however procured) including journeys to initial appointments and from final appointments by those who drive a Council vehicle from their home address.

Council vehicles includes council owned, leased or hired etc vehicles.

The Policy does not cover the use of the drivers own vehicle when used for work purposes unless that is specifically noted as being included in that particular section.

Employees' use of their own vehicle is covered in Appendix II.

Breaches of this Policy will be deemed to be acts of misconduct or gross misconduct which will require an investigation prior to referral to a Disciplinary Hearing with the Head of Service/Director.

3. PRINCIPLES AND LEGAL REQUIREMENTS

3.1 Principles

The Policy seeks to address the following corporate aims:

Community Safety – Ensuring communities are safe and secure, by reducing the risk of road and vehicle accidents involving Bolsover District Council drivers.

Customer Focused Services – Providing excellent customer focused services – by controlling the risk of service disruption resulting from vehicle accidents and incidents.

Strategic Organisational Development – Continually improving our organisation – by ensuring that we comply with current health and safety legislation, road traffic legislation and best practice.

3.2 Legal Requirements

The Policy seeks to meet the legal requirements of the following legislation:

The Health and Safety at Work etc. Act 1974 requires the Council to ensure, so far as is reasonably practicable, the health and safety of all employees while at work. This includes a responsibility to ensure that others are not put at risk by our work-related driving activities.

The Management of Health and Safety at Work Regulations 1999 requires the Council to carry out (and regularly review) assessments to manage risk to our employees and other people who may be affected by their work.

HSE and other guidance

Driving at Work

<http://www.hse.gov.uk/pubns/indg382.pdf>

Highway Code

<http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/index.htm>

Specific road safety legislation is listed in Appendix 1

4. POLICY STATEMENT

Bolsover District Council's Policy is to have clear procedures for the safe management of driving at work. Specifically we will:

- Undertake risk assessment for driving activity and work involving driving.
- Report, investigate and record accidents, incidents, near misses and trend analysis.
- Ensure drivers are trained and competent for the work they undertake.
- Provide a driver handbook and general guidance.
- Undertake training to increase awareness of driving safety issues.
- Ensure we have adequate vehicle maintenance and inspection procedures.
- Provide guidance on breakdown, accident and personal safety issues, and the use of mobile phones.
- Undertake journey scheduling as part of the risk assessment and planning process.
- Consider incentive programmes to promote safe driving.
- Ensure concise, understandable information is available for drivers in a robust, portable and usable form.

5 RESPONSIBILITIES

5.1 Chief Executive Officer

The Chief Executive Officer is responsible for ensuring that there are effective measures in operation to protect employees and others from the risks of driving at work.

5.2 Senior Management Team

Directors are accountable to the Chief Executive Officer for the operations and activities carried out within their areas of responsibility and for ensuring that effective arrangements are in place to manage the risks from driving at work: specifically they will ensure:

- Compliance with the Council's Driving at Work Policy within their area of responsibility.
- Employees in their area are aware of, accept and carry out their responsibilities under the Policy.

5.3 Heads of Service

Heads of Service are accountable to their Director for ensuring that the Driving at Work Policy is complied with in their Service Area. Additionally they will ensure:

- Adequate resources are available to manage and control driving safety risks.
- Risk assessments are carried out and recorded in the risk register.
- There is a safe system of work for any work which involves driving.
- Employees are subject to appropriate occupational health surveillance, assessment and examinations – this to be organised in co-operation with Human Resources and Payroll.
- Employees have the licenses/permits for the vehicles they use/drive.
- Employees have appropriate competence and information, including, driver induction, training for minibus driving (MIDAS), hauling trailers and other specialist vehicles/equipment.
- Reasonable adaptations are made to meet the needs of disabled employees.
- Where casual and agency drivers are employed that they meet our own or equivalent standards and are both fit and competent to drive the vehicles which they will use.

5.4 Managers and Team Leaders

Managers and Team Leaders are accountable to their Head of Service for ensuring that the Driving at Work Policy is complied with in their area of responsibility. Additionally they will:

- Understand the scope and content of the Policy where this is relevant to work in their area,
- Undertake any necessary training.
- Ensure employees understand their duties under this Policy.
- Bring to the attention of their line manager / Head of Service driving safety issues of which they are aware, including accidents, near misses, incidents of ill health and any breach of this policy.
- Ensure the requirements relating to drivers hours and working time are met.
- Employees complete daily inspection sheets and that these are monitored then passed to the transport manager.
- At induction, checking employees have the correct licence for the vehicles they will be driving

5.5 All Employees

All employees at **all** levels have a responsibility to take care of their own and others health and safety. Employees, specifically drivers will:

- Only drive vehicles which they are licensed, insured and competent to drive.
- Work in accordance with instruction and training.
- Complete the regular pre-drive vehicle inspections, and report any defects to their Line Manager.
- Comply with the requirements of the Highway Code.
- Cooperate with health surveillance or assessment schemes.

- Report any health issues (including the taking of medication) which may affect their fitness/ability to drive safely to their Line Manager.
- Ensure that unattended vehicles are locked with the brakes applied.
- Report any accidents, injuries or near misses to their line manager.
- Report any driving convictions and any addition of points on their licences to their line manager and Human Resources immediately.
- Report any training needs to their Line Manager.
- Make relevant documents available when requested to do so.
- Meet specified eyesight requirements by having regular eye tests and ensure that any glasses required for driving are worn.
- Not use mobile phones whilst driving.
- Not smoke whilst driving a council vehicle or whilst carrying passengers in work time.
- Pay any fines associated with their driving actions.
- Not drive if their ability is impaired by alcohol or any other drug, whether prescription or non-prescription.
- Ensure any loads are loaded and unloaded safely and secured in transit.
- Do not exceed the maximum loads permitted for any vehicle or trailer.

5.6 Transport Manager

The Transport Manager will:

- Ensure all Council vehicles purchased or leased are suitable and fit for purpose.
- Ensure all vehicles are maintained in a safe and roadworthy condition, through a programme of planned preventive maintenance.
- Ensure maintenance etc. of vehicles is undertaken by competent personnel.
- Maintain records of vehicle servicing, maintenance and drivers daily checks (from information supplied by Heads of Service).
- Organise training for servicing and maintenance tasks.
- Risk assess driving tasks related to maintenance of vehicles and movement of vehicles around the lower yard of the Riverside Depot.

5.7 Operator Licence (“O Licence”) “Competent Person”

The O licence Holder’s “Competent Person” must ensure that legal requirements are met relating to:

- Rules on drivers’ hours are observed and proper records are kept.
- Motor vehicles and trailers are not overloaded.
- Vehicles will operate within speed limits.
- Vehicles and trailers, including hired vehicles and trailers, are kept fit and serviceable.
- Drivers report promptly on defects or symptoms of defects that could prevent the safe operation of vehicles and/or trailers.
- The number of vehicles and trailers kept at the Operating Centre will not exceed the maximum number authorized for the Operating Centre.

- Driver Licence checks.
- Suitability of their vehicle maintenance facilities and management.
- Safe loading of vehicles.
- Road traffic offences in relation to vehicles.

5.8 Specialist Permits

Specialist permits will be managed by the relevant Heads of Service, whose activities require the permit, in consultation with the O Licence 'Competent Person'

'Section 19 Permits'

Section 19 permits allow certain organisations to use a passenger vehicle for hire or reward without an O Licence and a minibus for hire or reward without a pcv licensed driver. Charging for a service, such as a leisure activity, which involves travel, brings the activity into the scope of 'hire and reward'.

There are two types of Permit, **type one** for vehicles with 9 to 16 passengers, and **type 2** for vehicles with 17 or more passengers.

Each minibus requires a permit and all permit vehicles must display a permit disc.

5.9 Insurance Officer

The Insurance Officer will:

- Gather and co-ordinate information on accidents and insurance issues, and report to the Risk Management Group, Transport Manager and O Licence "Competent Person".
- Provide accident data to the Health and Safety Officer.
- Liaise with the Councils insurers.

5.10 Head of Human Resources & Payroll

The Head of Human Resources & Payroll will ensure:

- That there are adequate policies and procedures in place to control the risks from driving at work.
- That there is an adequate occupational health programme to manage employee health issues where these can have an impact on driving.
- Adequate training is made available to employees.

5.11 Health and Safety Officer

The Health and Safety Officer will assist managers and employees in carrying out their roles under this policy by:

- Reviewing policy and procedure at not less than two year intervals.
- Assisting with risk assessment and control measures.
- Advising on occupational health issues and interventions.
- Assisting in the provision of training.
- Auditing compliance with this policy.

GUIDANCE ON THE POLICY

6 RISK ASSESSMENT

Risk assessments for any work-related driving activity should follow the same principles as risk assessments for any other work activity. For example assessing each waste collection round could identify needs for the use of reversing assistants or specific types of vehicles. Failure to properly manage work-related road safety is more likely to endanger other people than a failure to properly manage risks in the workplace.

The risk assessment is nothing more than a careful examination of what at work activities can cause harm to people. It must be **appropriate** to the task and **proportional** to the risk. It needs to be carried out by a competent person with a practical knowledge of the work activities being assessed.

See the Health and Safety Executive's **Five Steps to Risk Assessment** ([link](#))

Bolsover District Council Health and Safety Risk Assessment Policy (See ERIC).

Bolsover's Risk Management Strategy. (See ERIC)

Assessments must consider:

- Types of vehicles and their suitability.
- Types of journeys and routes.
- Purpose of journeys.
- Review of accident history.
- Daily vehicle checks.
- Competence, capability and suitability of drivers (licenses, health, accidents etc.)

7. FITNESS TO DRIVE

It is every individual's responsibility to ensure that they are medically fit to drive, including eyesight requirements.

All drivers of Bolsover vehicles, who drive, on average for three hours or more a day will be required to undergo driver medical assessments with the Council's Occupational Health Provider. This will also apply to drivers who are frequently required to drive at night or who drive minibuses.

These drivers (only) are 'occupational' drivers.

These assessments will take place every three years, except for those 'driver health checks' required for driving LGV's, which vary with the age of the driver.

Employees must not drive at work under any circumstances which they know may affect their ability to drive safely. Drivers must declare to their line manager if they are suffering from any medical condition, or are taking any medication which might adversely affect their ability to drive safely, (e.g. epilepsy, diabetes, visual impairment or other relevant medical condition). Reference may then be made to Occupational Health, via Human Resources and Payroll.

Employees must not drive at work when they are under the influence of drugs, (whether prescription, non-prescription, legal or not legal) or alcohol.

Where a driver is deemed medically unfit to drive they will be removed from driving duties. The Council will seek to support individuals to ensure that fitness to drive is achieved, where the person is required to drive either as an essential part of their employment, or is connected to a work activity.

This support includes:-

- Pre-employment medical screening.
- Payment for eyesight examinations upon commencement and at regular intervals, for 'occupational' drivers.
- Health checks via Occupational Health at regular intervals for 'occupational' drivers.
- Reasonable adaptations required to meet the needs of disabled employees, or employees with health issues which may affect their driving.

7.1 Drivers Health Checks for Employees

The responsibility for ensuring that employees driving commercial HGV and LGV vehicles have the required medical checks to ensure they are fit to drive lies with the Head of Service and the "O" Licence 'Competent Person'. Medical checks must be undertaken prior to an employee taking up driving responsibilities, then as required having regard for age and medical conditions. The Council will pay medical fees associated with these checks and with driver medical assessments.

If there is any doubt as to the driver's fitness to drive further medical examinations may be called for at any time.

LGV (Large Goods Vehicle) - A medical certificate (DVLA Form D4) is to be completed by the drivers' doctor before applying for a LGV driver's licence. A further examination and completed medical certificate is required for each

renewal application from the age of 45 (usually 5-yearly). After reaching 65 years a medical examination is required for each annual renewal of the entitlement.

Class C1 - Since 1st January 1997 new drivers of vehicles over 3.5 tonnes gross weight (covered by driving licence category C1) require the same medical examination as LGV drivers with 5 yearly renewals after age 45 years and annually after age 65 years.

8 DRIVER RESPONSIBILITIES

All drivers must follow the rules laid out in the forthcoming "Drivers Handbook" to be issued to all drivers, which will be updated from time to time.

8.1 Vehicle checks and defects to vehicles

Drivers of Council vehicles must use the daily vehicle checklist before they start driving. These must be signed off and logged with management to ensure an audit trail of inspections.

These checks will include:

- General cleanliness and tidiness of the vehicle.
- Seat belts.
- Fuel/Oil/Water levels.
- Fuel/Oil/Water leaks.
- Tyres; pressure, wear, cuts and other damage including the spare.
- Wheel security & wheel brace (appropriate size).
- Wipers/Washers/Windscreen.
- Lights/Reflectors/Battery.
- Steering/Brakes.
- Body/wings condition and damage.
- Load, racking and ladder security.
- Mirrors/Indicators/Horn.
- Speed Limiter (if fitted).
- Speedometer.
- Exhaust emissions.
- Fire extinguisher.
- First Aid Kit.

Additionally the operation of tailifts, bin lifts, cameras and any specialised adaptations or equipment must be tested.

Where a Council vehicle is used, the driver must always report any suspected vehicle defects to their immediate manager. In the event that a defect is suspected that vehicle should not be used until a competent person has checked it and any identified fault rectified. The employee must check with their line Manager whether the vehicle should be driven in for repairs.

At the commencement of each working shift the driver should always carry out basic checks and complete the driver's daily defect report. If there are no

defects, drivers must still submit a return to their Line Manager. Line Managers will in turn submit these to the Depot and Resources Manager.

8.2 Smoking

Smoking is not permitted by law in any work vehicle that may be used by more than one person or by different people.

The Councils policy is that there will be no smoking within any work vehicles and that those providing their own vehicles will not carry passengers if they smoke in that vehicle.

All Council vehicles have a 'no smoking' sign.

The Councils policy on smoking can be found on ERIC.

8.3 Accident and Incident Reporting

In the event of a road traffic accident, regardless of whether this results in any apparent damage or any injury to anyone involved, the Line Manager must be notified as soon as possible. Details of the circumstances, (e.g. date, time, location, persons involved, details of witnesses) should be recorded and forwarded to the Head of Service, Transport Manager and Insurance Officer as soon as possible.

A Vehicle Damage report form will need to be completed regardless of who was at fault

Incident report forms are available from the Insurance Officer.

Employees should not admit responsibility for the accident 'on the spot'.

In the event of a personal injury either to an employee or another person as a result of a road traffic accident, then this needs to be reported using the accident book. The employee's manager should complete a 'manager's investigation form', available on ERIC or through this link:

http://intranet/intranet/images/docs/Forms/accident_investigation_form.doc

In the event of an incident involving a vehicle the insurance vehicle accident report form must be used.

http://intranet/intranet/images/pdfs/Forms/vehilce_accident_claim_form.pdf

For these purposes a vehicle incident/accident is defined as any incident which involves either a Bolsover vehicle or Bolsover employee who is driving a vehicle either on the public highway, Council owned property, or at any other location, and which includes damage or loss to the vehicle or any person or property.

8.4 Roadside Penalties

VOSA can issue fixed penalty notices at the roadside for violations of driver Certificate of Professional Competence, (CPC) and driver hours.

The Police can issue fixed penalty fines for road traffic offences, vehicle 'defect rectification' notices and demand breath samples.

Fixed penalties are normally in the region of £60 to £200 and further action may result which could result in points being added to the drivers licence. In all cases the **driver** is responsible for payment of any fines.

8.5 Action Following 'at fault' Accidents

Where an employee driving a Bolsover vehicle has 2 or more 'at fault' accidents within a rolling 12 month period, or has a conviction for a road traffic offence whilst driving at work, the following process will apply:

Stage 1

The employee will be invited to a meeting with their management in accordance with the Disciplinary Guidance Note/Chart "Informal Action" and Specimen Letters 1-5 under HR Policies on ERIC. At this informal meeting the manager shall arrange for Driver Assessment to determine if there is any lack of driving skills, aptitude or unacceptable risk taking behaviour, followed by driver training for those drivers where this would be beneficial. These assessments and decisions must be formally recorded by management and communicated to the employee.

Driver assessment and training will be organised through the Transport Manager.

Stage 2

Where any further accidents occur following this, the formal disciplinary procedure will be invoked.

If the manager feels it is appropriate to suspend the employee from driving duties at any point due to the nature or number of incidents, they must seek the approval for this suspension from their Director in advance of implementing any period of suspension.

See 10.1 for information on license endorsements and penalty points.

9. DRIVER FATIGUE AND WORKING TIME

Driver fatigue is a serious problem resulting in many thousands of road accidents each year. Sleepiness reduces reaction time, vigilance, alertness and concentration so that the risk of accidents is increased.

The Council will monitor drivers of LGV and HGV vehicles to ensure strict compliance with “driver hour’s rules”.

Employees driving their own vehicles or cars on Council business are not covered by “driver hour’s rules” but are subject to the Working Time Directive. If it is identified that an employee is driving/working an excessive amount of hours they will be instructed by their line manager to reduce their weekly working time to a more acceptable level.

9.1 Drivers’ Hours Rules (Domestic) –

- The maximum daily driving time is 9 hours. However this may be extended to 10 hours on not more than two occasions per week.
- A daily duty limit of 11 hours in any 24 hours. Duty covers any time spent on duty for a driving employer, not just time spent driving or in connection with the vehicle and its load. This limit does not apply on non-driving days. Neither do breaks for refreshment count towards the driver’s total time.
- After a maximum of 4.5 hours driving, a break of at least 45 minutes must be taken. The driver must not carry out any work during the break period.

9.2 Working Time Directive

The working time directive lays down the following maximum working periods:

- A maximum of 60 hours worked in any one week.
- An average of no more than 48 hours when averaged over a 17 week period.
- A maximum of 6 hours continuous work before a minimum of 30 minutes break must be taken.
- Any work other than that at the Council must be taken into consideration when calculating these periods. It is therefore essential that all employees advise their line manager of any other work that they might do. Any secondary employment (paid or unpaid) must be approved by the Council on a form available from Human Resources.

10. COMPETENCY TO DRIVE

10.1 Driver Qualification

All employees driving Council vehicles, as a minimum be legally qualified to drive the relevant type of vehicle. It is the responsibility of the Head of Service, or of the “O” Licence ‘competent person’ (Transport Manager) responsible for commercial vehicles to check the licenses of any employee required to drive these.

All Council drivers who drive on Council business will present their driving licence, on request.

New employees will have their licences checked by their line manager, at either interview or induction.

In the event of **any** changes to their licence, endorsement, medical restrictions or ability to drive etc. Council drivers **must** provide the updated information to Human Resources immediately. Failure to provide this information will be regarded as a disciplinary offence.

Drivers who receive **6 points** on their licence will not be permitted to drive minibuses or 3.5t vehicles.

Drivers who receive **9 points** on their licence will not be permitted to drive any Council vehicles.

Drivers must be aware that where the requirement to drive is part of their job description, the loss of the entitlement to drive under the Councils rules will lead to disciplinary action, which may lead to dismissal.

Where occupational health assessments are required and where driver assessments are required, employees will not be permitted to drive unless the results of these are satisfactory.



10.2 Driver Assessment and Training

Formal driver training will be organised by the respective heads of service in conjunction with the Transport Manager.

The Service Areas will provide driver assessments and familiarisation sessions for drivers of Council vehicles for those categories outlined in 10.4, 10.5, 10.6, 10.7 and 10.8.

Drivers who are involved in at fault accidents or who undertake 'high mileage' driving work or drive Heavy Vehicles or specialist vehicles may be required to undertake additional training or assessment.

10.3 Driver Induction

Delivering driver induction is the responsibility of the Service Area for which the driver works:

Induction training for all drivers of Council vehicles will cover:

- Handling the specific vehicles to be used.
- Driver's hours and record keeping.
- Vehicle maintenance and checks.
- Correct control of speed.
- Safe, secure and legal loading and unloading..
- Safe and secure parking, both at base and away from it.
- Refuelling procedure.
- Driver behaviour.
- Occupational road risk.
- The Council's Driver Handbook.
- Council policies and procedures.
- Route knowledge, planning and assessment.
- Smoking.
- Use of mobile phones.
- Reversing and the use of reversing assistants or "banksmen".
- Use of specialist on board equipment.
- Carrying passengers.
- Use of trailers.

10.4 Large Goods Vehicles (LGV) (Over 3.5t)

Use of vehicles over 3.5t is restricted to named professional drivers only.

A class **C licence** is required (see s.10.8 for exceptions). As this is a specific licence, a familiarisation session and competency test (organised by the Depot and Resources Manager) must be provided for the new driver, this should cover the features of specialised vehicles, such as refuse collection vehicles. The driver will be permitted to drive **only** following a satisfactory occupational health assessment including eyesight examination.

10.5 Light Van Drivers

Drivers of Vans up to 3.5t on Council business are subject to a familiarisation drive and instruction on use of a tail lift, safe loading and any other features prior to their first use of the vehicle.

10.6 Minibus Drivers

UK law requires all minibus drivers to be over 21 years of age, have held a UK car licence for 2 years and have an entitlement to drive vehicles with a D1 classification.

All minibus drivers will be required to undertake MIDAS training, regardless of 'grandfather rights'.

In order to drive a minibus on Council business you must have **less than 6** penalty points and must be authorised by the Head of Service who will require a copy of your drivers licence annually.

Separate guidance for minibus driving will be provided.

10.7 Use of Trailers

UK Law requires all trailer drivers to have the "B+E" (car plus trailer), "C1+E" (van plus trailer) or "D1+E" (minibus plus trailer) entitlement on their licence.

Drivers who gained their licence before 1st January 1997 will have this entitlement on their licence, but this will not entitle drivers to use trailers without further training or assessment.

All drivers who use trailers, unless they have a specific post 1997 qualification, must undergo specific training and assessment in trailer use, which will include pre-checks for lights and hitches, and driving characteristics of vehicles with trailers and how this may affect stopping distances, turning circles, reversing, use of banksmen and clearances.

10.8 Leisure Project Vehicles

In the case of heavy vehicles primarily used for leisure/educational purposes, ('mobile project vehicles') there is a legal exemption for drivers who are not required to hold the above licence. In this case it is essential that the driver undergoes competency training and familiarisation training. This will be organised by the Transport Manager.

Drivers of mobile project vehicles will in any case need to be over 21 and have held their licence for two years, and will be deemed 'occupational drivers' for driver medical purposes.

10.9 Agency Drivers

Managers will require agency drivers to meet our standards for driver fitness to drive and qualifications, which they will verify through the agency they use. It is expected that the agency will supply drivers who are fully competent, qualified and experienced in the work that we hire them to do.

11 USE OF MOBILE PHONES WHILST DRIVING A VEHICLE

It is a legal offence for the driver of a vehicle to use a mobile phone at any time when the engine is running. This includes when stationary at traffic lights or when parked on or adjacent to roads when the engine is running. **No**

Council employee will use a mobile phone (even 'hands free') whilst in the driving seat of a vehicle at work and when the engine is running.

12 VEHICLE INSPECTION & MAINTENANCE

All vehicles provided by the Council will be included in a planned preventative maintenance programme in accordance with the manufacturer's recommendations.

Vehicle maintenance will be managed by the Transport Manager, with the assistance and co-operation of the Heads of Service who operate the vehicles.

The Transport Manager may remove any vehicle from service if they have significant concerns about its suitability, roadworthiness or any other significant safety concern.

The Council is responsible for ensuring that any vehicle it provides (owned, leased or hired) has a valid MOT certificate, a valid tax disc and is adequately insured.

All Council vehicles will be equipped with a suitable fire extinguisher, warning triangle and a travelling first aid kit.

Drivers are required to carry out daily vehicle checks using the BDC checklist. These will be recorded and a register kept by the Transport Manager.

12.1 Commercial Vehicles

The responsibility for ensuring that commercial vehicles are maintained to an adequate level to ensure they are roadworthy lies with the relevant Head of Service or, where vehicles are under an "O" licence, the holder(s) of the Goods Vehicle Operators Licence.

All Heads of Service must have a written management plan in place for their commercial vehicles. This should include:

- Maintenance.
- Replacement schedule.
- Functional requirements.
- Deployment.
- Personnel and training requirements.
- Risk assessment.
- Route/Round assessment where appropriate.

Full legal responsibility for the vehicles covered by the Operator's Licence falls to the "O" Licence holder(s).

It is essential that the Heads of Service responsible ensure that anyone entrusted with this responsibility has adequate resources and support to ensure effective control of the vehicle fleet.

The management plan must take into account the type of vehicles, the uses and any statutorily imposed standards. All management plans should include details on frequency of servicing, maintenance, checks or safety examinations.

12.2 Route Planning and Assessment

Regular routes and rounds will be risk assessed by the appropriate service area

This assessment will include:

- Access issues.
- Reversing and manoeuvring.
- Vehicle suitability.
- Route distance.
- Waste disposal and disposal/refuelling etc requirements.
- Timing to avoid conflicting activities.

APPENDIX I – Legislation and Further Information

The Highway Code

The Stationery Office 2001 ISBN 0 11 552290 5

Can also be viewed on www.highwaycode.gov.uk

The Management of Health and Safety at Work Regulations 1999 SI 1999/3242

The Stationery Office ISBN 0 11 085625 2

Five steps to risk assessment Leaflet INDG163(rev1)

HSE Books 1998 (single copy free or priced packs of 10 ISBN 0 7176 1565 0)

Managing road risk. An introductory guide for employers Available from Brake

Tel: 01484 559909 e-mail: brake@brake.org.uk or

fleetsafetyforum@brake.org.uk

Managing occupational road risk Royal Society for the Prevention of Accidents available from Edgbaston Park, 353 Bristol Road, Birmingham B5 7ST Tel: 0121 248 2000

Code of Practice. Safety of loads on vehicles Third edition The Stationery Office 2002

ISBN 0 11 552547 5 available online at

www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506864.pdf

Management of work related road safety RR018 HSE Books 2002

ISBN 0 7176 2549 4 Case studies can be viewed on

www.hse.gov.uk/roadsafety/experience.htm.

Successful health and safety management HSG65 (Second edition)

HSE Books 1997 ISBN 0 7176 1276 7

For specific information about driving at work and road safety, visit the Department for Transport (DfT) website:

www.dft.gov.uk/roadsafety

www.thinkroadsafety.gov.uk

APPENDIX 2 – Employees Own Vehicles ('Grey Fleet' Drivers)

Employees using their own vehicles for work purposes are classed as 'grey fleet' drivers.

Insurance for drivers using their own vehicle

Any person driving **their own vehicle** whilst at work must certify that:

- They have a current valid driving licence for the vehicle they are using on Council business
- They have business use cover with their insurance company for this vehicle
- The vehicle is in a roadworthy condition

The above declaration will be included in all contracts of employment issued (from a date to be agreed) and in the Claiming Expenses Guidelines and Expense Claim Form.

New Employees who are designated as Essential or Casual Car Users will be asked to complete a Driving Licence Questionnaire as part of pre-employment checks, which will include the above declaration, and submit this to Human Resources. This information is then retained on electronic personal files.

The following statement will be added to the expense claim form as follows:-

I certify that, prior to using my car on Council business I will ensure that I have a current valid driving licence, business use on my insurance and that the vehicle being used on Council business is in a roadworthy condition. The journeys listed on this claim form were necessary to enable me to carry out my duties and were arranged so that the minimum of expense was incurred.

All employees who drive Council owned or leased or hired vehicles are covered by the Councils insurance policy, provided they have the correct licence.