

**TRANSPORT SERVICE UNIT,
HEALTH AND SAFETY TEAM and
HUMAN RESOURCES**

POLICY FOR DRIVING AT WORK

July 2010



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1. Introduction

- 1.1 The Health and Safety at Work Act 1974 places a duty on employers, the self-employed and employees to all play their part in complying with safe working practices. Section 2 of the Act imposes a duty on employers to secure, so far as reasonably practicable, the health, safety and welfare of their employees whilst they are at work. Furthermore, Section 3 of the Act also places duties on employers to protect the safety and welfare of persons not in their employment, but who may be affected by their work activities or undertaking, e.g. service users, members of the public, and contractors and their employees.
- 1.2 Under Section 7 and 8 of the Health and Safety at Work Act, employees have a duty to take reasonable care of themselves and others who may be affected by their acts or omissions whilst at work. This means that they must always conduct their work activities in a considerate and responsible manner, taking reasonable care of their own and others' health and safety. Employees must also co-operate with their employer to assist them in complying with their duties under the Act and supporting Regulations, such as the Management of Health and Safety at Work Regulations 1999.
- 1.3 This Policy has been drafted to comply with our current legal responsibilities and Department for Business Innovation and Skills (BIS) and Royal Society for the Prevention of Accidents (RoSPA) best practice guidance.
- 1.4 If deemed appropriate, this Policy will be enforced by formal disciplinary action.
- 1.5 If there is any doubt about this or any other health and safety policy, procedure or guidance issued, employees must seek further clarification/ advice from their manager or supervisor.
- 1.6 This policy will be made available to all managers/supervisors of drivers of Council vehicles, the drivers, and any other persons in the Council's employment who are authorised to use their own vehicle to carry out the Council's business as part of their duties (i.e. those employees in receipt of Essential or Casual User car allowances).
- 1.7 This policy and other relevant Codes of Practice apply to any motorised vehicle, be it a car, commercial van or truck or motor cycle, particularly if the vehicle or cycle is being used on Council business.
- 1.8 This policy must be adhered to at all times. Managers/supervisors must ensure, so far as reasonably practicable, that any employee under their

supervision who drives **any** motor vehicle whilst on Council business complies with this policy.

- 1.9 This policy and associated Codes of Practice will be monitored and regularly reviewed to ensure that they remain effective to manage any risks identified when employees drive on Council business. Implementation of this policy will be included in the periodic review of health safety policies and procedures and any shortfalls or amendments reported to the Council's Corporate Management Team (CMT). The Corporate Health & Safety and Civil Protection Unit will lead on the preparation of reports to CMT on the review of policies and procedures as part of their annual report on the Council's strategic health and safety management system.

2. General Policy Aim

- 2.1 The London Borough of Tower Hamlets has a legal duty to provide its employees with a safe and healthy working environment and safe systems of work - which includes the duty to manage and assess risks arising from their work activities (see Appendices). This policy has been developed to assist in achieving these obligations in relation to the management of risk in relation to the driving of vehicles on Council business. In particular:

- To maintain all Council vehicles owned or operated on behalf of the Council in a safe, clean and roadworthy condition to ensure the safety of drivers and other road users at all times, so far as is reasonably practicable.
- To ensure that all staff driving vehicles on Council business hold an appropriate licence for that vehicle and are legally entitled to drive that vehicle.
- To ensure that staff driving their own vehicles on behalf of the Council's business: are aware of this policy; maintain their vehicles in a safe condition; tax, insure, service and test their vehicle as required under law and/or manufacturer's guidelines; and demonstrate considerate driving habits at all times when on Council business.
- To monitor, so far as is reasonably practicable, whether the Council meets its duty of care in the way that its employees comply with this policy and the obligations placed on them by law.

- 2.2 The benefits from managing risks to reduce work-related road accidents can be considerable. The true costs of accidents in the work place are usually higher than just the cost of repairs, insurance claims and working time lost. Organisations which promote sound health and safety driving practices and a good health and safety culture may influence the way staff drive whilst both at and away from work and this could help reduce the likelihood that staff will be injured in a road traffic incident as a result of poor driving or because their vehicle is poorly maintained.

2.3 Case studies conducted by the Royal Society for the Prevention of Accidents (RoSPA) demonstrate that an effective Driving Policy can result in the following benefits:

- Fewer days lost due to driving related injuries.
- Reduced risk of work related ill-health (driver stress etc).
- Reduced stress overall and improved morale.
- Reduced administration through time spent filling and investigating driving-related collisions/incident reports.
- Fewer vehicles being damaged and consequent savings.
- Reduced running costs and emissions because of improved driving standards.
- Less chance of key staff being banned from driving as a result of the accumulation of points on their licence.

3 Acts/Codes of Practice related to driving on Council business

3.1 Road Traffic Act and Highway Code:

When driving Council vehicles or their own vehicle on behalf of the Council (i.e. essential/casual car users), drivers should at all times comply with the Road Traffic Act and Highway Code, in particular:

- Drivers must drive with due care and attention at all times.
- Vehicles must display a valid tax disc, have a valid MOT certificate (where required) and be adequately insured (which means the employee's insurance policy includes use on the Council's business) in respect of third party claims and personal injury claims of any passenger (either a member of staff or a person receiving a service from the Council) being transported in connection with Council business.
- To carry out a visual check of the vehicle before every journey in respect of fluid levels and the operation of lights, brakes, indicators, tyres, mirrors and any signs of damage.
- Drivers and passengers must wear appropriate seatbelts at all times when the vehicle is in motion. Seat belts should only be removed when the vehicle is legally parked, with the engine switched off.
- Appropriate secure seating (child seats, booster seats etc) must be provided where necessary and secured appropriately.
- Statutory speed limits for the vehicle driven are to be observed at all times.
- Drivers must: hold a valid driving licence for the vehicle to be driven; not be under the influence of medicines, drugs or alcohol; have taken adequate rest prior to any long journey, and take breaks during a long journey.

- Drivers must not use mobile phones or any handheld equipment whilst the vehicle is in motion.

3.2 Management of Drivers of Vehicles owned or operated by the Council.

All employees who drive Council vehicles will be required to undertake a prior Assessment through the Council's Transport Service Unit (TSU). This assessment will consist of an eyesight test and a check of the driver's licence, followed by a short driving assessment. Where this assessment is positive, a copy of the driving licence will be kept on record by Transport Services and a current copy of the Council's Code for Drivers of Council Vehicles will be given to the driver. This will provide them with guidance on their individual responsibilities as well as advice regarding driving and operating a vehicle. It also sets out how the Council manages and maintains its vehicle fleet.

Employees who drive vehicles owned or operated by the Council must present their driving licence to their manager/supervisor preferably every 6 months but at least on an annual basis for inspection. A licence check should form part of the annual Performance Development and Review (PDR) process.

3.3 Management of Drivers using their own vehicles on behalf of the Council.

Employees who are designated as an Essential or Casual Car User must provide when first admitted to either scheme: their driving licence; a current motor insurance certificate that includes business cover; a Vehicle Registration Document, and a current MOT certificate if the vehicle is more than 3 years old.

Employees thereafter must provide the above documents at least on an annual basis to their manager/supervisor for inspection. This should take place as part of the annual Performance Development and Review (PDR) process. The driving licence should be provided every six months.

Essential Users will also be required to provide the documents required by the Council for the issue of public service parking permits.

In order to continue to receive appropriate allowances and make mileage claims, these documents must be valid and current at all times.

The Council will reserve the right to require an Essential or Casual Car user to have their vehicle submitted for a more regular six monthly safety check (based on the requirements of the MOT test) in order to deliver its duty of care to both its employees and any passengers carried.

When accepted as an Essential or Casual User, a copy of the current Code of Safe Working Practice for Drivers of their own vehicles on Council business will be provided when Human Resources write to the employee. This Code sets out the individual responsibilities as well as advice regarding driving and operating a vehicle.

3.4 Drivers using their own vehicles without authorisation to carry out their duties.

Whilst the Council encourages all staff to carry out their duties using public transport where possible, some staff who do not qualify as Essential or Casual Car Users make a personal choice to drive between sites or visit clients. In these situations employees must take responsibility for ensuring they have adequate insurance cover and an appropriate licence, maintain their vehicle in a roadworthy condition and follow safe working practices. They must not transport service users. Those staff required to transport service users must apply to become either an Essential or Casual Car User (depending on the frequency this work is required in their job although staff in receipt of a Travel Allowance can only be Casual Car Users). Staff who accept the offer of a lift from a colleague who is not an approved user do so at their own risk.

4. Council responsibilities

The Council will ensure that this Policy is available to all managers/supervisors and employees who drive on Council business.

The Council will ensure that all managers/supervisors operating Council vehicles and managers/supervisors of staff driving their own vehicles on behalf of the Council, can access a copy of the appropriate Handbook for Managers/Supervisors.

The Council will ensure that relevant Codes of Practice are available to all drivers as required and are kept updated.

The Council will ensure that all Council owned and operated vehicles are managed, inspected and maintained to the highest standards.

The Council will ensure that six monthly checks of the driving licences of drivers using vehicles on behalf of the Council are undertaken by the appropriate managers/supervisors or by officers of the Council's Transport Service Unit (TSU).

The Council will undertake additional checks, when considered necessary, on the eyesight, driving licence and claims record of any employee driving

on behalf of the Council, as well as the roadworthiness of any vehicle used on its behalf, the current insurance certificate, the vehicle MOT or Registration Document.

The Council will monitor the implementation of this Policy.

5. Manager's/supervisor's responsibilities

- 5.1 Managers/supervisors must ensure that any driver required to drive a Council-owned or operated vehicle is referred to the Council's TSU for an initial driving assessment.
- 5.2 Managers/supervisors must ensure that any driver that is required to drive their own vehicle on Council business is an Essential or Casual Car User prior to using their car on Council business.
- 5.3 Managers/supervisors must ensure that they have a copy of the Handbook for Managers/Supervisors and have read and understood it. They should also have a copy of the Council's Policy for Driving at Work.
- 5.4 Managers/supervisors must ensure that all drivers under their control have a copy of the appropriate Local Code of Safe Working Practice for Drivers and are fully aware of, and understand, the contents.
- 5.5 Managers/supervisors must ensure that the driver's objectives in the working day can be met in the time allocated without inducing the necessity to speed or commit other offences to complete the day's tasks.
- 5.6 Managers/supervisors must ensure that drivers are aware of the journey to be undertaken and the most appropriate route to take.
- 5.7 If there is a requirement for the driver to take a Council owned or operated vehicle home, the Manager/supervisor must inform the TSU in writing prior to the journey.
- 5.8 Managers/supervisors must ensure that the drivers of any vehicle are issued with any Personal Protective equipment (PPE) they require in order to complete their work activities in a safe manner.
- 5.7 Managers/supervisors must ensure that any employee they are aware has been disqualified from driving does not drive a vehicle on Council business.
- 5.8 Managers/supervisors must take immediate advice from Human Resources/TSU when they have been advised that an employee has been issued with a driving fixed penalty notice or graduated fixed penalty, or has

been arrested, charged or convicted of an offence that occurred whilst they were driving on Council business, either in their own or a Council vehicle.

- 5.9 Managers/supervisors must take immediate advice from Occupational Health and/or Human Resources in the event of receiving information from an employee that a doctor has recommended that they should not drive because of an illness, medical condition, or whilst taking prescribed medication.
- 5.10 Managers/supervisors must ensure that appropriate Risk Assessments have been undertaken with regard to any specific local operational issues relating to staff driving or working away from their base e.g. lone working, child protection etc.
- 5.11 Managers/supervisors must ensure that all staff driving on behalf of the Council keep a record of the hours they start and finish a journey, the mileage, the point of departure and the destination.

6. Employee's responsibilities

- 6.1 Employees driving on behalf of the Council must comply within the required timescales set by their manager/supervisor or other authorised officer of the Council to provide any required information and evidence regarding their driving licence, vehicle documentation, vehicle condition, insurance record or health and physical condition. Employees must present their driving/vehicle documentation to their manager/supervisor whenever they are requested to do so and as soon as is practicable.
- 6.2 Employees who are required to drive their own vehicles in order to carry out their duties are responsible for ensuring that they hold a current, valid, driving licence that is appropriate to the type of vehicle they are required to drive. Holders of non-UK driving licences must obtain confirmation from the appropriate authority (currently Driver and Vehicle Licensing Authority – DVLA) that it is valid in the UK for the vehicle to be driven.
- 6.3 Employees driving on behalf of the Council are required to understand their responsibilities within the Highway Code and read and understand and operate in accordance with the appropriate Council Code of Practice for Drivers driving vehicles on behalf of the Council.
- 6.4 Employees driving on behalf of the Council are required to advise their manager immediately of any change in vehicle or of any reason why they should not be driving a vehicle on behalf of the Council. This includes advising their manager/supervisor immediately of any replacement or new vehicle being used in place of the vehicle stated on information currently

held by their manager or upon being charged and convicted of any driving related offences.

- 6.5 Employees should not drive for more than 4½ hours without taking a rest. Employees driving a vehicle on behalf of the Council must have taken an adequate or legally compliant rest period away from driving prior to commencing to drive on behalf of the Council.

7. Further Information

- 7.1 Further information regarding driving related matters is available from Transport Services Unit, the Council's Health and Safety Section and Human Resources. In the first instance, employees should speak to their manager/supervisor, who will then obtain guidance as necessary.

Appendix 1:

Risk Assessment – Drivers of Council Vehicles



**LONDON BOROUGH OF TOWER HAMLETS
CORPORATE RISK ASSESSMENT FORM**

Establishment/ Directorate / Section: Directorate of Communities,
Localities & Culture, Corporate Health & Safety and Civil Protection Unit

1. TASK OR ACTIVITY COVERED BY THIS ASSESSMENT

Driving Council vehicles at work:

2. HAZARDS IDENTIFIED (potential to cause harm)

1. Fatal injuries –sustained following a road traffic incident
2. Serious injury –sustained following a road traffic incident
3. Minor injury- sustained following a road traffic incident

**3. CONSEQUENCES OF THE HAZARD
(i.e. what is the potential harm)**

1. Fatal injury as a result of a fall from height, such as fatal head or body injury, internal / external bleeding etc.
2. Serious injuries such as fractures, spinal injury, compression injury to vital organs etc.
3. Minor injuries such as bruising, lacerations, musculo-skeletal injuries (non-life threatening)

4. PERSONS AT RISK

Authorised drivers of Council vehicles, passengers in vehicles-including members of the public, other road users and the general public.

5. CURRENT CONTROLS (including legal compliance)

1. Authorised drivers are assessed before allowed to drive Council vehicles
2. Transport policy and procedures in place for Transport Drivers
3. All vehicles are regularly maintained and serviced.
4. Daily vehicle checks are require to be carried out by drivers of Council vehicles.
5. Vehicles and drivers are insured under a Council policy (legal compliance).

6. SEVERITY OF OUTCOME(tick as appropriate)			
Minor/ slightly harmful injury or illness	Harmful injury or illness incurring time loss from work or subjects	Serious injury or illness	Life threatening or fatal injury or illness
	3	2	1

7. PROBABILITY OF HARM (tick as appropriate)			
Unlikely/ Improbable	Likely	Highly Probable	Certainty
√	√		
1 & 2 (fatal / serious accidents)	3		

8. FINAL ASSESSMENT OF RISK (where appropriate)			
Low	Medium	High	Very High
√	√		
1&2	3		

9. ACTION REQUIRED (continue on separate sheet if required)
<p>Assessment to be monitored frequently to ensure it remains adequate.</p> <p>Action to be taken by: Assessment to be reviewed by 31st March 2011 (or immediately in the event of a road traffic incident)</p>

10. ARRANGEMENTS FOR OCCUPATIONAL HEALTH MONITORING (where appropriate)
NOT APPROPRIATE.

11. FINAL ASSESSMENT OF RISK -ONCE ALL CONTROLS ARE APPLIED:
MEDIUM

Name of Assessor: Peter Leigh Assessors Signature

Date of Assessment: 1st March 2010

Next review Due By: March 2011

Record of receipt of form by Third Tier Officer/ Service Head:

Signature _____ Date _____

Appendix 2:

Risk Assessment

Staff driving their own private vehicles on behalf of the Council



**LONDON BOROUGH OF TOWER HAMLETS
CORPORATE RISK ASSESSMENT FORM**

Establishment/ Directorate / Section: Directorate of Communities,
Localities & Culture, Corporate Health & Safety and Civil Protection Unit

1. TASK OR ACTIVITY COVERED BY THIS ASSESSMENT

Staff driving their own vehicles on behalf of the Council

2. HAZARDS IDENTIFIED (potential to cause harm)

1. Fatal injuries –sustained following a road traffic incident
2. Serious injury –sustained following a road traffic incident
3. Minor injury- sustained following a road traffic incident

**4. CONSEQUENCES OF THE HAZARD
(i.e. what is the potential harm)**

- 1 Fatal injury as a result of a fall from height, such as fatal head or body injury, internal / external bleeding etc.
2. Serious injuries such as fractures, spinal injury, compression injury to vital organs etc.
3. Minor injuries such as bruising, lacerations, musculo-skeletal injuries (non-life threatening)

4. PERSONS AT RISK

Staff driving their own vehicles. Staff / members of the public travelling as passengers, other road users and the general public.

5. CURRENT CONTROLS (including legal compliance)

1. Insurance documents and MOTs preferably checked at six month periods or at least annually.
2. Vehicles should be serviced annually as part of essential user allowance conditions.
3. Code of Practice issued to all staff driving vehicles on behalf of the Council.
4. Routine monitoring of drivers and vehicles.

6. SEVERITY OF OUTCOME(tick as appropriate)			
Minor/ slightly harmful injury or illness	Harmful injury or illness incurring time loss from work or subjects	Serious injury or illness	Life threatening or fatal injury or illness
	3	2	1

7. PROBABILITY OF HARM (tick as appropriate)			
Unlikely/ Improbable	Likely	Highly Probable	Certainty
√	√		
1 & 2 (fatal / serious accidents)	3		

8. FINAL ASSESSMENT OF RISK (where appropriate)			
Low	Medium	High	Very High
√	√		
1&2	3		

9. ACTION REQUIRED (continue on separate sheet if required)
<p>Assessment to be monitored frequently to ensure it remains adequate.</p> <p>Action to be taken by: Assessment to be reviewed by 31st March 2011 (or immediately in the event of a road traffic incident)</p>

10. ARRANGEMENTS FOR OCCUPATIONAL HEALTH MONITORING (where appropriate)
NOT APPROPRIATE.

11. FINAL ASSESSMENT OF RISK -ONCE ALL CONTROLS ARE APPLIED:
MEDIUM

Name of Assessor: Peter Leigh Assessors Signature

Date of Assessment: 1st March 2010

Next review Due By: March 2011

Record of receipt of form by Third Tier Officer/ Service Head:

Signature _____ Date _____

Appendix 3:

RISK ASSESSMENT- USE OF MOBILE PHONES



**LONDON BOROUGH OF TOWER HAMLETS
CORPORATE RISK ASSESSMENT FORMAT**

Establishment/ Directorate / Section:

1. TASK OR ACTIVITY COVERED BY THIS ASSESSMENT
The issue and use of mobile phones in Council and officers private vehicles in connection with the Council's business.

2. HAZARDS IDENTIFIED (potential to cause harm)
Road traffic accident, including collision with vehicles and / or pedestrians as a result of being distracted by the use of a mobile telephone whilst driving a council or private vehicle (via making or receiving a telephone call in connection with council business).

3. CONSEQUENCES OF THE HAZARD (i.e. what is the potential harm)
<ul style="list-style-type: none">1) Potential for fatal or major personal injury resulting from a road traffic incident.2) Potential for minor personal injury resulting from a road traffic accident.3) Potential for fatal or major injury [members of the public] as a result of a road traffic accident.4) Potential for minor injury [members of the public] as a result of a road traffic accident.

4. PERSONS AT RISK
All employees issued with a mobile telephone and who drive council / private vehicles in connection with the council's business.

5. CURRENT CONTROLS (including legal compliance)

The following controls are in place:

Category 1 users: Definition: Category 1 users are staff who are essential to be in telephone contact at all times whilst on duty, either due to their seniority, or because of the nature of their duties / responsibilities. These officers may be contacted whilst travelling in their vehicle to and from their place of work. Category 1 staff will be identified by their Corporate Director and will have either a hands-free car kit and microphone fitted in their council vehicle or private car at the council's expense, or issued with a Bluetooth Jabra earpiece (cordless headset). These staff will be advised to park safely as soon as possible in order to undertake conversations.

Category 2 users: Definition: Category 2 users are staff deemed by their Chief Officer (Corporate Director) to be in telephone contact with, potentially whilst they are driving a council or private vehicle in connection with the council's business. Category 2 staff will receive mobile telephone calls in connection with Council business but are generally contacted less frequently than a category 1 user. Category 2 staff will be issued with a personal hands free mobile phone device-such as a 'Bluetooth' Jabra earpiece (cordless headset) or similar approved device at the Councils expense. Category 2 users will be informed of their status in writing. These staff will be advised to park safety as soon as possible in order to undertake conversations.

Category 3 users: Definition: Category 3 users are staff who have been issued a mobile telephone, but are not required to be available at all times. Category 3 users will be informed of their category in writing and must not make or receive mobile telephone calls on their council issued phone whilst they are driving (phone to be switched off whilst driving on Council business).

1) Category 1 and 2 users will be notified in writing by their Chief Officer and the appropriate 3rd tier manager will arrange with the Council's Telecommunications Section for either a hands-free car kit or personal hands free device to be fitted or issued as applicable.

2) This risk assessment will be supported by a corporate policy on driving council / private vehicles in connection with the council's business.

6. SEVERITY OF OUTCOME(tick or outline as appropriate)

Minor/ slightly harmful injury or illness	Harmful injury or illness incurring time loss from work or subjects	Serious injury or illness	Life threatening or fatal injury or illness
2	2	1	1

7. PROBABILITY OF HARM (tick as appropriate)			
Unlikely/ Improbable	Likely	Highly Probable	Certainty
1 & 2			

8. FINAL ASSESSMENT OF RISK (where appropriate)			
Low	Medium	High	Very High
1 & 2			

9. ACTION REQUIRED (continue on separate sheet if required)
<p>1) Controls, as described in 5 above, must be strictly adhered to at all times.</p> <p>2) Appropriate staff must receive a personal copy of this assessment.</p> <p>3) Additional controls are to be considered on the introduction of any new or revised work activities, functions or duties allocated.</p> <p>4) This assessment must be immediately reviewed in the event of an accident, near miss or dangerous occurrence.</p> <p>Action to be taken by _____ (name)</p> <p>To be completed by _____ (date)</p>

10. ARRANGEMENTS FOR OCCUPATIONAL HEALTH MONITORING (where appropriate)
NOT APPLICABLE.

Name of Assessor: Peter Leigh, Corporate Health & Safety and Civil Protection Manager.

Date of Assessment: 1st March 2010.

Review Date: by the end of March 2011 (or immediately following an incident).

Record of receipt of form by Third Tier Officer/ Service Head:

Signature _____ Date _____

Third Tier Officers/ Service Heads comments attached: YES/ NO

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