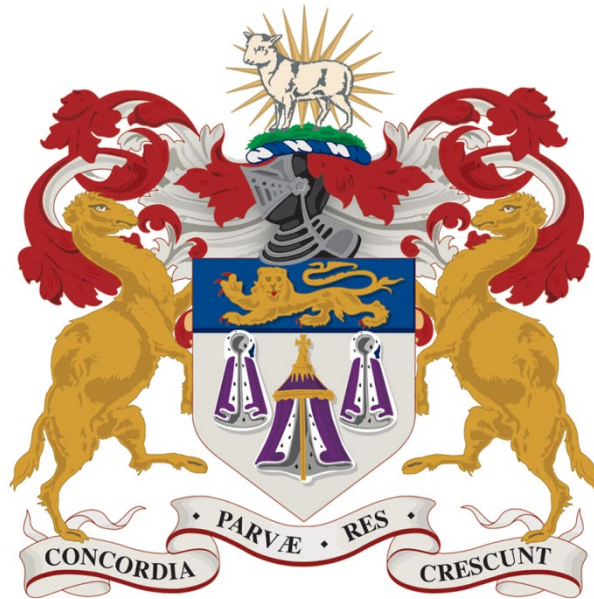


2019



**MERCHANT TAYLORS'
OXFORDSHIRE
ACADEMY TRUST**

**DRIVING AT WORK: MANAGING WORK-
RELATED ROAD SAFETY**

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1. Introduction - Health and Safety and Driving

Driving at work remains one of the most common causes of serious injury and death at work. The legislation and obligations associated with driving are aimed at promoting road safety. This policy identifies the obligations placed on managers and employees in order to identify and minimise associated risks.

2. What and who does this policy cover?

Health and safety legislation requires employers to ensure, as far as reasonably practicable, the health, safety and welfare of all employees, and to safeguard others who may be put at risk from their work activities. This includes all driving while at work.

Health and Safety legislation does not apply to commuting to and from home unless the employee is travelling to a location which is not their usual place of work, including to training courses.

This policy covers driving cars – whether private or school provided minibuses.

3. Aims of this Policy

This policy sets out responsibilities, which aim to:

- Minimise the risk to drivers' health and safety.
- Minimise the risk to other road users.
- Minimise the risk to any passengers.
- Investigate reported accidents and incidents so that any necessary additional precautions can be implemented to avoid recurrence.

4. Employees' Responsibilities

An employee must, if using a vehicle for work or to travel to locations other than their normal place of work for work purposes, including training courses, ensure that he/she:

- Adheres to the Highway Code and Health & Safety Legislation.
- Confirms with his/her insurance company that the vehicle is insured for business use (note: vehicles used for business use must be insured for that purpose, not just commuting to and from work; this includes travel to locations other than their normal place of work for work purposes, including training courses).
- Checks the car used has a road fund licence, is roadworthy and has a current MOT (if more than 3 years old).
- Checks he/she has a current full driving licence, appropriate to the vehicle being driven.
- When needed will access the online driving licence checking system to print a summary of their licence or get an access code for their manager to view their licence details online (this only applies to staff with a photo card licence and replaces the counterpart paper licence). Alternatively, a summary of his/her licence can be requested by post from DVLA.
- Checks the following are satisfactory - oil, water, washer fluid, wipers, lights, horn, tyre condition and pressures and properly functioning seat belts.
- Checks the vehicle is properly maintained and suitable and fit for its purpose and expected mileage.
- Advises his/her manager if he/she is charged with any motoring offence or he/she incurs any penalty points on his/her driving licence or if he/she becomes disqualified from driving (Note more than 6 points will affect the Trusts Insurance for driving a school vehicle.) Failure to do so may result in disciplinary action.
- Reports any accidents arising in the course of employment to his/her line manager and also through the on-line Accident and Incident reporting system. Failure to do so may result in disciplinary action.
- Always wears a seat belt or an appropriate cycle helmet.
- Ensures that appropriate safety measures have been implemented following a risk assessment and if transporting children/pupils/students or vulnerable adults in vehicles that all appropriate equipment and arrangements have been put in place including restraints, escorts, locking of doors, and considerations relating to challenging behaviour whilst driving.
- Ensures that all equipment carried should be secured to prevent any movement likely to endanger driver and/or passenger/s.
- Indicators of inappropriate drug and/or alcohol use may include lateness, absenteeism, poor work and output, poor appearance and unreliability, the smell of alcohol, bad relations with colleagues, impaired speech, concentration, co-ordination, memory or judgement, and

accidents. Where managers suspect staff to be under the influence of drugs or alcohol they are required to speak to the member of staff promptly and discuss their concerns.

- Any employee unable to perform their duties as a result of alcohol or drug consumption, will be required to leave work at once. It may be necessary to provide someone to accompany an employee in extreme cases. Investigations will be undertaken to consider whether disciplinary action is necessary. While investigations are carried out the employee may be assigned to alternative work or suspended from duties.
- If the consumption of drugs or alcohol results in misconduct or incompetence, formal action may be taken.
- Employees in safety critical jobs such as drivers, those working with vulnerable people, children or machinery, found to be under the influence of drugs or alcohol, will be liable for formal action that may result in dismissal.
- Ensures that adequate time is available to make journeys safely with appropriate rest breaks being taken. (The Highway Code advises a 15 minute break every 2 hours).
- Advises his/her line manager if he/she has a disability or medical condition that could affect his/her ability to drive or if he/she believes he/she is unfit to drive for any reason.
- Never drives under the effect of drugs or alcohol or if otherwise not in a fit state – e.g. after receiving a shock or while very upset or taking prescribed drugs that effect their ability to drive
- Never uses any interactive communication device when driving or the engine is switched on e.g. mobile phone. – Hands free devices must also not be used (please note that 'driving' includes when the vehicle is stopped e.g. at traffic lights or during other hold-ups).
- Smoking is not allowed in the trusts vehicles.
- Advises his/her manager/colleagues where they are going and expected return time.
- Ensures that all appropriate checks, insurance and permissions are in place before driving any vehicle belonging to a client or contractor.

5. Managers' Responsibilities

Managers are responsible for the following:

- Ensuring that any requirements for driving are set out and checked as part of the recruitment process, including making specific mention of this in reference requests and during the induction process.
- Preventing staff from driving if they are known to be mentally or physically unfit to drive.
- Carrying out an annual check and recording that:
 - a. the employee's insurance covers the required level of business use
 - b. there is a valid MOT certificate
 - c. the employee holds a valid driving licence, including whether any penalty points have been awarded that have not previously been reported (see below for action in these circumstances). Managers will need to request a driving licence summary from the employee detailing any motoring convictions and penalty points. Alternatively, an employee can provide their manager with a unique access code so that the manager can access their driving licence details online (this code is valid for 21 days).

Considering the implications for any driver with penalty points, or who has been convicted of any driving offence. See Paragraph 6 below. Managers must inform the Finance Director of any employee who has penalty points and drives a Trust vehicle. If a driver incurs a driving disqualification of more than a month, then on the return of their licence the Trust requires them to complete 2 year's endorsement free driving before the Trust's insurers will review the position with regard to driving a Trust vehicle.

- d. Examining the driving licence of staff hiring a vehicle on county council business and send a copy to the Insurance Team if there are any endorsements (points) on the licence. Managers will need to request a driving licence summary from the employee planning to hire a vehicle detailing any motoring convictions and penalty points. Alternatively, an employee can provide their manager with a unique access code so that the manager can access their driving licence details online (this code is valid for 21 days).
- Undertaking a risk assessment of all hazards associated with driving in your team, school or setting's activities and reviewing these annually. The need for appropriate escorts and the safeguarding concerns of transporting lone pupils/students or vulnerable people should also be addressed when private vehicles are being used for such purposes (see Appendix A for copy of risk assessment form).
 - Ensuring that all driving accidents and incidents are reported to the Facilities Manager.
 - Investigating any driving related incidents or accidents at work and take appropriate action (see below for action in these circumstances).
 - Drawing to the employee's attention any issues arising from driving on Trust business and take appropriate action if required.
 - Carry out the check of employee's driving licence in accordance with the contents of Appendix B

6. Motoring Offences:

If a driver receives 12 points or more, within a 3 year period, he/she will receive an automatic ban. For first time offenders this ban will be for a minimum of 6 months, but for drivers who have received a 'totting up' disqualification in the past 3 years, the ban will be for a minimum of 1 year. Courts have the discretion not to disqualify, or to reduce the period of disqualification, when they consider that mitigating circumstances exist. Drivers can also face disqualification if they have less than 12 points in some circumstances, for example because of drink driving or dangerous driving.

New drivers who reach 6 or more penalty points within the first 2 years of passing their driving test will automatically have their driving licence revoked until they pass both the theory and practical driving test again.

Where the Trust becomes aware that an employee has committed a motoring offence a letter on road safety and a copy of the Council's policy will be issued to the employee.

If an employee receives any penalty points the manager will consider:

1. Whether a breach of health and safety rules has occurred amounting to misconduct or gross misconduct and whether disciplinary action is necessary.
2. Whether this has any impact on the employee's ability to drive safely.
3. Whether this has any impact on the employee's ability to transport others safely.
4. Whether the reasons for receiving penalty points are as a result of any behaviour
5. that is likely to bring the County Council into disrepute.
6. Whether this has any implications for the Council's insurance policy (6 points or
7. more).

If an employee is banned from driving, as well as considering (1) - (3) above an assessment will also need to be made about whether an employee can continue to carry out his/her job role.

In cases where disciplinary action follows an HR Adviser should be consulted to ensure all cases are dealt with consistently and in accordance with County Council policies and procedures.

7. Monitoring of this Policy

Random checks will be carried out to ensure that this policy is being operated in accordance with legislation and best practice. This will require staff to provide a copy of all relevant driving documents when requested.

8. Further Advice

Further advice on transport/driving issues is available from the Health, Safety and Wellbeing team or Insurance team.

9. Ownership and review of Policy

The Head of Human Resources is responsible for this Policy, which will be reviewed every two years.

10. Other associated Policies and Guidance

There are other policies and guidance that may be useful to check when considering the content of this policy.

- Disciplinary Procedure
- Drugs and Alcohol
- Transport Safety – Transporting Children in vehicles

Appendix A – Risk Assessment Form

Health and safety law applies to on-the-road work activities as it does to all work activities, and the risks should be effectively managed within a health and safety management system.

Undertake a risk assessment using the following advice and guidance and decide whether existing precautions are adequate or whether further actions are needed.

If so:

- Record significant findings
- Share all findings of the risk assessment and any control measures in place with employees/teams
- Review risk assessment periodically and where necessary communicate amendments

What are the potential work related hazards that might occur whilst driving in the course of work?	
Hazards:	
Are drivers instructed to take short breaks if the journey is long or stressful? (15 minute break for every 2 hours driving as recommended in the highway code)	Yes/No N/A
Are drivers advised to seek alternative method of transport if undertaking long journey e.g. trains?	Yes/No N/A
Does the journey involve passengers who may require the provision of an escort or additional appropriate adult?	Yes/No
Are drivers advised to plan the journey safely?	Yes/No
Are drivers advised to carry out regular basic maintenance checks?	Yes/No
Have you advised the driver that if they have a medical condition or feel unwell that they should consider not driving?	Yes/No
Have you advised drivers undertaking long journeys that arrangements for overnight accommodation may be required or alternative means of transport used?	Yes/No
Have you directed staff to other relevant Health & Safety information?	Yes/No
Have drivers read the Driving at Work Policy?	Yes/No

Appendix B - Drivers licence checklist

For all posts which include any driving as part of the job role. This check needs to be done before appointment. In order for managers to carry out the following checks the employee must access the online driving licence checking system and either print a summary to show the manager or generate a unique access code, which is valid for 21 days. The manager can then access the employee's driving licence details via the online system.

Name	Post
Date	

Is name & address on licence correct? (Photocard or paper licence if no photocard is held)	Yes/No
Do vehicle category codes provide eligibility for vehicle that will be driven?	Yes/No
Has the driver ever been banned or been refused motor insurance?	
If yes, give details below and contact the County Insurance team.	Yes/No
Details:	
Is it a full licence, without any restrictions? (e.g. age/provisional)	Yes/No
Are there any endorsements?	Yes/No
If yes: What are the endorsements?	
Does this present an unacceptable risk?	Yes/No
Can recruitment proceed?	Yes/No
If yes do any adjustments/monitoring arrangements need to be put in place?	
Please specify:	

Non-British Driving Licences

Is the driver on a visitor's visa or are they resident in Great Britain?

Visitor / Resident

If an EC/EEA licence this provides minimal restrictions on driving in GB for cars & light vehicles, it can be exchanged for a GB licence. Some restrictions are in place for heavy vehicles and vocational licences.

If a designated country licence is held this provides a 12 month limitation on existing licence for cars and light vehicles, it must be exchanged for a GB licence within 12 months, vocational drivers are required to pass a GB test for medium sized or large vehicles or passenger vehicles (with some exceptions).

For licences outside EC/EEA and designated countries a 12 month limitation on existing licence and light vehicles is in place, a GB driving test must be taken within 12 months but can drive on a GB provisional licence without the usual restrictions, vocational drivers are required to pass a GB test for medium sized or large vehicles or passenger vehicles (with some exceptions).

Can recruitment proceed?

Yes/No

If yes, do any adjustments/monitoring arrangements need to be put in place?

Please specify: