

**STOURPORT-ON-SEVERN TOWN COUNCIL**

**Driving for Work Policy**

Status: Version 1.0

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# Policy Statement

The Health and Safety Executive, in collaboration 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’. The guidance states that the requirements of Section 2 of the Health and Safety at Work Act 1974 and Regulation 3 of the Management of Health and Safety at Work Regulations 1999 apply to all work-related activities, including ‘work-related driving’.

The Management of Health and Safety at Work Regulations 1999 require that all activities are appropriately risk assessed and includes providing information, instruction and trainingfor employee on the risks and risk mitigation of the activity – i.e. driving for work.

The main Acts and Regulations relevant are:

* The Health and Safety at Work Act 1974;
* The Management of Health and Safety at Work Regulations 1999;
* The Road Traffic Act 2016,
* Corporate Manslaughter and Corporate Homicide Act 2007.

Stourport Town Council’s Driving for Work Policy does not diminish in any way individual’s responsibility to act within the law, in all regards, when driving on the public highway.

This Policy seeks to ensure that all Council Employees who drive as part of their duties using Council vehicles and Employees/Councillors who claim mileage expenses using their own vehicles, irrespective of their hours worked and regardless of length of contract or service:

* Comply with statutory requirements of driving on public highways and recommended best practice guidance;
* Provide evidence of holding a current driving licence, and that the vehicle or vehicles used are appropriately insured and have a current MOT.

It details the arrangements necessary, and the individual and collective responsibilities, that will ensure that the risks associated with occupational driving are minimised, so far as is reasonably practicable. It’s aim is to ensure drivers and riders are safe and healthy when they are driving or riding for work.

# Qualifications to Drive and Record Keeping

All employee and councillors who drive on behalf of the Town Council for business purpose, are personally responsible for ensuring that they are qualified to drive the relevant type of vehicle within the UK and hold the necessary driving licence. In addition drivers will be required to produce evidence of insurance and MOT prior to driving and claiming mileage expenses.

The Town Clerk must ensure employees who use hire vehicles as part of their employment have a valid driving licence and are permitted to drive the relevant vehicle, as outlined in the hire agreement. Should the ‘Hire Company’ ask to see employees driving licence summary or unique code these can be obtained from DVLA [View or share your driving licence information - GOV.UK](https://www.gov.uk/view-driving-licence).

Company vehicle drivers must possess a valid full UK driving licence.

Copies of licences are to be submitted to the Town Clerk, along with a licence check code. These are to be submitted each year or whenever there is a change made by the DVLA to the licence.

It is drivers’ responsibility to confirm to the Town Clerk that the Council has their correct documented evidence for driving on an annual basis.

# Information, Instruction and Training

# All those driving for work are required to read and acknowledged the Council’s policies for Health and Safety, Violence at Work, Lone Working and Driving Risk Assessment. Induction and training will be as verbal guidance and written instructions, drivers will be encourage to also refer to vehicle handbooks.

The Council will assess drivers’ health and safety capabilities and [competence](https://www.hse.gov.uk/competence/what-is-competence.htm) through Risk Assessments and training, choosing workers or allocating work will be dependent on:

* experience, attitude, maturity, driving record, physical fitness, language barriers;
* physical capabilities – ability, age, sensory impairment, mental health, and general health;
* [vulnerable workers](https://www.hse.gov.uk/vulnerable-workers/index.htm), for example [young workers](https://www.hse.gov.uk/young-workers/index.htm), workers who are [new to the job or new to the task](https://www.hse.gov.uk/vulnerable-workers/new-to-the-job.htm), inexperienced or trainee drivers and riders;
* the skill and expertise required to do the job safely and making sure they are met;
* any driving or riding offences;
* ensuring safe behaviours on the road;
* ensuring licences, insurance, and MOTs are legal and up to date.

## Training

The Council will ensure that drivers [are adequately trained](https://www.hse.gov.uk/simple-health-safety/training/index.htm), at no cost to them. The Town Council will consider:

* giving priority to those at highest risk, for example drivers or riders with high annual mileage, poor accident records, or vulnerable workers;
* whether drivers and riders need extra training to carry out their duties safely, such as using defensive driving techniques, or how to load and unload safely;
* whether drivers and riders understand how and when to use in-vehicle and additional technology;
* training about other road users, for example cyclists, motorcyclists and pedestrians;
* if drivers and riders need training on how to assess risks while they are on the road;
* how to assess training needs periodically, including refresher training;
* whether drivers need advanced driver training;
* the benefits of drivers and riders holding a full driving licence for powered two-wheelers;
* how to [ensure training providers are competent](https://www.gov.uk/driver-cpc-training).

All drivers will receive training to cover:

* violence, crime and assault – how to stay safe and how to report it;
* incident and near miss reporting, as well as confidential health and safety reporting;
* what personal protective equipment (PPE) should be worn, how to maintain it and when it needs to be replaced;
* commitment to driving and riding within the law;
* breaks and rest periods;
* Council policies;
* daily vehicle safety checks to ensure that vehicles are safe to use. Such as those on lights, tyres, and wheel fixings, and report any faults;
* correctly adjusting safety equipment, for example seat belts and head restraints
* drivers safety if their vehicle breaks down, for example to use safety warning triangles and high-visibility jackets;
* how to secure loads and ensure that their vehicle is not overloaded or unstable;
* loading in or on their vehicle moves during the journey;
* safety measures around the loading of vehicles (load security) and backpacks (especially on two wheelers); for example to pull over in a safe place as soon as possible, avoiding any harsh braking or steering, and contacting managers for advice;
* manual handling techniques;
* awareness of the height of their vehicle, laden and empty;
* guidance to drivers and riders on other risks, for example slips and trips or falls from height;
* protective clothing for riders of two-wheelers; including making crash helmets are of [the appropriate standard](https://www.gov.uk/motorcycle-helmet-law#:~:text=Safety%20helmet%20standards,mark%20equivalent%20to%20the%20BSI);
* [safe use of mobile phones/apps](https://www.gov.uk/using-mobile-phones-when-driving-the-law).

# Driving Council, Personal and Hired Vehicles

Council vehicles are provided to certain employees where required for their job role or when authorised by the Town Clerk. Set out below are some general rules on their use:

* Council Employees must carry out and record vehicles checks prior to use.
* Council vehicles are to be used only for authorised business. Prior permission must be sort from the Town Clerk for personal use of a vehicle outside of working hours.
* Employees who are absent from work may need to make Council vehicles available for other employees to use during their absence.
* Smoking, or vaping, in Council vehicles is not permitted at any time, by either the driver or passenger. Any employee found to be in breach of this will be subject to disciplinary action.
* Driving Council vehicles while under the influence of alcohol or drugs *(prescription or otherwise)* is not permitted at any time, unless prior approval is received by the Town Clerk in the case of prescription drugs. Any employee found to be in breach of this requirement will be subject to disciplinary action.
* The Council require all of its vehicles to be kept clean and have a good appearance. Employees should wash their vehicles on a regular schedule to maintain a professional appearance and keep the interiors always clean.
* Where any damage to a vehicle renders it unsafe employees should not drive the vehicle in such circumstances.
* Parks’ Employees are provided with petty cash which is only to be used for the purchase of fuel for council vehicles/machinery.
* It will only be deemed acceptable to pay for fuel and have these costs reimbursed back in the event of an emergency and a receipt must be kept and provided prior to any reimbursement.
* Security of vehicles is the responsibility of the employee. Vehicles should be locked and alarmed when not in use.
* Employees should take the most direct routes when on Council business.
* When driving long distances, employees should take regular breaks to reduce tiredness. Any serious delays caused by traffic or roadworks should be reported to the Town Clerk if business commitments are likely to be affected.
* If any passengers are carried in the vehicle, their safety is the ultimate responsibility of the employee.
* Employees should exercise general safety guidance when driving their vehicles on Council business, in accordance with the Highway Code and best practice.

# Driving Personal Vehicles

Expense forms are available from the Town Clerk and are to be completed when a driver has used their personal vehicle for driving for work.

When claiming for expenses related to driving, all employee and councillors are required to confirm in one declaration that they:

* Have business use and/or commuting insurance (see FAQs for definitions – Appendix 1);
* Have a current valid driving licence and valid MOT certificate;
* Have shown the documentation to their manager within the last 12 months - [View or share your driving licence information - GOV.UK](https://www.gov.uk/view-driving-licence)

The Town Clerk, by authorising mileage claims, confirm they have seen all relevant documents within the last 12 months.

# Insurance

The law requires all those who drive on the public highway to be adequately and appropriately insured. This means that any person driving, albeit occasionally in connection with the business of their employer, must be covered for ‘business use’. *See Car Insurance FAQs – Appendix 1.*

Councillor and Town Council employees who drive in any capacity for work *(either to a local train station or to another Town Council office, or as part of their job – driving to an inspection)* and claim mileage, must have the necessary insurance.

The Town Council would not hold the insurance/liability if an employee is driven on work related journeys by a partner/non Town Council employee. It is recommended that employees discuss this with their insurance provider if it applies.

*Guidance: The standard car insurance is for ‘social, domestic and pleasure’ purposes only, which permits travel to and from your normal place of work, but not use of the vehicle whilst at work. If you need to use your car for work then informing your insurer that you intend to use your private vehicle for ‘occasional business use’ is essential, to avoid invalidating your insurance. This does not normally incur any additional expense, but does ensure that you are adequately covered in the event of an accident or personal injury.*

*Note – ‘occasional business use’ may have a limit to the amount of miles travelled on business per annum. This should be clarified with your insurance provider. In addition there are tax implications for travel for business over 10,000 miles per annum.*

# Fitness to Drive

It is every individual’s responsibility to ensure that they are medically fit to drive, irrespective of whether they are doing so as an individual for social, domestic or pleasure purposes, or for work. The Town Clerk may need to seek HR Advice and Guidance regarding reasonable adjustments if an employee’s fitness to drive has changed.

## Dealing with Medical Conditions Affecting the Ability to Drive

Where employee are required to drive as part of their duties, they must inform the Town Clerk immediately of any medical condition that would prevent them from driving legally. The Town Clerk should, in consultation with the individual, identify other ways in which they can undertake their role.

## Telling DVLA about a Medical Condition or Disability

Employee/Councillors must tell the DVLA if they have a driving licence and develop a:

* ‘notifiable’ medical condition or disability
* condition or disability has got worse since they got their licence.

Notifiable conditions are anything that could affect your ability to drive safely. They can include:

* Epilepsy
* Strokes
* Other neurological and mental health conditions
* Physical disabilities
* Visual impairments.

The Town Clerk should seek HR Advice and Guidance and where applicable, consult with Occupational Health, in order to identify in consultation with the individual, all reasonable adjustments.

# Road Safety

The law states that it is the responsibility of the driver to ensure that any vehicle driven on the public highway is safe and fit for use*. (See appendix 2 as an example of pre-user checks).*

In the case of employee/councillors using their own private vehicle for work, it is their responsibility to ensure that the vehicle has a valid MOT certificate (where applicable), is properly maintained and roadworthy.

Drivers must not drive under the influence of alcohol, intoxicating drugs or other substances and should be aware of the length of time it takes for alcohol or substances to clear your system before it is safe to drive. Drivers should be aware that any instances of driving on Town Council business while under the influence of drink, drugs or other substances, will be treated as a serious disciplinary offence which could potentially lead to dismissal.

*Guidance: Drivers who are taking prescription drugs that might adversely affect their ability to drive should inform the Town Clerk and co-operate fully in determining the most appropriate course of action and may be asked for further medical information. They should discuss with their GP the professional advice regarding work related activities while taking the prescribed medication.*

## Violence and aggression

The Town Council will assess the risk of [violence and aggression](https://www.hse.gov.uk/lone-working/employer/violence.htm) towards drivers and riders and have policies and procedures in place to deal with it, including:

* training in how to deal with violence and aggression;
* reporting systems;
* systems for tracking drivers;
* drivers regularly checking in.

# Using Mobile Phones when Driving

Employee who are driving whilst at work are required to comply fully with the law.

It is also an offence to ‘cause or incite’ persons who are driving to be in breach of the law and therefore line managers and colleagues should avoid making contact via mobile phone with employees, when they are known to be driving.

Employee are encouraged to switch off their mobile phone and make use of the voicemail facility, making return calls when it is safe to do so. Any passengers e.g. car sharing, must recognise the need not to disturb the driver.

*Guidance: Managers should be clear on expectations and set a good example and if aware that a conversation is happening while someone is driving, end the call and re-arrange the conversation*

It is illegal to use a phone while driving unless there is hands-free access, such as:

* + - A Bluetooth headset
		- Voice command
		- A dashboard holder

The law still applies if:

* + - Waiting at traffic lights
		- Queuing in traffic
		- Supervising a learner driver

## Hands-free

When using a phone hands-free, the driver must be full control of the vehicle at all times. The police can stop a driver if they think they are not in control because they are distracted and can be prosecuted.

## When You Can Use a Hand-held Phone

You can use a hand-held phone if either of these apply:

* + - You are safely parked
		- You need to dial 999 or 112 in an emergency and it’s unsafe or impractical to stop.

## Penalties

Drivers can get 6 penalty points and a fine of £200.00 if caught using a hand-held phone. They can also be taken to Court where they can:

* + - Be banned from driving
		- Get a maximum fine of £1,000.00
		- If they have passed their test in the last 2 years, you will lose your licence.

# Route Planning and Scheduling

Where drivers are required to undertake work-related driving, it is expected that the schedule of driving, work activities and periods of rest are mutually agreed and determined, so as not to place an undue burden upon the driver. This includes recognition of the risk of fatigue and reduced concentration on driving ability.

The assessment of schedules should take into account:

* + - route selection
		- distance
		- time
		- duration of travel
		- opportunities for rest breaks
		- experience of driver
		- prevailing weather conditions.

The Town Clerk, and Mayor, must support employees in making safe decisions and promote safe driving including long days and not driving in adverse weather.

*Guidance: In exercising reasonable control over work related driving, all drivers need to be able to answer the following questions positively:*

* *Are routes selected suitable?*
* *Is the schedule realistic and provide sufficient time for the journey, making adequate allowance for rest breaks, and traffic congestion?*
* *Has sufficient consideration been made of the work activity to be undertaken upon arrival and the distance/time involved, to ensure that the risk of driver fatigue is minimised?*

*The Highway Code recommends a 15 minute break from driving every 2 hours:*

* *Have overnight stays and/or alternative means of transport been considered?*
* *Has the use of satellite meeting locations (hubs) been considered to reduce journey distances?*

# Driving Offences

Payment in respect of parking charges, speeding fines etc incurred are the responsibility of the employee driving the vehicle. Fines should be paid by the employee to avoid the liability falling on the Town Council.

If the Council is required to pay the fine or charge, the payment amount will be deducted from the employee’s next salary payment. This is subject to the discretion of the Town Clerk authorising payment of the fine or charge by the Council on behalf of the employee.

Serious offences may cause an employee to be disqualified from driving. If the employee is required by their job role to drive for some or all of their job role, the Council may have no alternative option but to terminate employment.

# Reporting Accident and Incidents

Drivers involved in all work-related accidents or other incidents, should report this immediately to the Town Clerk. Any damage caused to the vehicle, either by the employee or by third parties, should also be reported. They will need to submit a written report detailing of the reasons why the damage was caused, or accident happened. It must be noted that health and safety legislation places explicit duties to report accidents and incidents in a timely fashion.

Where employees/councillors are driving vehicles that are hired by the Town Council, the hire company holds third party insurance and employee/councillors and the Town Clerk advised to be familiar with the arrangements for informing the hire company of an incidents or accidents.

In all cases where the third party is responsible for any accident, the Town Council’s insurers will deal with the relevant claims procedure and all costs will be incurred by the third party or their insurer.

**Employee Negligence**

Where damage is caused due to an employee’s negligence the cost of repairs/replacement will result in the full cost of the repair(s) being passed on to the relevant employee.

Any unreported damage which results in costs being incurred by the Council will result in the full cost of the repair(s) being passed on to the relevant employee. Therefore, drivers are strongly advised to clearly initial the vehicle checklist to note any damaged prior to their journey.

In these circumstances, any accident where it is proven to be the fault of an employee will result in the said employee becoming liable to pay half of the Town Council’s insurance excess (up to a maximum of £500.00) as part of the claim for repair as part of the insurance claim.

Monies will be deducted from the employee’s salary at a rate agreed and payable over a term of 3 to 6 months (maximum) – should the said employee leave Council’s employment before the whole of this sum is paid then the balance of this sum would be deducted from any final salary due.

*Guidance: Employees who are involved in an accident/incident whilst engaged in work-related driving in their own vehicles should deal with any claims that arise from this directly with their own insurer. However, they MUST inform the Town Clerk and an internal accident report form must be completed - for monitoring purposes, and to assist in the investigation and identification of any workplace support or adjustments that may be required.*

# Raising Concerns

All employees are entitled to work in an environment where the risks to their health and safety are properly controlled.

## The Town Council has a specific duty to protect employees, including:

* providing relevant training;
* planning journeys so that they are safe;
* keeping employees safe and protecting their health and wellbeing.

## Employees health and safety responsibilities:

* A duty to take reasonable care of their own health and safety and that of other people who may be affected by their actions at work, for example making sure they do not drive tired or telling the Town Clerk if they are taking medication that may affect their ability to drive.
* Co-operate with health and safety training and instruction.
* Use any vehicle provided in line with the training received, and to inform the person that provided the vehicle if it is damaged.
* Carry out checks as required to make sure that vehicles are safe to use on the road.

If employees have any concerns about health and safety risks to them as a driver or rider, they must talk to the Town Clerk.

## Compliance

All permanent and temporary staff, Town Councillors and volunteers will be provided with a copy of this policy and must sign to confirm they have received it and will comply at all times with its content.

This policy will be officially monitored for compliance by the Town Clerk and may include random and scheduled inspections.

## Non-compliance

All policies require the participation of staff, councillors and volunteers to be successful. Anyone found to have violated this policy may be subject to disciplinary action.

**Review of Policy**

The review of this document will be carried out annually, or if a breach should arise, by the Town Clerk. All amendments will be approved by the Town Council, with the revised document circulated accordingly.

Signed: Date:

 Sue Saunders, Town Clerk

Appendix 1

**Car Insurance FAQs**

All Town Council Employees who drive in any capacity for work and claim mileage *(either driving to a local train station or to another Town Council office, or as part of their job)*, must have the necessary insurance: either, Social and Commuting, or Business use. The definitions for these three different types of insurance main classes are as follows:

## Social Only

(This is not for any Town Council Employee or Councillor claiming mileage.)

* + With this type of cover, the insured car can be used by the named drivers for non-work-related driving only. Also known as social, domestic and pleasure use only.
	+ This covers you for normal day to day driving, such as driving to visit family and friends or shopping.

## Social and Commuting

(Applicable to some Town Council Employees or Councillors who occasionally commute for work.)

* + This provides cover as above for social, domestic and pleasure use, as well as for driving back and forth to a permanent place of work.
	+ Travelling to a railway station en route to work, where the car is parked, is usually classed as commuting. Dropping someone else off at their place of work may also be classed as commuting by your insurer.

## Business Driving

(Applicable to all Town Council employees or Councillors who claim mileage expenses and Town Council employee who are required to drive for work/or to another office. If the car is being used in connection with work beyond simply commuting, you’ll need a level of business insurance cover.)

* + Business use by you – this covers all of the above, plus your business-related driving away from your normal place of work.
	+ Business use by you and/or your spouse – this simply extends the cover provided for business driving to your spouse. There are often options to do this for all drivers’ names on the policy.

## Appendix 2

**Pre-use Checks**

The Road Traffic Act states that the driver is responsible for the roadworthiness of any vehicle, the load being carried and the wearing of seatbelts by passengers, whilst travelling on the public highway.

**Using Personal Vehicles**

As such, it is strongly recommended that all employees and councillors intending to drive any vehicle on Town Council business, should undertake appropriate checks prior to using the vehicle, for example:

* Tyre tread
* Foot and hand brake operate
* Lights, indicators and hazard warning light operate
* Horn operates
* Screen wash and wipers operate
* Seat belts fitted and functioning
* Mirrors adjusted/adjustable
* Suitable provision for seasonal weather conditions e.g. supply of de-icer, scraper etc.

These are tasks which do not require any technical expertise and are the basic checks included in the UK driving standards examination.

Additional checks for long journeys might usefully include:

* Fluid levels (oil, coolant, screen wash)
* Tyre pressures
* Locks and security function
* Fuel level

It is not intended that checklists are provided or that records of pre-use checks are kept, as it remains the responsibility of any driver to ensure that a vehicle is roadworthy.

**Using Town Council Vehicles**

As for drivers using their own personal vehicles, drivers using Town Council Vehicles must complete a “Motor Vehicle Checklist”:

