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Academy

**Driving at Work: Managing Work Related Road Safety**

## **1. Introduction**

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. Legislation**

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 work related driving activities including cars, minibuses, motorcycles and bicycles.

In the event that the vehicle being used is the employee's private vehicle, the employee is responsible for maintenance, ensuring the vehicle is roadworthy, has an MOT if required and that his/her private motor insurance covers him/her for "business use".

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.

## **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.

This policy applies to non-vocational drivers. Vocational drivers and those trained for emergency driving, are already subject to assessments and checks. More detailed guidance is available from your Directorate's Transport Manager for employees whose main role is driving.

## **4. Employees Responsibilities**

If using a vehicle to carry out responsibilities associated with his/her employment an employee must 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)
- The car used has a road fund licence, is roadworthy and has a current MOT (if more than 3 years old)
- Has a current full driving licence, appropriate to the vehicle being driven
- Carries out regular basic maintenance checks such as oil, water, washer fluid, wipers, lights, horn, tyre condition and pressures and properly functioning seat belts
- The vehicle is suitable 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 (more than 6 points will affect the County Council Insurance for driving a County Council 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 the Health and Safety Manager. Failure to do so may result in disciplinary action
- Always wears a seat belt
- All equipment carried should be secured to prevent any movement likely to endanger driver and/or passenger/s
- Ensure adequate time to make journeys safely with appropriate rest breaks ( the Highway Code advises a 15 minute break every 2 hours)
- Advises his/her line manager if he/she has a medical condition that effects his/her ability to drive or he/she believes he/she is unfit to drive for any reason and seeks appropriate medical advice
- 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)
- Advise your manager/colleagues where you are going and expected return time

## **5. Managers Responsibilities**

Managers need to ensure that they cover all the following points:

- 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
- Carry out an annual check and take a photo copy of an employees insurance to ensure that insurance covers the required level of business use
- Check annually whether any penalty points have been awarded that have not previously been reported (see below for action in these circumstances)
- Consider the implications for any driver with penalty points, or who has been convicted of any driving offence. The insurance section will need to be informed of any employee who has penalty points and drives a County Council vehicle.
- Ensure that the hazards associated with driving in your teams are reviewed and if required assessed suitable for the task.
- Ensure all driving accidents and incidents are reported to the Health and Safety Manager and the insurance group if driving a County Council vehicle
- Investigate any driving related incidents or accidents at work and take appropriate action (see below for action in these circumstances)
- Inform the Insurance Section and Vehicle Management Unit if an employee under the age of 25 needs to drive a Council vehicle
- Include in the appraisal review any issues arising from driving on Council business
- Carry out a check of driving licence
- Ensure the hazards associated with driving are regularly reviewed and that your risk assessment is suitable for occupational driving

## **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 license revoked until they pass both the theory and practical driving test. If a driver incurs a driving disqualification for more than a month, then on the return of their licence the County Council requires them to complete 2 years endorsement free driving before the Council's insurers will review the position with regard to driving a Council vehicle.

In all cases where the Council 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:

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

If an employee is banned from driving, as well as considering (i) - (iii) 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 the Management Advice Team or Schools HR Team 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 on an annual basis 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 your Departmental Health and Safety Officer. If driving a County Council vehicle also contact the County Council Insurance group.

## **9. Review and ownership of Policy**

The review date of this policy is March 2024. This policy will be reviewed every two years.

## **10. Other associated Policies**

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

- Disciplinary Procedure
- Drugs and Alcohol

### Risk Assessment

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 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 hazards that might occur whilst driving in the course of work?	
<b>Hazards:</b>	
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
Are drivers advised to seek alternative method of transport if undertaking long journey e.g. trains?	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 not drive?	Yes/No
Have you advised drivers undertaking long journeys that arrangements for overnight accommodation may be required or alternative means or transport used?	Yes/No
Have you directed staff to other relevant Health & Safety information?	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?	Yes/No
Details:	
If yes, give details below and contact the County Insurance team.	Yes/No
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:	